

Return to:

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

**CITY OF POLSON  
RESOLUTION NUMBER 2018-002**

**A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF  
POLSON, MONTANA, TO ANNEX WITHIN THE BOUNDARIES OF THE CITY,  
WITH CONDITIONS, DURHAM PROPERTY DESCRIBED HEREINAFTER**

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

Lot 4 and West 15 feet of Lot 3, Block 2 of FRELICH'S HIGHVIEW ACRES, a subdivision of Lake County, Montana, according to the map or plat thereof on file in the office of the Clerk and Recorder of Lake County, Montana. Tax Assessment #3378. Geo code 3228-10-2-39-03-000

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

**WHEREAS**, the City staff has discovered that the described parcels have been paying City taxes for a number of years, exceeding seven years, but do not appear in the City records as having been formally annexed within the exterior boundaries of the City;

**WHEREAS**, the herein described property has been receiving City services for a term greater than seven years;

**WHEREAS**, Section 7-2-4210, MCA states that land within or adjacent to the city is conclusively presumed to be annexed if municipal taxes have been paid on the tract or parcel without protest for a period of 7 years.

**WHEREAS**, municipal taxes have been assessed and paid to the City on the described parcels for more than seven years;

**WHEREAS**, the owners of such properties have been consulted and agree that it has been their understanding that, in fact, the properties had been annexed by the City;

**WHEREAS**, it was determined that the City is able and has provided services for fire and police to the property;

**WHEREAS**, the parcel described herein is currently zoned County LRZD and should continue the same as LRZD 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 proposal for annexation was duly heard by the City Commission upon notice on the 3<sup>rd</sup> day of March 2018; 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 **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 shall become effective from and after the date of the filing of said document with the Lake County Clerk and Recorder and the payment of any Polson Rural Fire District fees or taxes.

**PASSED AND ADOPTED** this 5<sup>TH</sup> day of March, 2018.

**CITY OF POLSON**

\_\_\_\_\_  
Paul Briney, Mayor

Attest:

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

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

STATE OF MONTANA        )  
  :SS.  
County of Lake                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me the undersigned Notary Public for the State of Montana, personally appeared **Paul Briney**, 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\_\_\_