

Return to:

City Clerk  
City of Polson  
106 First Street East  
Polson, MT 59860

**CITY OF POLSON  
RESOLUTION NUMBER 2017-014**

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

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

**Amended Tract B of Certificate of Survey 7213 located in the W ½ SE ¼ SE 1/4 Section 2, T.22 N., R.20 W. P.M.M., Lake County, MT.**

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

**WHEREAS**, Glen Hayes & Marlene Hayes, as the owner of the above described parcel, has filed a petition with the City Clerk requesting annexation of such property into the corporate boundaries of the City of Polson; and requesting de-annexation of a portion of such property to Lake County from 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 service at the time of septic failure 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**, a portion of the parcel described herein is currently zoned County LRZD and should be City LRZD; 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. A portion of the parcel described herein is currently zoned City LRZD and should be County LRZD;

**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 5<sup>th</sup> day of June, 17; 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 and de-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; that a portion of the parcel be de-annexed to Lake County from the corporate limits of the City of Polson; 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 annexed property is hereby zoned LRZD;

**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 and de-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 \_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF POLSON**

\_\_\_\_\_  
Heather Knutson, Mayor

Attest:

\_\_\_\_\_  
Mark Shrives, City Manager

\_\_\_\_\_  
Cora Pritt, City Clerk

STATE OF MONTANA        )  
  :SS.  
County of Lake                )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, 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.

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Notary Public for the State of Montana

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Printed Name of Notary

Residing at Polson, Montana

My commission expires: \_\_\_/\_\_\_/20\_\_\_