

**CITY OF POLSON  
RESOLUTION NUMBER 2015-021**

**A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF POLSON, MONTANA, TO ANNEX WITHIN THE BOUNDARIES OF THE CITY, WITH CONDITIONS, CERTAIN TRACTS AND PARCELS OF LAND DESCRIBED HEREINAFTER.**

**LEGAL DESCRIPTION:** Those certain tracts of real property known as:

**E ½ of S ½ and W ½ of S ½ of Tract 2 of Boettcher Tracts in Section 10, T22N, R20W, P.M.M., on file and of record in the Office of the Lake County, Montana Clerk and Recorder.**

As shown on Exhibit A attached hereto and made a part hereof.

**WHEREAS**, Hans Lund, as the owner of the above described parcel, has filed a petition with the City Clerk requesting annexation of such properties into the corporate boundaries of the City of Polson; the Polson City Commission has considered this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA), and

**WHEREAS**, the herein described property is proposed for immediate development as a apartment complex and will require sewer and water services for its facility; that the petitioners understand that they will be responsible for costs associated with such interior and exterior infrastructure that may be necessary to support such future development; and

**WHEREAS**, all development of these properties is subject to the rules, regulation and requirements of the City, including the provision of Services Plan of the City of Polson; and

**WHEREAS**, it was determined that the City is able to provide services for fire and police to the property; FURTHER that said services will commence upon the effective date of the annexation: and

**WHEREAS**, the parcel described herein is currently zoned County MRZD and should continue the same as MRZD which is appropriate and compatible with the use proposed; FURTHER, this parcel is situated adjacent to City Commission Voting Ward No. 2 and it is the intention of the Commission to add this parcel to said Ward;

**WHEREAS**, the petitioners have executed waivers of protest, for themselves, their heirs and assigns, to the imposition of special improvement districts for water, sewer, and streets for a term not to exceed 25 years, if the same becomes necessary;

**WHEREAS**, the petition for annexation was duly heard by the City Commission upon notice on the 9<sup>th</sup> of September 2015; the Commission, having fully heard the testimony and reviewed the materials submitted by the City Planning staff in support of such Petition, finds that the annexation of these properties is deemed to be in the best interest of the City of Polson, the inhabitants thereof and for the future use of the land described herein. FURTHER, such property is within the urban growth boundary that the boundaries of the City of Polson and the extension of such boundary is within the scope of the Polson Growth Plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the corporate limits of the City of Polson be and are extended to incorporate and annex the tract of land herein described; and

**BE IT FURTHER RESOLVED**, that Commission finds that the property meets the criteria of the Services Plan of the City of Polson, the extension of City services, and the Polson Growth Policy;

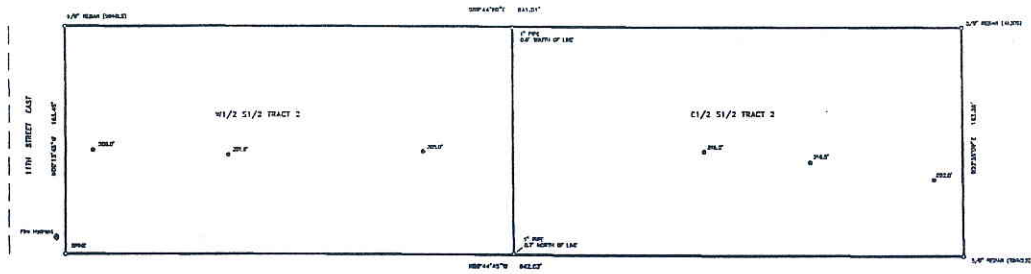


# EXHIBIT A

THE S1/2 OF TRACT 2 OF BOETTCHER TRACTS  
 A RECORDED SUBDIVISION IN SECTION 10, T22N, R20W, LAKE COUNTY, MONTANA

DATE OF SURVEY: APRIL, 2013

TOTAL AREA = 2.10 Acres



**LEGEND**  
 ○ MONUMENT FOUND AS NOTED  
 ● SPOT ELEVATION



— LEGAL DESCRIPTION —

**SURVEYOR'S CERTIFICATION**

JOHN W. SUTTER, PLS. LICENSE NUMBER 10,123,456

DATE OF SURVEY APRIL 2013

CHANGES APPROVED BY THE SURVEYOR

FILED THIS 15th DAY OF APRIL 2013 AT BUTTE, MONTANA

CITY AND COUNTY

SHEET 1 OF 1