

ORDINANCE NO. 617

AN ORDINANCE TO ANNEX A CERTAIN PARCEL OF REAL PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF POLSON WITH A PLAN FOR PROVISION OF SERVICES THERETO PURSUANT TO TITLE 7, PART 2, CHAPTER 47:

Whereas, the City has received an petition for annexation from Bill Wilkins, as to an undivided one-half interest and H. Drew Wilkins and Debra Holderman Wilkins, as joint tenants with right of survivorship, as to an undivided one-half interest, regarding the following described parcel of real property:

See Exhibit A hereto, incorporated herein as if fully set forth in this place.

Whereas, the City passed a Resolution of Intent to annex the above-described parcel, Resolution 913, on December 5, 2005; and,

Whereas, the City caused to occur and administered the several processes set forth in Title 7, Part 2, Chapter 47, with respect to the above-referenced parcel, and in particular devised a plan for provision of services to such parcel, the same being duly noticed for public hearing done and had February 1, 2006; and,

Whereas, the City makes the following findings of fact:

1. The annexation will have no known effect on agricultural production because there is no present commercial raising of livestock or crops.
1. The annexation will not knowingly interfere with any irrigation system or present any interference with agricultural operations in the vicinity.
2. The parcels do not qualify as agricultural tracts under Section 15-7-202 MCA. The owners do not have to remove their property from any County agriculture lists.
3. The tracts are not located within an Irrigation District: the owners do not pay an irrigation tax.
4. The local Irrigation District has not reviewed any plans.
5. The parcels, if and when developed, shall connect to the municipal water and sewer systems. The developer, if any, shall pay any costs of connecting, extending, or upgrading City infrastructure mains, as applicable. The municipality may experience an increase in maintenance and operating costs. The lot buyers will pay regular water and sewer charges.
6. The parcels will receive law enforcement services from the Polson Police Department and Fire protection services from the Polson Fire Department. Providing these services to a development is expected to add cost to the City of Polson. Increased costs, may be covered by increased tax revenues from the improved properties.
7. Several interior 'roads' may be proposed in the future. Any such proposed development will affect the cost of public road maintenance, including snow removal. In the event of such future development, said developers will be required to 'bond' for any replacement or repair costs involved with water/sewer, road extensions, etc.
8. Disturbance of existing terrain may create surface run-off problems during construction. Owners are responsible for managing and maintaining all runoff within the parcels. Hay

bales or silt fences shall be appropriately placed before any groundbreaking. At no time shall runoff enter another's property, or any road. A water management plan shall be submitted to the City before any preliminary hearing, and with any DEQ application.

9. Future development, if any, will affect native vegetation, soils, and quantity of surface or ground waters. When applicable, areas disturbed by cutting and filling and grading shall be reseeded/replanted in the same season to minimize erosion.
10. The owner is responsible for weed control and shall prevent the proliferation of weed growth within the development and on areas disturbed by construction, and or as directed by the Fire Chief.
11. The parcels have wildlife habitat. Pets and human activity generated by any future development will affect said wildlife.
12. This annexation will not result in closure of public access to hunting or fishing areas, or to public lands.
13. Based on available information, the parcels do not appear to be subject to potential natural hazards such as flooding, snow or rock slides, high winds, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, nearby industrial or mining activity, or high traffic volumes.
14. No development of the annexed parcels, or extension of City infrastructure or services, will be considered by the City of Polson until such time, if ever, that an additional source of domestic potable water, resulting in total volumes over and above existing levels, is secured by the City of such volume to support any proposed development therein.
15. The real property proposed to be annexed has a Lake County Rural Residential Zoning District zoning classification, which is not a Polson City zoning classification, therefore, in the event of any future proposed development the proponents thereof shall complete the process for a City zone change to Low Density Zoning District.
16. The area proposed to be annexed meets the requirements of 7-2-4734 and 7-2-4735, MCA.
17. Any future infrastructure extensions, if and as approved by the City Council, shall be at the expense of the future developer unless otherwise approved; but that, however, City Police and Fire services are available upon annexation.
18. All necessary notices and public hearing have been held as provided by law.

Whereas, the City finds that the Owner is fully apprized of, and consents to, the within annexation together with the conditions of extension of City services thereto, and understands and agrees that the said conditions will be binding on any heirs, successors, or assigns of Owner; and,

Whereas, the City desires to approve the annexation as prayed, subject to the terms, conditions, and limitations of the plan for provision of City infrastructure and services to the annexed parcel as set out in the report thereof and as amended and appearing herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

1. The real property described in Exhibit A hereto is hereby annexed within the corporate boundaries of the City of Polson, effective upon the effective date hereof, **SUBJECT TO AND TOGETHER WITH** the terms, conditions, and limitations of the Plan for annexation with provision of services generated pursuant to Section 7-2-4731 and as set forth herein, to wit:
2. Incorporating herein and by this reference all recitals above appearing, and;
3. services to be extended, in light of the foregoing recitals, as follows:
 - a. police protection: 2006 – 2010, historically, throughout the year the needs of the Police Dept. are continually monitored by the Police Chief and the governing body. These needs are addressed as growth and demands dictate, and as financial resources allow; Long Range - Police Chief Chase, 12/28/05, A long range plan (5 yrs.) totally is going to be dependent on (1.) water availability, (2.) sewer availability, and City's annexation management. If all came together and other areas were annexed and construction approved, I'd ask for 3 new officers, at minimum, and 3 new police units; fire protection: 2006 – 2010, historically throughout the year, the needs of the Fire Dept. are continually monitored by the Fire Chief, and the governing body. These needs are addressed as growth and fire seasons and demands dictate, and as financial resources -garbage collection: this is historically a private business and does not require the City to extend any

services in this area. -streets and street maintenance – 2006-2010 – historically, streets/roads/alleys are continually monitored, managed, and scheduled by the Road Dept. Superintendent, and supported by the Governing Body. Growth/maintenance/weather/demands, and revenue, dictate the operation of this Dept.; Long-Range: Road Superintendent Rod Hanson, As long as the roads, if any, are put in to City standards, generally the City will accept them for maintenance so long as the governing body so approves. Water/Sewer per its Superintendent: A pressure booster station is included in a 2006 grant request intended in the next five years to provide pressure for the upper hill area, also, with additional storage added to the current half-million gallons. The increase in pressure provided by the station will provide for adequate fire protection capability, which currently is unavailable. See Mission View Pressure District Map, Sheet 17 to the Report. No proposed subdivision in this area will be considered, nor shall City water be extended to the annexed real property, until the City secures additional sources.

- b. Since these parcels to be annexed are presently vacant, City infrastructure extension is neither necessary nor planned at the time of annexation and not until the several requirements herein noted have occurred. Any future extensions of infrastructure may be determined, reviewed, and approved after any development requests are processed, if any, by appropriate governmental bodies including, without limitation, the Department of Environmental Quality and the City of Polson, and such infrastructure extension, if approved in future, to be at the developer's sole expense, unless otherwise approved by the governing body.
- c. Any future extension of infrastructure will be financed solely and only at the expense of the developers thereof, including any capital improvement costs and any then-existing hookup and impact fees, or other related developmental fees and costs as the same may then exist. The City will finance future general governmental services through its general taxation and police powers, to include additional revenue generated by such annexation and/or future development, if any.
- d. Pursuant to 7-2-4732(4), MCA, THE ENTIRE MUNICIPALITY TENDS TO SHARE THE TAX BURDEN FOR GENERAL GOVERNMENTAL SERVICES AND THE REAL PROPERTY ANNEXED HEREIN IS ANNEXED WITHOUT A BOND ISSUE.

REPEALING CLAUSE: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: February 1, 2006. SECOND READING: February 22, 2006.

NOW, THEREFORE, the foregoing Ordinance shall become effective on March 23, 2006.

PASSED AND ADOPTED THIS 22nd day of February 2006.

Randy Ingram, Mayor

ATTEST: _____
Aggi Loeser, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

On this ____ day of February, 2006, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Randy Ingram** and **Aggi Loeser**, personally known to me to be the Mayor and the City Clerk of the City of Polson, Montana, the Municipal Corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for the State of Montana

Residing at _____ Montana

My Commission expires: _____