

Return to:

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

**CITY OF POLSON
RESOLUTION NUMBER 2021-002**

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:

Lot 37, Skyline Addition per C.J. Book 6, page 438

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

WHEREAS, Gordon R. Gieser and Kelly E. Gieser, as the owner of the above described parcels, 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 a single-family dwelling and will require sewer and water services for the development; that the petitioner 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 this property 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 can 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 parcels described herein are currently zoned County LRZD and should continue the same as LRZD, which is appropriate and compatible with the use proposed; FURTHER, these parcels are situated adjacent to City Commission Voting Ward No. 3, and it is the intention of the Commission to add these parcels to said Ward;

WHEREAS, the petitioner has 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 20 years, if the same becomes necessary;

WHEREAS, the petition for annexation was duly heard by the City Commission upon notice on the 20th day of January; 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 Policy;

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. 3; 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, 2021.

CITY OF POLSON

Paul Briney, Mayor

Attest:

Ed Meece, City Manager

Cora E. Pritt, City Clerk

STATE OF MONTANA)
 :ss.
County of Lake)

On this ____ day of _____, 2021, 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___