

## RESOLUTION No. 38

A resolution declaring it to be the intention of the City Council of the city of Polson, Flathead County, Montana to create a Special Sewer Improvement District No. 5 in the city of Polson, Flathead County, Montana, for the purpose of constructing sewers as herein provided and described.

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BE IT RESOLVED, by the city council of the city of Polson, Montana.

## Section 1.

That it is the intention of the city council to create and establish in the city of Polson, Montana a special improvement district for the purpose of making and constructing sewers along all that portion of the city of Polson, Montana, including all streets, alleys and intersections within the boundaries hereinafter described.

## Section 2.

That said special improvement district shall be known and designated as Special Sewer Improvement District No. 5 of the city of Polson, Montana.

## Section 3.

The boundaries of said Special Sewer Improvement District No. 5 of the city of Polson, Montana are hereby designated and described as follows, to wit:-

Beginning at the intersection of center lines of "G" street and Hawthorne Ave; thence west along the center lines of "G" street 360 feet to the intersection of the center line of "G" street and Maple Ave; thence north along the center line of Maple Ave . 368.5 feet to the intersection of center lines of Maple Ave and "F" street; thence west along the center line of "F" street 631 feet to the intersection of center lines of "F" street and Birch Ave.; thence south along the center line of Birch Ave., 368.5 feet to the intersection of center lines of Birch Ave. and "G" street; thence east along the center line of "G" street 271 feet to the intersection of center lines of "G" street and Cedar Ave.; thence south along the center line of Cedar Ave. 354.5 feet to the intersection of center lines of Cedar Ave and "H" street; thence along the center line of "H" street 720 feet to the intersection of center lines of "H" street and Hawthorne Ave.; thence north along the center line of Hawthorne Ave., 354.5 feet to the intersection of center lines of Hawthorne Ave., and "G" street which is the point of beginning.

## Section 4.

That the District included within said boundaries is hereby declared to be the district benefited by the making of said improvements and that the property included within the boundaries of said district is hereby declared to be the property to be assessed for the cost and expenses of making said improvements.

## Section 5.

Said lots being benefited by and assessed for the construction of said sewers are as follows, to wit:-

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Block Four (4) and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Block Five (5) in the Riverside Addition to the city of Polson, Montana; also, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block Two (2) and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block Three (3) in the Lewis Addition to the city of Polson, Montana.

## Section 6.

That the character of said improvements which are to be made in said Special Sewer Improvement District No. 5 are as follows, to wit:- the said improvement shall consist of a Combination Domestic and Storm Gravity Sewer; said untreated sewage to be discharged into Pend d'Oreille River; in the construction of said system an eight inch circular vitrified pipe inside measure shall be used.

## Section 7.

The location of said sewer is as follows:-

Beginning at the intersection of center line of alley (running E. and W. through block 2, Lewis Add.) with the east property line of lots 1 and 12 block 2; thence west along the center line of said alley 510 feet to the center of block 3, Lewis Add.; thence north between lots 3 and 4 block 3 and along the center line of alley (running N. and S. through block 5 Riverside Add.) 545 feet to the center line of "F" street; thence west along the center line of "F" street 315.5 feet to the intersection of center line of

"F" street and alley (running N. and S. through block 4 Riverside Add.); thence in a northerly direction along the projection of center line of alley (running N. and S. through block 4) 220 feet; thence in open trench N. 20 Deg. 00 Minutes W. approximately 200 feet to the Pend d'Oreille River; also, beginning at the intersection of center line of alley (running N. and S. through block 4 Riverside Add.) and the south property line of lots 6 and 7 block 4; thence north along center line of alley aforesaid 340 feet to the intersection of center line of aforesaid alley and "F" street to join above described sewer; also, beginning at the intersection of center line of alley (running E. and W. through block 3, Lewis Add.) and the property line of lots 6 and 7 block 3; thence east along center line of alley 150 feet to the center of block 3 to join above described sewer.

Said proposed system to be provided with flush tanks, catchment basins, man holes, lamp holes and any further necessary appliances, fittings or structures that may be required to insure proper operation and maintenance.

The approximate quantities are as follows:-

2100 feet of 8 inch vitrified pipe,  
2 flush tanks (possibly 3)  
5 man holes,  
3 lamp holes,  
200 feet of open trench.

#### Section 8.

That the entire cost and expense of said improvement shall be assessed against all of said Special Sewer Improvement District No. 5 and each lot or parcel of land within said district shall be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, alleys, avenues and public places.

#### Section 9.

That the estimated cost and expense of making said improvement is the sum of \$70.00 per lot and that the total estimated cost of making said improvement is \$3,300.00

#### Section 10.

That the cost and expense of making said improvement shall be assessed and paid in the following manner to wit:

That the assessment levied to defray the cost of said improvement shall be extended over a period of eight years and paid in eight annual installments or payments, the first of which shall be paid in the year 1923. Deferred payments or installments shall bear interest at the rate of six per cent per annum, payable annually.

#### Section 11.

That warrants issued against Special Sewer Improvement District No. 5 Fund to be created for said Special Sewer Improvement District No. 5 shall be issued in the payment of the cost and expense of making said improvements in said Special Sewer Improvement District No. 5 and that such warrants shall be issued in denominations of \$100.00 or fraction or multiple thereof.

#### Section 12.

That the special assessment to be levied upon and assessed against the property within said Special Sewer Improvement District No 5 to pay the cost and expense of making said improvement, may be paid in installments extending over a period of eight years.

#### Section 13.

That at any time within fifteen days after the date of the first publication of notice of the passage of this Resolution any owner of property within said district which will be assessed for the cost and expense of making said improvements, may make and file in the office of the city clerk of the city of Polson, Montana, a written protest against the proposed work or against the extent or creation or said district, or both, and that the city council will proceed to hear and pass upon all such protests at a special meeting of said city council to be held on Friday the 22nd day of ~~April~~ September, 1922 at 8 o'clock P. M. of said day in the City Hall of the city of Polson, Montana.

Passed, adopted and approved this 1st day of September, 1922.

L. L. Marsh, Mayor.

Attest:- Frank Napton, City Clerk  
Ayes, Councilmen, Loveland, Erath, Gray, McHarg, Wright and Smith.  
Noes, None.

## AFFIDAVIT OF POSTING.

State of Montana,  
County of Flathead,  
City of Polson,-----SS:-

Frank Napton, being first duly sworn upon his oath, says; I am a citizen of the United States, over the age of 21 years and was at all the times mentioned in this affidavit the city clerk of the city of Polson, Montana; that on the 7th day of Sept. 1922 in accordance with an order of the city council of the city of Polson requiring that all ordinances and resolutions be published by posting in three of the most public places of the city I posted a copy of the foregoing Resolution No. 38 in the following places in the city of Polson, to wit:- one of said copies at the office of the city clerk in the City Hall; one of said copies at the office of the city Treasurer in Security State Bank and one of said copies in the Post Office of the City of Polson, Montana; that each of said copies so posted were full, true and correct copies of said Resolution No. 38 and of the whole thereof.

Frank Napton.

Subscribed and sworn to before me this 7th day of Sept. 1922.

H.P.Napton, Notary Public for the State of Montana,  
residing at Polson, Mont. My commission expires  
May 10, 1923.

(Notarial Seal)

## AFFIDAVIT OF MAILING NOTICE.

State of Montana,  
County of Flathead,  
City of Polson,-----SS:-

I, Frank Napton, being first duly sworn, upon my oath, say:- I am and was at the time mentioned in this affidavit the city clerk of the city of Polson, Montana; in pursuance of an order of the city council I served notice on all of the hereinafter mentioned property owners, owning property in the city of Polson that would be affected by the creation of Special Sewer Improvement District No. 5 and mailed to each of said parties at their last known address, postage prepaid, a notice as required by statute; said notice was mailed to every firm, person or corporation having property within said district upon the same day said notice was first published, and said notice describing the general character of said improvements so proposed to be made, the estimated cost thereof and stating the time and place when and where the council would hear and pass on all protests that may be made against the making of said improvement or the creation of said district and referring to the Resolution on file in the office of the city clerk for the description of the boundaries.

The notice was mailed to the following list of property owners having property that is embraced within the proposed Special Sewer Improvement District No. 5.

Levi Knerr, Polson, Mont.; F. J. Storer, Polson, Mont.;  
W. Bell, Sr. Polson, Mont.; Olive Crawford, Polson, Mont.;  
Flathead County State Bank, Polson, Mont.; W. A. Gregg, Polson,  
Mont.; I. E. Dunn, Polson, Mont.; Oliva C. Pronovost, Polson, Mont.  
E. C. Mahler, Polson, Mont.; A. H. Lunder, Polson, Mont.; A. M.  
Davidson, Polson, Mont. J. L. McIntire, Polson, Mont.; Olive  
Murray, Polson, Mont.; Lizzie W. Addy, Polson, Mont. Trevit Sager,  
Polson, Mont.; C. H. Lyman (agent Mrs. Heine) Polson, Mont.;  
Mrs. Mary Gabriel, Box 564, Toppenish, Wash.; Chris Frix, Selah,  
Wash.; R. V. Sass, Cody, Wyoming; Ed. Schimmel, Genl. Delivery  
Spokane Wash.; W. J. Burke (agent for estate of Maggie Morais)  
Polson, Mont.

I further state that the above mentioned firms, persons or corporations, include all the persons, firms or corporations having or owning property within the proposed Special Sewer Improvement District No. 5 and that the addresses above mentioned are the last known address of each of such persons, firms or corporations or the agent of each of them.

Frank Napton,

Subscribed and sworn to before me this 7th day of Sept. 1922.

H.P.Napton, Notary Public for the State of Montana, re-  
siding at Polson, Mont. My commission expires May 10, 1923.

(Notarial Seal)

## AFFIDAVIT OF PUBLICATION.

State of Montana,

County of Flathead,-----SS:-

F. J. Wheeler, being duly sworn, deposes and says; That he is one of the proprietors of the Flathead Courier, a newspaper of general circulation published and printed in Polson, Flathead County, Montana and that the attached notice Notice to Property Owners has been correctly published in the regular and entire issue of every number of said paper for three consecutive weeks, commencing on the 7th day of September 1922 and ending on the 21st day of Sept. 1922.

F. J. Wheeler.

Subscribed and sworn to before me this 22nd day of Sept. 1922

T. C. Williams, Notary Public for the State of Montana, residing at Polson, Montana. My commission expires May 15, 1923 (Notarial Seal).

## RESOLUTION No. 39

A Resolution establishing and creating Special Sewer Improvement District No. 5 in the City of Polson, County of Flathead and State of Montana for the purpose of constructing sewers in said district, describing the boundaries thereof and the property to be assessed.

BE IT RESOLVED by the city council of the city of Polson, Montana.

WHEREAS, the city council of the city of Polson on the 1st day of September 1922 duly and regularly passed and adopted Resolution No. 38 of the said city of Polson declaring its intention to create Special Sewer Improvement District No. 5 of the city of Polson, and

WHEREAS, pursuant to the said Resolution the said city council caused notice of the passage and adoption of said resolution to be published in the Flathead Courier, a weekly newspaper published in the city of Polson in the issues of said paper of Sept. 7th and 14th, 1922 and for a period of more than 15 days immediately preceding the 22nd day of September, 1922, and

WHEREAS, the said city council caused notice of the passage and adoption of said resolution, together with copy of said resolution to be posted by the city clerk throughout the city on the 6th day of Sept. 1922 in three of the most public places in the city, to wit:- one in the post office, one in the office of the city treasurer and one in the office of the city clerk, and

WHEREAS, pursuant to said Resolution No. 38 the city clerk of the city of Polson did on the 7th day of Sept, 1922, the same being the same day said notice was first published in the Flathead Courier mail to each and every person, firm or corporation agent of such firm, person or corporation having property within the said proposed district and directed to the, last known address of said person, firm or corporation or agent a notice of the passage and adoption of said resolution of intention to create Special Sewer Improvement District No. 5 of said city, and

WHEREAS, said notice was published, posted and mailed as aforesaid, describing the general character of the improvement proposed to be made in said district, the estimated cost thereof and designating the time and the place where said council of the city of Polson would hear and pass upon all protests made against the making of said improvements or the creating of said district and which said notice refers to said Resolution No. 38 on file in the office of the City Clerk for a description of the boundaries of said Special Sewer Improvement District No. 5, and

WHEREAS, the city council of the city of Polson has met in special session at the time and place fixed and set by said Resolution and the aforesaid notice for the hearing of the protests against the making of said proposed improvements and the creation of said proposed district and have heard and fully considered all such protests.

## NOTICE TO PROPERTY OWNERS.

Notice is hereby given that at a regular meeting of the city council of the city of Polson, Montana, on Friday, September 1, 1922, a Resolution of Intention to create a Special Sewer Improvement District No. 5 was passed by the city council of said city.

That the number of said Special Sewer Improvement District was designated as Number Five (5).

That the general character of the improvement to be made are the making and construction of sewers along all that portion of the city of Polson, Montana, described as follows:

Beginning at the intersection of center line of alley (running east and west through block 2, Lewis Add.) with the east property line of lots 1 and 12, block 2; thence west along the center line of said alley 510 feet to the center of block 3, Lewis Add.; thence north between lots 3 and 4, block 3, and along the center line of alley (running north and south through block 5, Riverside Add.) 545 feet to the center line of "F" street; thence west along the center line of "F" street 315.5 feet to the intersection of center line of "F" street and alley (running north and south through block 4, Riverside Add.); thence in a northerly direction along the projection of center line of alley (running north and south through block 4) 220 feet; thence in open trench N. 20 degrees 00 minutes W. approximately 200 feet to the Pend O'Reille river; Also, beginning at the intersection of center line of alley (running north and south through block 4, Riverside Add.) and the south property line of lots 6 and 7, block 4; thence north along center line of alley aforesaid 340 feet to the intersection of center line of aforesaid alley and "F" street to join above described sewer; also, beginning at the intersection of center line of alley (running east and west through block 3, Lewis Add.) and the property line of lots 6 and 7, block 3; thence east along center line of alley 150 feet to the center of block 3 to join above described sewer.

The lots to be benefited by and assessed for the construction of said sewers are lots 1 to 12 inclusive in blocks 4 and 5, Riverside Add. and lots 1 to 12 inclusive in blocks 2 and 3 in Lewis Add. to City of Polson, Montana.

Said improvements shall consist of

a combination domestic and storm gravity sewer and untreated sewage to be discharged into Pend d'Oreille river and in construction of said system an 8-inch circular vitrified pipe, inside measure, to be used. Said proposed system to be provided with flush tanks, catchment basins, man holes, lamp holes and any further necessary appliances, fittings or structures that may be required to insure proper operation and maintenance.

The approximate quantities are as follows:

- 2100 feet of 8-inch vitrified pipe.
- 2 flush tanks (possibly 3).
- 5 man holes.
- 3 lamp holes.
- 200 feet of open trench.

That the estimated cost and expense of making said improvement is the sum of \$70.00 per lot and the total estimated cost of making said improvements is \$3,300.00. That the assessment levied to defray said cost shall be extended over a period of eight (8) years and paid in eight annual installments, the first payment in 1923 and deferred payments to bear interest at 6 per cent per annum payable annually; that warrants issued against Special Sewer Improvement District No. 5 fund for payment of costs of making said improvements shall be issued in denominations of \$100.00 or fraction or multiple thereof.

That on Friday, the 22nd day of September, 1922, at 8 o'clock p. m. at the City Hall in the city of Polson, Montana, (the same being the regular meeting place of the city council) the city council of the city of Polson Montana, will meet to hear objections to the official and final adoption of this resolution at which time and place any owner or agent of property within said district shall have the right to appear in person or by attorney and show cause, if any there be, why said improvements shall not be made or said district created; such protests, if any, must be in writing and must be delivered to the city clerk within fifteen (15) days after date of first publication of this notice. Reference is hereby made to the Resolution No. 38 on file in the office of the city clerk for the description of the boundaries of said district.

Passed, adopted and approved this 1st day of September, 1922.

L. U. MARSH, Mayor.

Attest:

FRANK NAPTON, City Clerk.