

## **RESOLUTION NO. 955**

### **A RESOLUTION OF INTENT TO CREATE A SPECIAL IMPROVEMENT DISTRICT NUMBER 42, TO IMPROVE AND PAVE CERTAIN PORTIONS OF MAIN STREET, INCLUDING CURB, GUTTER AND SIDEWALK, AND TO INSTALL INFRASTRUCTURE, WITHIN THE CORPORATE LIMITS OF THE CITY OF POLSON:**

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

Whereas, Main Street is an eighty-foot-wide right-of-way, with numerous privately owned businesses along the length of the same; and,

Whereas, the City of Polson has determined that the public convenience and safety requires that the water main line located within the said right-of-way should be replaced; and,

Whereas, a group of interested citizens has proposed that, since the City of Polson intends to undertake street closure for construction to replace the water main in Main Street, a concomitant and useful adjunct project might be making improvements to other areas of Main Street; and,

Whereas, the said group of interested citizens have devised a comprehensive plan for such adjunct improvement to Main Street, said plan available for inspection at the office of the City Clerk at City Hall in Polson, Montana; and,

Whereas, the said group of interested citizens have devised, in connection with overall project plans, an estimate of the costs necessary to carry the same into effect, and have petitioned the Council to undertake the process necessary to form a Special Improvement District for such purpose; and,

Whereas, the City of Polson supports the project, and towards it will contribute the whole cost of removing old water main and installing a replacement, to include the cost of re-paving that certain portion of pavement disturbed by such water main construction operations; 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 portions of Main Street, 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. 42 .

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

SECTION 1: The foregoing recitals are not mere Recitals but are part and parcel of this Resolution.

SECTION 2: That the general nature of the improvements contemplated in this Resolution of Intent are as follows: location of the project: Five blocks of Main Street, Polson, Montana, extending from 2<sup>nd</sup> Avenue (U.S. Highway 93), south to 7<sup>th</sup> Avenue, Including cross streets (four). The project

extends north 10 feet into 2<sup>nd</sup> Avenue and south 10 feet into 7<sup>th</sup> Avenue. The project includes the entire 80-foot width of Main Street. Therefore, the project is 80 feet in width (east and west) by 1,840 feet in length (north and south).

The project is to replace the existing domestic water mainline under Main Street from 2<sup>nd</sup> Avenue to 7<sup>th</sup> Avenue with new PVC pipe and connect this new water mainline to the curb stop of each of the properties on either side of main street.

The existing curb, gutter and sidewalks on both sides of main street are to be replaced with new curb, gutter and sidewalks for the entire north/south length of the project, excluding paved areas of cross streets. The existing street paving is to be replaced with new paving for the entire north/south length of the project.

New streetlights are to be installed.

The cost of replacing the pavement is to be shared with the City of Polson Water department and the property owners. The city's cost is to be pro rated according to the area of pavement disturbed during replacement of the water mainline and extensions to the curb stop.

The Streetscape Project plans depict items of chattel property that the organizers believe are necessary accouterments to the overall project, including tree plantings, benches and trash receptacles; however, any Special Improvement District arising from this Resolution of Intent may not include the costs of such chattel properties and the cost of the same are specifically excluded herefrom.

SECTION 3: 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:

Any and all parcels, with the exception of those parcels exempt by law, fronting on The Main Street right of way along the length of the project as hereinabove described, as the same may appear on the map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

SECTION 4. In accordance with the statutes governing this Resolution of Intention to Create a Special Improvement District, a Public Hearing will be held at 6:30 p.m. on January 7, 2008, to hear objections and protests, both written and oral, to the creation of said district as provided by MCA 7-12-4112

SECTION 5: 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 6. The estimated Cost, including all engineering fees, is approximately

\$1,000,000.00 (one million dollars), or approximately \$366.00 per lineal foot of adjoining, assessable 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 7. Several parcels comprising altogether some 267 total lineal feet adjoining Main Street are exempt from participation in the Special Improvement District, if passed. The exempt parcels include those owned by the City of Polson, Lake County, the State of Montana, Veterans of Foreign Wars, and the American Legion. For all assessable parcels, the method by which the costs of the improvements will be assessed against the property in the district is on the basis of lineal feet fronting on Main Street right-of-way within the boundaries of the district, on an equal basis for the total cost of the improvements, subject to and reserving therefrom the City of Polson's cost and expenses in connection with replacing the water main therein.

SECTION 8. That it is the intent of the City of Polson to create the aforesaid Special Improvement District No. 42, 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 19<sup>th</sup> day of November, 2007.

\_\_\_\_\_  
Jules Clavadetscher, Mayor

ATTEST: \_\_\_\_\_  
Aggi Loeser, City Clerk

State of Montana        )  
  :ss.  
County of Lake         )

On this \_\_\_\_\_ day of November, 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: