

## RESOLUTION NO. 45

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL OF THE CITY OF POLSON, LAKE COUNTY, MONTANA, TO CREATE A SPECIAL SEWER IMPROVEMENT DISTRICT NO. 6 IN THE CITY OF POLSON, LAKE COUNTY, MONTANA, FOR THE PURPOSE OF CONSTRUCTING SEWERS AS HEREIN PROVIDED AND DESCRIBED.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA/

## Section I.

That it is the intention of the city council of the City of Polson, Montana, to create and establish in the city of Polson, 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 and alleys and intersections within the boundaries hereinafter particularly described.

## Section II.

That said special improvements district shall be known and designated as Special Sewer Improvement District No. 6 of the city of Polson, Montana.

## Section III.

The boundaries of said Special Sewer Improvement District No. 6 of the city of Polson, Montana are hereby designated and described as follows, to wit:- All of Cramer's Sub-Division to the city of Polson except Block One in said Sub-Division, and all of Lake Shore Addition to the city of Polson except the North Half of Block One of Lake Shore Addition to the city of Polson, more particularly described as follows:-

Commencing at the northwest west corner of Block 2 in Cramer's Sub-Division to the city of Polson, Montana; thence east along the center of "C" street to the point where the same intersects with the center of Lake Street; thence in a southeasterly direction to the center line of 10th and Lake Streets; thence south on the center line of 10th street to the alley running through Block 1 in Lake Shore Addition to the city of Polson; thence east to the northeast corner of the South Half of Block 1; thence due south to "G" street; thence due west on "G" street to the south west corner of Block 9 in Cramer's Sub-Division to the city of Polson; thence due north on 7th street to place of beginning.

## Section IV.

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 V.

Said lots benefited by and assessed for the construction of said sewers are as follows, to wit:- Lots 1 to 12 inclusive in Block 2; Lots 1 to 12 inclusive in Block 3; Lots 1 to 12 inclusive in Block 4; Lots 1 to 12 inclusive in Block 5; Lots 1 to 12 inclusive in Block 6; Lots 1 to 12 inclusive in Block 7; Lots 1 to 12 inclusive in Block 8 and Lots 1 to 12 inclusive in Block 9, all in Cramer's Sub-Division to the city of Polson, Montana. in accordance with the plat thereof on file and of record with the Clerk and Recorder of Lake County. Also Lots, 4, 5, 6, and 7 of Block 1 in Lake Shore Addition to the city of Polson; Lots 1 to 12 inclusive in Block 2; Lots 1 to 12 inclusive in Block 5; Lots 1 to 12 inclusive in Block 6; Lots 1 to 8 inclusive in Block 7; Lots 1 to 12 inclusive in Block 8; Lots 1 to 12 inclusive in Block 11; Lots 1 to 8 inclusive in Block 12; Lots 1 and 2 of Block 3; Lots 1 and 2 of Block 4; Lots 1 and 2 of Block 9, and Lots 1 and 2 of Block 10, all in Lake Shore Addition to the City of Polson, Montana in accordance with the plat thereof on file and of record with the Clerk and Recorder of Lake County, Montana.

## Section 6.

That the character of said improvements which are to be made in said Special Sewer Improvement District No. 6 are as follows, to wit:- The construction of a disposal plant consisting of settling, septic and chlorination tanks and the discharge of the chlorinated effluent into the lake at a point approximately 600 feet northeast of the northeast corner of the proposed district. This chlorination treatment deodorizes as well as sterilizes the effluent. The said improvement consists of a combination domestic

and gravity sewer to be discharged into the septic tank described herein.

Section 7.

The location of said sewer is as follows:- Commencing at the intersection of center line of 10th street and center line of alleys through Block 11 and 12 in Lake Shore Addition to the city of Polson; thence north on 10th street, to intersection of center line of alley through Blocks 1 and 2 of said Lake Shore Addition to the city of Polson; thence in an easterly direction 846 feet to disposal plant. Said trunk line sewer to be 10 inches in diameter and service laterals extending through all alleys of Cramer's Subdivision and Lake Shore Addition to the city of Polson, said service laterals to be 8 inches in diameter.

Section 8.

That the entire cost and expense of said improvement shall be assessed against all of said Special Sewer Improvement District No. 6 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 \$82.55 per lot and that the total estimated cost of making said improvement is \$14,199.56

Section 10.

That the cost and expense of making said improvements 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 1929. Deferred payments or installments shall bear interest at the rate of 6 per cent per annum, payable annually.

Section 11.

That warrants issued against said Special Sewer Improvement District No. 6 fund to be created for said Special Sewer Improvement District No. 6 shall be issued in the payment of the cost and expense of making said improvements in said Special Sewer Improvement District No. 6 and that such warrants shall be issued in denominations of \$100.00 or a fraction or a multiple thereof.

Section 12.

That the special assessment to be levied upon and assessed against the property within said Special Sewer Improvement District No. 6 to pay the cost and expense of making said improvements, may be paid in installments extending over a period of eight years.

Section 13.

That at any time within 15 days after the date of the first publication of notice of the passage of this resolution, any owner of property within said district which shall be assessed for the cost and expense of making said improvement, 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 of the creation of said district, or both, and that the City Council will proceed to hear and pass upon all such protests at a regular meeting thereof to be held on the 18th day of June 1928 at 8 o'clock P.M. of said day in the City Hall of the city of Polson, Montana.

Passed, adopted and approved this 21 day of May, 1928.

James Harbert, Mayor.

Attest:- Frank Napton, City Clerk

AFFIDAVIT OF MAILING NOTICES.

State of Montana,  
County of Lake,  
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 named property owners, owning property in the city of Polson that would be affected by the creation of Special Sewer Improvement District No. 6 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, 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 improvements 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. 6.

George F. Thorpe, Polson, Mont. Ruby Pearl Swanson, Polson, Mont. O. N. Lindsay, Polson, Mont. H. N. Lambeth, Polson, Mont. Martha M. Matt, Polson, Mont. Rev. S. G. Nelson, Polson, Mont. Clerency D. Cramer, Polson, Mont. William DeGolier, Polson, Mont. L. A. Wright, Polson, Mont. Leonard McKay, Libby, Mont. Peter Dietrich, 939 N. Central Ave. Medford Oregon. G. Helikson, 271 10th Ave W. Eugene Oregon. J. A. Hyer 3934 University Ave E. San Diego Cal. Alfred Whitehouse, Polson, Mont. W. A. Koenig, Klamath Falls, Oregon. J. H. & Laura Holst, Bozeman, Mont. B. Shuey, Ronan, Mont. E. Von Euen, Polson, Mont. Frank Faucett, Polson Mont. Geo. W. Wright, Polson, Mont. Guro O. Brusletten, Polson Mont. Bertha N. Heckman, Polson, Mont. Ernest M. Dewey, care of Ella Piche, Polson Mont. Mrs. D. A. Cabbage, Polson, Mont. Margaret Combest, Polson Mont. James T. Cape, Coffee Creek Mont. John P. Siela, Polson Mont. John M. Bovee, Polson Mont. Laura M. Bovee Polson Mont. Ada E. Wright, Polson Mont. Kittel J. Haugen, Polson Mont. Anna C. Murray, Polson, Mont. Sadie S. Russell, 934 Toole Ave. Missoula Mont. Andrew Peterson, Polson, Mont. Anna Peterson Polson Mont. N. C. Bryant, 804 E. 27th St. Portland, Oregon. R. C. Saxton, Polson Mont. Margaret M. Creswell, Polson Mont. J. E. Swainston, Polson Mont. C. J. Mast Admr. Frank Mast, Polson Mont. Iva L. Brujard, Fairview, Wash. Mollie Johnson, Plentywood, Mont. Carl O. Anderson, Polson, Mont. County Clerk, Polson Mont. R. B. Davidson, Polson Mont. J. F. McAlear, Polson, Mont. Carl Johnson, Polson Mont. Carl Greiner, Polson Mont. Althea Greiner, Polson Mont. N. P. Rwy. Co. Polson, Mont. Alberta E. Kettka, care of K. Lehmicke, Shelby Mont. Ole I. Jensen, Polson Mont. E. R. Vick, Polson Mont. B. D. Wolfinger, Polson Mont. C. L. Sterling, Polson, Mont. W. G. Keller, Polson, Mont. F. N. Heckman, Polson Mont. Frank Emory Polson Mont. W. C. & R. Z. Hutchin, Polson Mont. F. E. Hutchin Polson Mont. C. G. Russell, Polson Mont. D. Cramer, care of W. DeGolier, Polson Mont. Z. B. Silver, Polson, Mont. Chester Cramer Polson Mont. Zell O. Sawyer, Polson Mont. Martha S. Lambert, Polson Mont. Hezekiah Lambert Polson Mont. Katherine J. & W. P. Woods, Polson Mont. Frank J. Flanigan, Philipsburg Mont. Samuel Andrews, Ronan Mont. Amy A. Sallee, Polson Mont. Margaret DeGolier, Polson Mont. Alice & W. D. DeGolier Polson Mont. F. M. Savage, Polson Mont. I. M. Kness, Polson Mont. Clyde W. Weythman, Polson Mont. George G. Gates, Polson Mont. Dagma Jensen, Polson Mont. Ida E. Sorg, Polson Mont. James M. Ryan 225 W. R. R. St. Missoula Mont. Mrs. Caroline Claffey, Polson Mont. Henry J. Claffey, 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. 6 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 24th day of May, 1928.

W. J. Burke, Notary Public in and for the State of Montana, residing at Polson, Montana, my commission (Notarial Seal.) expires May 3, 1931.

#### AFFIDAVIT OF POSTING.

State of Montana,  
County of Lake,  
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 24th day of May, 1928 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. 45 in the following places in said city, to wit:- One in the City Hall, one in the Court House and one in the U.S. Post Office Building of the City of Polson, Montana; that each of said copies was a full, true and correct copy of said Resolution No. 45 and of the whole thereof.

Frank Napton

Subscribed and sworn to before me this 24th day of May, 1928.

W.J. Burke, Notary Public for the State of Montana, residing at Polson, Montana.

My Commission expires May 3, 1931.

(Notarial Seal)

AFFIDAVIT OF PUBLICATION.

E. R. Swart, being duly sworn, deposes and says; That he is Principal clerk--Foreman of the Flathead Courier, a newspaper of

General circulation published and printed in Polson, Lake County, Montana and that the attached notice has been correctly published in the regular and entire issue of every number of said paper for 2 successive weeks, commencing on the 24 day of May, 1928 and ending on the 31 day of May, 1928.

E.R. Swart.

Subscribed and sworn to before me this 31 day of May, 1928.

H.A. Johnson, Notary Public for the State of Montana, residing at Polson, Montana. My commission expires 2-16-30.

(Notarial Seal)

**NOTICE TO PROPERTY OWNERS**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Polson, Montana, on Monday, May 21, 1928, a Resolution of Intention to create a Special Sewer Improvement District No. 6 was passed by the City Council of said City. That the number of said Special Sewer Improvement District was designated as No. 6.

That the general character of the improvement to be made is the making and construction of the sewers along all that portion of Lake Shore Addition and Cramer's Sub-division to the City of Polson, Montana, and de-

at their Lake Villa as soon as the city Monday. The Muellers expect Harry Mueller, of Butte, was in the program was given.

large as usual but a very interesting meeting Tuesday night was not at the attendance at the Kiwanis Libby, Saturday.

V. Ferguson, returned to their home have been visiting at the home of Mr. and Mrs. Morris Davis, who Wednesday.

station Tuesday and returned home shed the stucco on the Dewey Hilling Mr. Harry Timm, of Missoula, in-

at a few hours attending to business city yesterday from Roman and spent Attorney A. J. Brower was in the 7-4-p

for R. F. Price, at the Lake City Gar- \$15. Also furniture refinished. Ask Your car refinished like new, \$10 to to attend the federal court.

city Monday on his way to Missoula

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. 45 in the following places in said city, to wit: - One in the City Hall, one in the Court House and one in the U.S. Post Office Building of the City of Polson, Montana; that each of said copies was a full, true and correct copy of said Resolution No. 45 and of the whole thereof.

Frank Napton

Subscribed and sworn to before me this 24th day of May, 1928.

W.J. Burke, Notary Public for the State of  
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That the general character of the improvement to be made is the making and construction of the sewers along all that portion of Lake Shore Addition and Cramer's Sub-division to the City of Polson, Montana, and described as follows:

Commencing at the intersection of the center line of 10th Street and the center line of the alley through block 11 and 12 in Lakeshore Addition to the City of Polson; thence north on 10th Street to the intersection of the center line of alley through Block 1 and 2 of said Lakeshore Addition to the City of Polson; thence in an easterly direction 846 feet to disposal plant, said trunk line sewer to be 10 inches in diameter, and service laterals extending through all alleys of Cramer's Sub-division and Lakeshore Addition to the City of Polson, said service laterals to be eight inches in diameter.

The character of the improvement shall consist of the construction of a disposal plant consisting of settling septic and chlorination tanks and the

discharge of the chlorinated effluent into the lake at a point approximately 600 feet northeast of the northeast corner of the proposed district. This chlorination treatment de-odorizes as well as sterilizes the effluent, and also shall consist of a combination domestic and gravity sewer, the contents to be discharged into said septic tank herein described. Said proposed system to be provided with flush tanks, catch basins, man holes and any further necessary appliances, fittings or structures that may be required to insure proper operation and maintenance.

The estimated cost and expense of making said improvement is the sum of \$82.55 per lot, and the total estimated cost of making said improvement is \$14,199.56. That the assessment levied to defray said cost shall be extended over a period of eight years and paid in eight annual installments; the first payment to be in 1929, and deferred payments to bear interest at 6 per cent per annum, payable annually. That warrants issued against said Special Sewer Improvement District No. 6 fund for payment of cost of making said improvement shall be issued in denominations of \$100.00 or fractions or multiples thereof.

That on Monday the 18th day of June, 1928, at 8 o'clock P. M., at the City Hall in the City of Polson, Montana, the same being the regular meeting place of said City Council, the City Council of the City of Polson, Montana, will meet to hear the objections to the official 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 improvement 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 15 days from the date of the first publication of this notice. Reference is hereby made to Resolution No. 45 on file in the office of the City Clerk for the description of the boundaries of said district, and other details.

Passed and approved this 21st day of May, 1928.

Attest: JAMES HARBERT,  
FRANK NAPTON, Mayor  
City Clerk, May 24-Jun