

## 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 or 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.

NOW, THEREFORE, Be it resolved by the city council of the city of Polson, Montana, that the city council having heard and passed upon all protests made and delivered to the City Clerk of the city of Polson against the making of said proposed improvement and against the extent and creation of the proposed district within the time specified and provided in Resolution No. 38 and finding said protests to be insufficient and that the protests are not made by the owners of more than one half of the area of the property to be assessed for said improvement, and said protests are hereby overruled and denied.

That there be and there is hereby created the said Special Improvement District to be known and designated as Special Sewer Improvement District No. 5 of the city of Polson, Montana in accordance with Resolution No. 38 of its intention heretofore introduced and passed by the city council; that the character of said improvements to be made in said Special Sewer Improvement District No. 5 are described as follows:-

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

The construction of this system will require approximately the following:-

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

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. 0 Min. 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 center of block 3 to join above described sewer.

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 line 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 the 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 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.

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

That reference to Resolution No. 38 is hereby made for further particulars.

That it is hereby ordered and directed that said improvement be made in Special Sewer Improvement District No. 5 in accordance with the plans and specifications thereof to be filed in the office of the city clerk of the city of Polson.

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.

That the estimated cost and expense of said improvement is the sum of \$70.00 per lot and that the total estimated cost of making said improvement is \$3,500.00.

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 (8) 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.

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 multiples thereof.

Passed; adopted and approved this 22nd day of Sept. 1922.

L. L. Marsh, Mayor,

Attest:- Frank Napton, City Clerk

AFFIDAVIT OF POSTING.

State of Montana,

County of Flathead,

City of Polson,-----SS:-

I, Frank Napton, being first duly sworn, upon my oath, depose and say; that 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 23rd day of September 1922 in accordance with an order of the city council of the city of Polson, Montana requiring copies of all ordinances and resolutions of said city to be posted in three of the most public places in said city, I posted copies of the foregoing Resolution No. 39 in the following places in said city to wit:-one of said copies in the office of the city clerk; one of said copies in 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 was a full, true and correct copy of said Resolution No. 39 and of the whole thereof.

Frank Napton.

Subscribed and sworn to before me this 23 day of Sept. 1922.

H.P. Napton, Notary Public for the State of Montana, residing at Polson, Montana; my commission expires, May 10, 1923. (Notarial Seal).