

RESOLUTION # 809

A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NUMBER 38, TO PROVIDE SANITARY SEWER SERVICE TO CERTAIN REAL PROPERTIES.

WHEREAS, the City of Polson passed and adopted Resolution 805 on August 21, 2000, giving notice of intent to annex and of the intent to pass this Special Improvement District for the following described real properties:

- George & Diane Glaser
262 Vista Del Mar Avenue
Pismo Beach, CA 93949
Tract "A" COS 3183, a 1.95 acre tract in the NW 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- JoAnn Jorgenson
24 W. Conrad Drive
Phoenix, AZ 8586
Tract "B" COS 3183, a 2.16 acre tract in the NW 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Karlene White
395 Claffey Drive
Polson, MT 59860
Tract "B" COS 4191, a 6.45 acre tract in the NW 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Bill Starkey & Colleen Carew
Tract 1 on COS 3097, a 8.85 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Garth and Linda Cox
515 Claffey Drive
Polson, MT 59860
Rem. on COS 3097, a 10.34 acre tract in the W1/2 NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Gayle Siemers
P.O. Box 656
Polson, MT 59860
Lot 1 of Lake Hills Estates, a 3.04 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Larry and Rosemarie Smith
Lot 2 of Lake Hills Estates, a 3.68 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Robert and Margit Smith
1207 11th Avenue E
Polson, MT 59860
Lot 3 of Lake Hills Estates, a 4.28 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Marvin Douma
9007 Wheatland Drive
Moiese, MT 59824
Lot 4 of Lake Hills Estates, a 4.40 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- William Kortsch
2400 N. Farwell Avenue
Milwaukee, WI 53211
Lot 5 of Lake Hills Estates, a 3.94 acre tract in the NE1/4SE1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
- Larry Starr
Lot 13, Skyline Addition 1, a subdivision platted in the NE1/4 SE1/4 Section 10, T22N, R20W, P.M.M., Lake County, Montana.

These being the boundaries of the real property to be annexed by separate Resolution and of the within Special Improvement District; and,

WHEREAS, the City of Polson caused to be given all due and proper legal notice to the owners thereof, and thence conducted the public hearing required by law, and has heard all protests; and,

WHEREAS, the City of Polson has received insufficient protests of the proposed Special Improvement District to bar these proceedings.

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

1. That the foregoing recitals are part and parcel of this Resolution and not mere recitals.
2. That Special Improvement District #38 is created for the purpose of providing sanitary sewer service to the above-referenced parcels of real property.
3. That the sanitary sewer service to be provided is that service usual and necessary in like circumstances, including but not limited to main lines sized appropriately for projected loads, ancillary valving, lines, and stations, and the like, designed by a competent civil engineer at the appointment of the City, and let to lowest responsible bidder in the manner provided by law.
4. That the City shall undertake to sell bonds or warrants necessary to fund the improvements herein.
5. That the estimated cost to complete the improvements in Special Improvement District #38 stands at \$120,000.00, more or less, of which total cost the City of Polson shall contribute thirty thousand dollars (\$30,000.00) against the principle thereof from the general fund.
6. That at present each parcel to be served shall be considered to have one utility connection to be made thereto.
7. That the portion of the cost not defrayed by the City shall be defrayed by and assessed against the various parcels of real property to be served, said assessment to be calculated by dividing the total undefrayed cost of the improvement by the number of utility connections, each such parcel to be equally burdened.
8. That should any of the parcels hereinabove referenced be further subdivided during the duration of the within District, the subdivider thereof shall pay into the District 80% of the initial costs assessed the original parcels hereto, the payment thereof reducing the interest and principle to be repaid by the original parcels herein.
9. That the City Treasurer to the City of Polson anticipates that the assessments against real property for the within Special Improvement District #38 shall be repaid either in lump sum or over ten year periods at 6% per annum interest, at the election of the assessed landowners.
10. That the City Treasurer is instructed to undertake all steps necessary to perfect the within Special Improvement District, and all book and accounts thereof.

PASSED AND APPROVED this 20th day of November, 2000

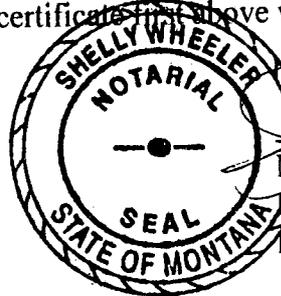
Michael Lies
Michael Lies, Mayor

ATTEST: *Aggi H. Loeser*
Aggi Loeser, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

On this day of November, 2000, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Michael Lies 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.

 *Shelly Wheeler*
Notary Public for the State of Montana
Residing at Polson, Montana
My Commission expires: 9/13/04

CITY OF POLSON
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