

**CITY OF POLSON
RESOLUTION NUMBER 2016-002**

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:

A portion of Tract 3 of BOETTCHER TRACTS, a platted subdivision of Lake County, Montana, more particularly described as follows:

Beginning at the Northwest Corner of Tract 3 of the recorded plat “Boettcher Tracts” thence South 89° 46’ East 400.06 feet; thence South 0° 12’ East 108.9 feet; thence North 89° 46’ West 400.0 feet; thence North 0° 10 ¼’ West 108.9 feet to the point of beginning. Deed Exhibit H-185 [Tax Assessment No. 3709].

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

WHEREAS, Kris Miller, 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 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 20TH of January, 2016; 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;

BE IT FURTHER RESOLVED that the property is hereby zoned MRZD;

FURTHER the parcel is assigned to City Commission Voting Ward No. 2; and

BE IT FURTHER RESOLVED that the minutes of City Commission of the City of Polson, Montana, incorporate this resolution; and

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Commission hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Commission hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid

or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Commission; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to file this resolution with the Clerk and Recorder of Lake County. This annexation shall become effective from and after the date of the filing of said document with the Lake County Clerk and Recorder.

PASSED AND ADOPTED this 20th day of January, 2016.

CITY OF POLSON

Heather Knutson, Mayor

Attest:

Mark Shrives, City Manager

Cora E. Pritt, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

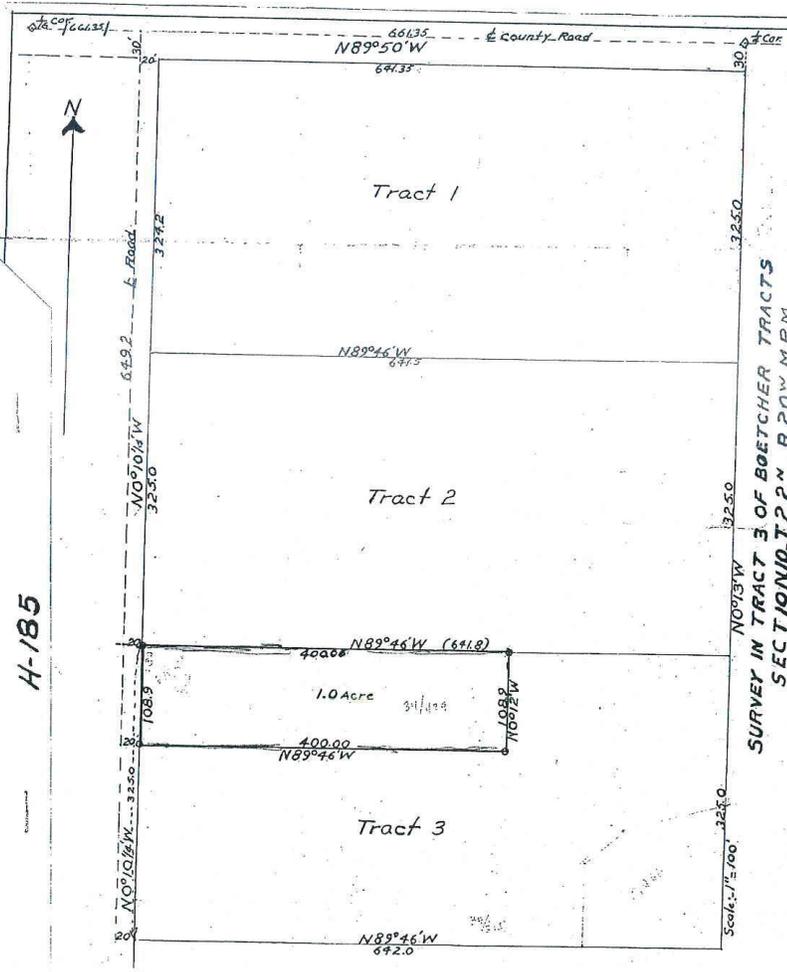
On this _____ day of _____, 2016, before me the undersigned Notary Public for the State of Montana, personally appeared **Heather Knutson**, known to me to be the Mayor of the City of Polson and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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

Printed Name of Notary
Residing at Polson, Montana
My commission expires: ___/___/20___

H-185



**SURVEY IN TRACT 3 OF BOETCHER TRACTS
SECTION 10, T22N, R20W M.P.M.**

DESCRIPTION: Beginning at the northwest corner of Tract 3 of the recorded plat "Boetcher Tracts" - thence $S89^{\circ}46'E$ 400.00 feet - thence $S0^{\circ}12'E$ 108.8 feet - thence $N89^{\circ}46'W$ 400.0 feet - thence $N09^{\circ}13'W$ 108.8 feet to point of beginning, and containing 1.0 acre.

CERTIFICATION: I hereby certify that the plat and description hereon shown conform to the field notes of the survey thereof and are correct to the best of my knowledge and belief.

Brian, Maximize

 Surveyor