

## RESOLUTION 10001

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A TRACT OF LAND PROPOSED TO BE DESIGNATED AS LOT 5, BLOCK 1, DIVISION ADDITION AND ABUTTING PORTION OF DIVISION ROAD ALL LOCATED IN NE 1/4 SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4601, MONTANA CODE ANNOTATED ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

A tract of land proposed to be designated as Lot 5, Block 1, Division Addition, located in NE 1/4 Section 2, Township 20 North, Range 3 East, Cascade County, Montana and containing  $\pm 2.36$  acres.

And,

A portion of Division Road located in the NE 1/4 Section 2, Township 20 North, Range 3 East, Cascade County, Montana, more particularly described as follows:

Commencing at the northeast corner of Lot 1, Block 1, Division Addition, said corner being the "True Point of Beginning", proceed thence northerly  $\pm 479.11$  feet, along the western right-of-way line of Division Road to a point on the northeast corner of Lot 5, Block 1, Division Addition;

Thence easterly  $\pm 60$  feet, crossing Division Road to a point on the easterly right-of-way line of Division Road;

Thence southerly  $\pm 479.11$  feet along Division Road, to a point on the easterly right-of-way of Division Road;

Thence westerly  $\pm 60$  feet, crossing Division Road to a point on the westerly right-of-way line of Division Road; and the northeast corner of Lot 1, Block 1, Division Addition, being the "True Point of Beginning" containing  $\pm 0.66$  acres;

containing in all  $\pm 3.02$  acres more or less and all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof; and,

WHEREAS, Mitchell Development & Investments, LLC, the legal owner of proposed Lot 5 in Block 1 of the Division Addition, in conjunction with the Accessible Space, Inc., the purchaser of said property, which property is currently located adjacent to the existing City limits, has requested that the City of Great Falls annex said property; and

WHEREAS, the City of Great Falls desires to annex said property and the full width of the Division Road right-of-way adjacent to said property under the provisions of Montana law; and

WHEREAS, the owner of the property in the territory to be annexed has signed a written application requesting annexation pursuant to statute to the City of Great Falls; and

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the application upon its merits; and

WHEREAS, the annexation of the property and adjacent right-of-way more particularly described above appears to be in the best interests of the present owner of the property and the City of Great Falls, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

**Section 1.** It is the intention of the Great Falls City Commission to annex a tract of land proposed to be designated as Lot 5 in Block 1 of the Division Addition, and the full width of the Division Road right-of-way adjacent to said property, located in the NE 1/4 Section 2,

Township 20 North, Range 3 East, in Cascade County, Montana, as shown on Exhibit “A” attached hereto and by this reference made a part hereof.

This annexation will only be effective upon completion of zoning of the property and the following conditions:

1. **Infrastructure:** The property owner, and consequently purchaser, must install all infrastructure improvements required by the City, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.
2. **Subsequent Minor Subdivision Approval:** The owner, and consequently purchaser, must apply for and receive approval of a minor subdivision in Cascade County, which creates Lot 5, Block 1, Division Addition, and file all associated paper work related to said subdivision prior to annexation.
3. **Review of New Construction:** The property owner, and consequently purchaser, must submit plans for review by the City of Great Falls for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to issuance of building permits, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.
4. **Taxes and Assessments:** Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
5. **Fees and Charges:** The property owner, and consequently purchaser, shall pay all required fees as provided by City policy prior to annexation.
6. **Completion of Conditions:** These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 4<sup>th</sup> day of December, 2012.

---

Michael J. Winters, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

---

David L. Nielsen, Interim City Attorney

State of Montana       )  
County of Cascade     : ss  
City of Great Falls    )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 10001 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 4<sup>th</sup> day of December, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 4<sup>th</sup> day of December, 2012.

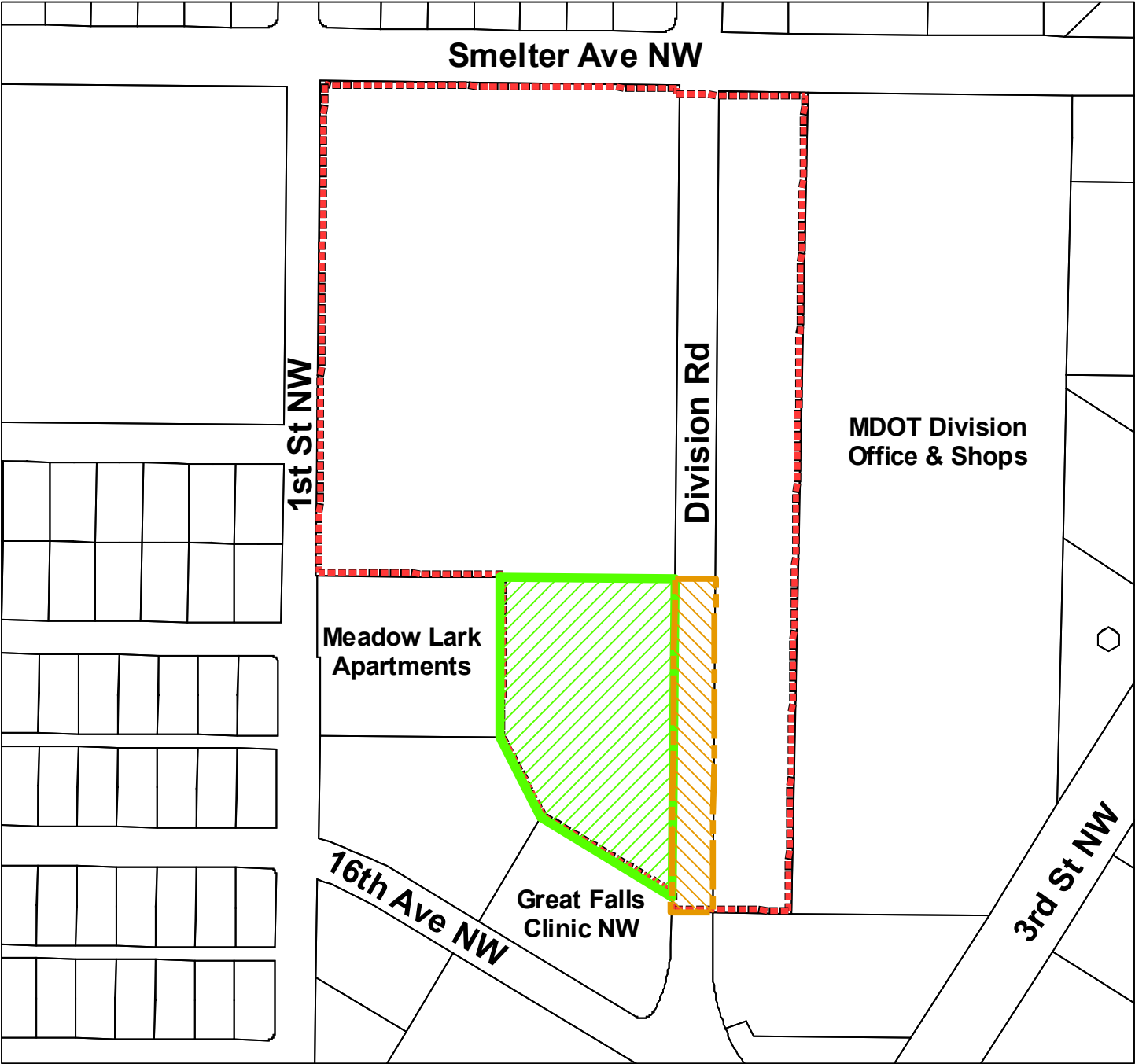
---





Lisa Kunz, City Clerk

(SEAL OF CITY)

# Attachment A

## Resolution 10001



-  ASI Elderly Housing Development
-  Division Road ROW
-  City Limits
-  Tracts of Land

