

CITY OF POLSON

RESOLUTION OF INTENT NUMBER 2024-006

A RESOLUTION OF INTENT EXTENDING THE CORPORATE LIMITS OF THE CITY OF POLSON, MONTANA, TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF POLSON, MONTANA, CERTAIN TRACTS AND PARCELS OF LAND DESCRIBED HEREAFTER.

LEGAL DESCRIPTION: Those certain tracts of real property and parcels of land (hereafter "Property") and public right-of-ways (PROW) known as (and also depicted in Exhibit A, attached hereto):

US HWY 93 PROW A (Polson Bay Golf Course portion of US HWY 93): All portions of US Highway 93 Right-of-Way starting adjacent to Gov't Lot 4 and Part of NW ¼ SW ¼ of Section 2, Township 22N, R20 W (53.16 ac) (Polson Bay Golf Course), and ending adjacent to the intersection of US Highway 93 and Bayshore Drive and Bayview Drive (see warranty deed 129151, attached hereto);

Property A: NOB HILL, S02, T22 N, R20 W, Lot 6 – 8, ACRES 0.264 (Commonly known as 51015 US Highway 93, Polson, MT 59860 owned by TRK Holdings LLC);

Property B: NOB HILL, S02, T22 N, R20 W, Lot 9 – 11, ACRES 0.289 (Vacant lot adjacent to 51015 US Highway 93, Polson, MT 59860 owned by TRK Holdings LLC);

Property C: NOB HILL, S02, T22 N, R20 W, Lot 12 (MDT property);

Property D: NOB HILL, S02, T22 N, R20 W, Lot 13 (MDT property);

Property E: NOB HILL, S02, T22 N, R20 W, Lot 14 (MDT property);

Property F: NOB HILL, S02, T22 N, R20 W, Lot 15 (MDT property);

Property G: NOB HILL, S02, T22 N, R20 W, Lot 16 (MDT property);

Hillcrest Drive PROW B (Nob Hill portion of Hillcrest Drive): all portions of Hillcrest Drive Right-of-Way starting adjacent to NOB HILL, S02, T22 N, R20 W, Lot 006 – 008, ACRES 0.264, and ending adjacent to NOB HILL, S02, T22 N, R20 W, Lot 16;

HWY 35 PROW C: all portions of Highway 35 Right-of-Way starting at the intersection of US Highway 93 and Highway 35, and ending adjacent to S02, T22 N, R20 W, C.O.S. 7213, ACRES 4.09, AMND TR B (Florence Coffee);

US HWY 93 PROW D (Walmart Portion): all portions of US Highway 93 Right-of-Way starting at the intersection of US Highway 93 and Highway 35, and ending adjacent to RIDGEWATER PHASE 1, S11, T22 N, R20 W, Lot 7C, 70705 SQUARE FEET, CORRECTED;

WHEREAS, Montana Code Annotated (MCA) Section 7-2-4211 requires municipalities to include the full width of any public right-of-way adjacent to property being annexed, therefore, the City has included all the rights-of-way described within as part of the annexation boundary;

WHEREAS, the City of Polson wholly surrounds the above Properties and public right-of-ways as described above; **FURTHER**, the City of Polson City Commission intends to consider this compulsory annexation pursuant to the statutory annexation of wholly surrounded land method set forth in MCA 7-2-4501 et seq.;

WHEREAS, the purpose of annexing Hwy 93 and Hwy 35 property is to improve City emergency services; **FURTHER**, City emergency services are better situated to deal with situations arising on the above properties and are able to respond in a timely

manner given the closer proximity of emergency services located at City Hall within the city limits;

WHEREAS, the purpose of annexing properties located on Nob Hill and adjoining public right-of-way Hillcrest Drive is to further improve emergency services to property wholly surrounded by the City of Polson including roads adjacent to US Highway 93, which runs parallel to said highway separated only by Hillcrest Drive;

WHEREAS, all future developments on the Property are also subject to the rules, regulations, and requirements of the City of Polson, including the Provision of Services Plan of the City of Polson, unless excluded by Montana and/or federal code, statute, or rule;

WHEREAS, impact fees for existing developed properties with septic systems are tolled until a municipal sewer connection is required in accordance with City of Polson Municipal Code sections 2.06.870 and 2.06.881; FURTHER, impact fees for non-developed properties are tolled in accordance with City of Polson Municipal Code sections 2.06.870 and 2.06.881;

WHEREAS, it was determined that the City of Polson can provide utility services in accordance with the City of Polson's Growth Policy, as well as services for fire and police to all Properties; FURTHER, it is hereby determined by the City Commission to be in the best interest of the City of Polson and the inhabitants thereof that the described Properties and Public Right-of-Ways be annexed into the City of Polson and that the corporate limits of the City of Polson be extended to include said lands described herein within the limits of the City of Polson; FURTHER that emergency services will commence upon the effective date of the annexation and utility services will commence in accordance with the City of Polson's Growth Policy;

WHEREAS, the voting parcels described herein will maintain their current zoning Highway Commercial Zoning District (HCZD); FURTHER, Properties A-G and Public Right-of-Ways A and B situated adjacent to City Commission Voting Ward No. 2, and it is the intention of the Commission to add these voting parcels to said adjacent Ward; Public Right-of-Ways C and D situated adjacent to City Commission Voting Ward No. 3, and it is the intention of the Commission to add these voting parcels to said adjacent Ward;

WHEREAS, pursuant to MCA 7-2-4501, the Resolution of Intent to Wholly Surrounded Land will be published in the newspaper of general circulation in the City of Polson, which newspaper is nearest to the said land being considered for annexation, on April 4, 2024, and April 11, 2024, a notice that such resolution of intent has been duly and regularly passed and that for a period of 20-days after the first publication of such notice, the City Clerk was able to receive expressions of approval or disapproval, in writing, of this proposed alteration of the city boundaries until 5:00 p.m. on April 24, 2024; FURTHER that a City Commission public hearing pursuant to MCA 7-2-4501 and 4314 will be held Monday, May 6, 2024, at 6:30 p.m. before the regularly scheduled City Commission meeting at 7:00 p.m.;

WHEREAS, this Resolution of Intent for annexation was duly heard and passed by the City Commission on the 18th day of March, 2024; FURTHER, the Commission, having fully heard the testimony and reviewed the materials submitted by the City Planning staff in support of such Resolution of Intent, intended to annex these properties that it deems 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 development boundary of the City of Polson and such Property is within the scope of the City of Polson Growth Policy;

WHEREAS, this Resolution of Intent was duly heard by the City Commission again on April 1st, 2024, due to newspaper publishing error and to reset dates regarding a new public hearing date and publishing dates as described above; FURTHER, the Commission, having fully heard the testimony and reviewed the materials submitted by the City Planning staff in support of such Resolution of Intent, intends to annex these properties that it deems 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 development boundary of the City of Polson and such Property is within the scope of the City of Polson Growth Policy.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POLSON that the corporate limits of the City of Polson be and are extended to incorporate and annex the tract of real property herein described;

BE IT FURTHER RESOLVED that the Property is hereby zoned below consistent with the zoning requirements recommended in the City of Polson 2016 Growth Policy:

Properties A to G are zoned HCZD;

Public Right-of-Ways A and B are zoned HCZD;

Public Right-of-Ways A and B are zoned HCZD;

BE IT FURTHER RESOLVED that the Property below is assigned to City Commission Voting Ward:

Properties A to G are Ward 2;

Public Right-of-Ways A and B are Ward 2;

Public Right-of-Ways A and B are Ward 3;

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

APPROVED AND ADOPTED this April 1st, 2024.

THE CITY OF POLSON

BY:

Eric Huffine, Mayor

Attest:

Ed Meece, City Manager

Cora E. Pritt, City Clerk

STATE OF MONTANA)
 :SS
County of Lake)

On this ___ day of _____, 2024, before me the undersigned Notary Public for the State of Montana, personally appeared **Eric Huffine**, 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: ___/___/___

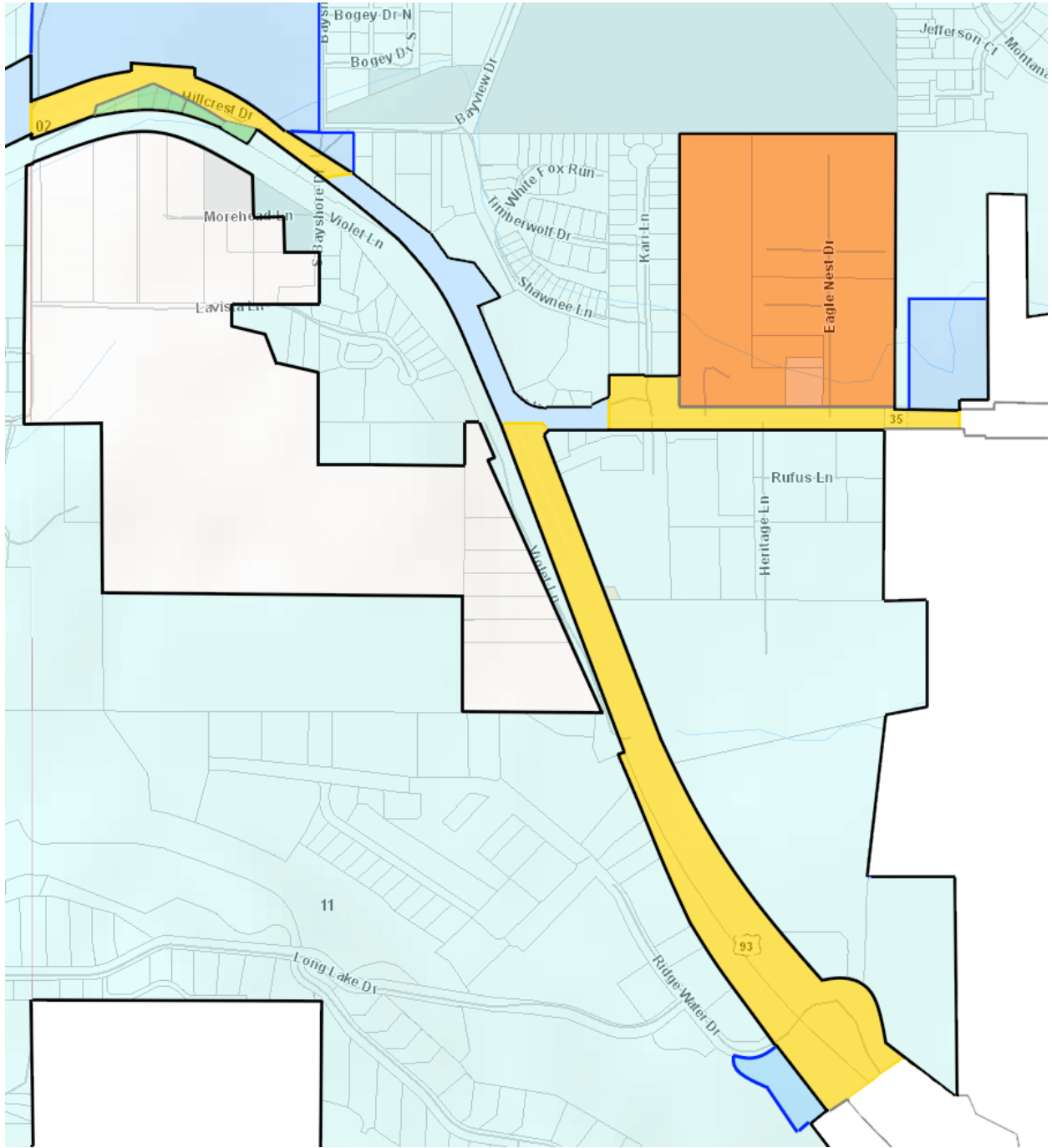


Exhibit A

Proposed Parcels for Annex are Highlighted in Green
Proposed Public Right-of-Ways for Annex are Highlighted in Yellow
Blue highlighted Parcels are within the City of Polson Boundaries
Orange highlighted property is USA in Trust