

**RESOLUTION NO. 940**

**A RESOLUTION OF INTENT TO CREATE A SPECIAL IMPROVEMENT DISTRICT TO IMPROVE AND PAVE CERTAIN PORTIONS OF CLAFFEY DRIVE WITHIN THE CORPORATE LIMITS OF THE CITY OF POLSON:**

Whereas, the City of Polson maintains within its boundaries a certain Claffey Drive, as shown on maps and plats depicting the same; and,

Whereas, Claffey Drive is at present a cul de sac street, and improved by grading and paving to a serviceable extent along some but not the whole of its length; and,

Whereas, the City of Polson has determined that the public convenience and safety requires that the remaining unimproved portions of the platted Claffey Drive be graded and paved; and,

Whereas, The City of Polson deems it necessary to order, establish and create, and the City Council of the City of Polson, Montana does hereby declare its intention to create, a Special Improvement District within and along and encompassing those certain unimproved portions of Claffey Drive, the area and boundary of such Special Improvement District which is hereafter particularly described; and,

Whereas, that the Special Improvement District shall be known and designed as Special Improvement District No. 40 .

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

SECTION 1: That the general nature of the subject of this Special Improvement District shall be the grading and paving of those certain portions of Claffey Drive, and including its terminal cul de sac, along such parts of its length adjoining and abutting the described real property detailed below, and such others as do not adjoin the said Claffey Drive but which, as a condition of approval of subdivision plats therein, have waived protest thereto;

SECTION 2: Those parcels of real property included in the said Special Improvement District shall be as follows, and that minor irregularities in the legal descriptions herein, if any, are insufficient to obviate the Intention expressed herein:

Parcel: Lot 1, Westana Homesites

Timothy A and Rebecca Dumontier, 395 Claffey Drive, Polson, MT 59860

Parcel: Lot 2, Westana Homesites

James W. Ford, Debra Terrizzi, 5 Hidden Acres Dr., Duxbury, MA 02332-3229

Parcel: Lot 3, Westana Homesites

Sidney P. And Lynette J. Rundell, PO Box 162, Big Arm, MT 59910-0162

Parcel: Lot 4, Westana Homesites

BENNETT DENNIS A & MARY J 37601 PONDERILLA DR POLSON MT 59860

Parcel: Lot 5, Westana Homesites

BENNETT DENNIS A & MARY J 37601 PONDERILLA DR POLSON, MT 59860

Parcel: Lot 1, Bauer Homesites

Cougar Ridge Development, LLC PO Box 129, Polson, MT 59860

Parcel: Lot 2, Bauer Homesites

Pamela J. Bonner, 451 Claffey Drive, Polson, MT 59860

Parcel: Lot 3, Bauer Homesites

Arnold & Lois B. Hart, 481 Claffey Drive, Polson, MT 59860

Parcel: Lot 4, Bauer Homesites

Donald J. & Helen A McMillan, 511 Claffey Drive, Polson, MT 59860

Parcel: Lot 5, Bauer Homesites  
Marshall Jason and Davis Talley  
P.O. Box 1572, Plains, MT 59859-1572

Parcel: Lot 2, Lake Hills Estates  
Larry L. Smith, PO Box 250, Polson, MT 59860

Parcel: Lot 1, Lake Hills Estates  
Gayle R. Siemers, PO Box 656, Polson, MT 59860

Parcel: Lots 1, 2, 3 and 4, Hideaway  
Dawn Raymond, 407 First Street West, Polson, MT 59860

Parcel: Lot 4, Lake Hills Estates  
Manfred and Sharron Schneider, 108 Orchard Park Lane, Polson, MT 59860-7222

Parcel: Lot 3, Lake Hills Estates  
Daniel Edward and Diana Bahnmilller, 4401 S. Irby Loop, Kennewick, WA 99337

Parcel: Lot 1, COS 6230, Lake County  
J. Garth and Linda J. Cox, 514 Claffey Drive, Polson, MT 59860

Parcel: Lot 4, COS 6230, Lake County  
J. Garth and Linda J. Cox, 514 Claffey Drive, Polson, MT 59860

Parcel: Tract in NW1/4SE1/4, T22NR20W, PMM, Tract A, COS 3183  
George and Diane Glaser, 262 Vista Del Mar Ave, Pismo Beach, CA 93449

Parcel: Tract in NW1/4SE1/4, T22NR20W, PMM, Tract B, COS 3183  
Joann Jorgenson, 24 W. Conrad Drive, Phoenix, AZ 85023

Parcels: Lots 2 & 3, COS 6230, Lake County, if as a condition of the approval of the subdivision thereof waiver of protest to SID to improve Claffey Drive was required, c/o J. Garth and Linda J. Cox, 514 Claffey Drive, Polson, MT 59860.

SECTION 3. In accordance with this Resolution of Intention to Create a Special Improvement District, a Public Hearing will be held at 6:30 p.m. on April 2, 2007, to hear objections and protests, both written and oral, to the creation of said district as provided by MCA 7-12-4112. However, the City recognizes that as the number of parcels to be included in the District is at least twenty-two but the number of parcels included which have or are required to waive any protest to creation of such SID numbers at least fourteen, in any event more than fifty (50) percent of the parcels intended to comprise the District, it is unlikely there will be a sufficiency of protestors to bar these proceedings, all pursuant to Section 7-12-4113 (1)(a), MCA.

SECTION 4: At any time within 15 days after the date of the first publication of the notice of the passage of this Resolution of Intention, any owner of property liable to be assessed for the work may make written protest against the proposed work or against the extent or creation of the district to be assessed, or both. If the period described in the foregoing sentence includes a holiday other than a Sunday, the period must be extended for an additional 2 days. Any protest must be in writing, identify the property in the district owned by the protestor, and be signed by all the owners of the property. The protest must be delivered to the clerk of the city or town council or commission not later than 5 p.m. of the last day within the protest period. The clerk shall endorse on the protest document the date and hour of its receipt by the clerk.

SECTION 5. The estimated Cost, including all engineering fees, is approximately \$43,000.00, or approximately \$2,000.00 per above-described parcels which are included in said Special Improvement District, subject to actual costs as the same may later appear, payment of which is to be spread over a period of not more than twenty (20) years, though the period may be less, and at no greater than seven (7) % rate of interest, said repayment terms subject to change to correlate with the conditions of purchasing the necessary monies by the City at interest at the time of final passage of such Resolution creating such SID, if ever. The City specifically resolves and herewith gives notice that it intends to go forward with the improvements and the District herein detailed, and further, that the costs estimated herein may exceed the within estimate by a factor of fifty (50) percent.

SECTION 6. The method by which the costs of the improvements will be assessed against the property in the district is that each lot or parcel of land in the district may each be assessed an equal amount based upon the total cost of the improvement.

SECTION 7. That it is the intent of the City of Polson to create the aforesaid Special Improvement District No. 40, of the nature, manner, and extent, and upon such terms and applicability, as hereinabove stated.

SECTION 8. That upon passage and approval of this Resolution of Intent, the City Clerk of the City of Polson, Montana, is hereby directed to give notice hereof, by publication and by mailing, all as provided by M.C.A. 7-12-4106.

PASSED AND APPROVED this 21<sup>st</sup> day of February, 2007.

Jules Clavadetscher, Mayor

ATTEST:

Aggi Loeser, City Clerk

State of Montana )

:ss.

County of Lake )

On this 21<sup>th</sup> day of February, 2007, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Jules Clavadetscher** 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: