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

**CITY OF POLSON
RESOLUTION NUMBER 2020-011**

A RESOLUTION REDUCING THE CORPORATE LIMITS OF THE CITY OF POLSON, MONTANA, 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:

The SE1/4NW1/4 of Section 15, Township 22 North, Range 20 West, P.M.M., Lake County, Montana.

EXCEPTING THEREFROM, however, all that portion of the above described, lying in a southerly direction and below the Flathead Irrigation Project Feeder Canal which traverses the above described land.

TOGETHER WITH easement rights set forth in Reciprocal Grant of Easement and Agreement; recorded November 14, 2007 under Microfile No. 484689, records of Lake County, Montana.

AND

The NE1/NW1/4 of Section 15, Township 22 North, Range 20 West, P.M.M., Lake County, Montana.

EXCEPTING THEREFROM, any portion of SKYVIEW SUBDIVISION PHASE I lying within aid NE1/4NW1/4, Lake County, Montana.

WHEREAS, Cody Jensen, as the owner of the above described parcel, has filed a petition with the City Clerk requesting de-annexation of such property to Lake County from the corporate boundaries of the City of Polson. The Polson City Commission has considered this petition for de-annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 48 Montana Code Annotated (MCA); and

WHEREAS, all development of this property is subject to the rules, regulation and requirements of the Lake County; and

WHEREAS, the portion of the parcel described herein is currently zoned City LRZD and should be County LRZD; and

WHEREAS, a City water main traverses the subject property and there is no existing easement from the property owner in favor of the City for the placement, construction, repair and maintenance of the City water main; and

WHEREAS, Cody Jensen, property owner, requests, as part of de-annexation of his property, that he be allowed to hook up to and utilize City water in exchange for granting the City of Polson an appropriate easement therefore; and.

WHEREAS, the petition for de-annexation was duly heard by the City Commission upon notice on the 17th day of August, 2020; the Commission, having fully heard the testimony and reviewed the materials submitted by the City Planning staff, finds that the de-annexation of the property 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 retracting of such boundary is within the scope of the Polson Growth Plan;

NOW, THEREFORE, BE IT RESOLVED, that the parcel be de-annexed to Lake County from the corporate limits of the City of Polson; and

BE IT FURTHER RESOLVED that this Resolution allowing de-annexation of the subject property is conditioned upon the following:

1. The property owner, Cody Jensen, grant the City an appropriate easement for the placement, construction, repair and maintenance of the City water main traversing the subject property; and
2. In exchange for the subject easement, the City grants the property owner, his successors and assigns, the ability to hook up and utilize City water, at City rates, upon the subject property even though the same is being de-annexed. City water use shall be limited to:
 - a. That use associated with one single family residence and yard, not exceeding one acre in size; and
 - b. Stockwater for livestock not exceeding eight (8) in number total, regardless of species; 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 de-annexation of any lot(s), parcel(s), block(s) or tract(s) of land de-annexed from the city pursuant to this city de-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 de-annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land de-annexed into the city or the remaining provisions of this resolution. The City Commission hereby declares that it would have passed this resolution and de-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 de-annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land de-annexed from the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the de-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 de-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 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 17th day of August, 2020.

CITY OF POLSON

Paul Briney, Mayor

Attest:

Wade Nash, Interim City Manager

Cora E. Pritt, City Clerk

STATE OF MONTANA)
 :ss.
County of Lake)

On this ____ day of _____, 2020, 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 he 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___