

RESOLUTION NO. 9639

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE SERVICE DISTRICT NO. 1 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, LOCATED IN SECTIONS 23, 24, 25 & 26, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "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:

Beginning at a point on the south right-of-way line of a county road (40th Ave. South), being the northwest corner of Parcel Z on Certificate of Survey # 3032 in Section 25, T20N, R3E, P.M.M. Montana, said certificate being on file in the Cascade County Clerk and Recorder's Office; thence South 36° 17' West, 365.85 feet, to the northwest corner of Lot 1, Block 1, Southridge First Addition, filed of record under PL# 1795 in the Office of Cascade County Clerk & Recorder's, thence South 0° 09' West, 341.3 feet along the east boundary of Southridge First Addition to a point on the northerly right-of-way line of BNSF Railroad, thence westerly along said northerly right-of-way line of BNSF Railroad the following six courses; South 77° 57' 25" West, a distance of 120.70 feet; a curve to the right having a center angle of 20° 12' 06", a radius of 1394.45 feet and a length of 491.66 feet; North 81° 50' 30" West 142.53 feet to a point the west boundary line of said Section 25; North 81° 52' 29" West a distance of 211.13 feet; North 80° 20' 40" West a distance of 100.00 feet; a curve to the right having a center angle of 38° 36' 05", a radius of 689.30 feet and a length of 464.39 feet to southerly tip of the Pearson Addition; thence South 48° 22' 09" West, a distance of 100.00 feet to a point along the western right-of-way line of BNSF Railroad; thence South 48° 22' 09" West, across Lower River Road a distance

of 148.0 feet to the northerly bank and low water line of the Missouri River; thence northwesterly along said right bank and low water mark of the Missouri River in Section 26, T20N, R3E, a distance of 815.0 feet, more or less, to the south boundary of Section 23, T20N, R3E, (said point also being the southwest corner of McLean Garden Tracts, a convenience plat); thence northerly, downstream on the right bank and low water mark of the Missouri River a distance of 5272.0 feet more or less to the northeast corner of Lot 1C as described on the Amended Plat of a Portion of Lot 1, McLean Garden Tracts, filed of record under PI# 1798 in the Office of Clerk & Recorder's, Cascade County, which point is on of the westerly right-of-way line of a County Road known as Lower River Road, which road is on the Federal Aid Urban Highway system; thence East 77.0 feet to the easterly right-of-way line of said Lower River Road and the westerly right-of-way line of the BNSF Railroad, thence South 2° 32' West (said bearing from the McLean Garden Tracts map) along said Railroad right-of-way 3727.8 feet more or less to a point directly west of and across the 100.1 foot wide railroad right-of-way from the Northeast corner of the Pearson Addition; thence East, 933.2 feet (said bearing being from the Pearson Addition plat) along the north line of the Pearson Addition, to the northeast corner of the Pearson Addition and the west right-of-way line of a county road known as Upper River Road, thence East, 60.0 feet to the east right-of-way line of said Upper River Road; thence southerly 1037 feet, more or less along said easterly right-of-way line, thence South 89° 42' 15" East, a distance of 10.0 feet on said right-of-way line, thence southerly and easterly around a curve to the left a distance of 409.07 feet to a break in said right-of-way line, thence South 00° 09' West, 10.0 feet along the right-of-way break; thence South 89° 51' East a distance of 658.2 feet more or less along the northerly right-of-way line of the same county road which is now called 40th Avenue South; thence southerly 60.0 feet to the true point of beginning.

Excepting therefrom several parcels to wit:

1. Two (2) subdivisions which have been annexed into the City of Great Falls and are not within the Upper/Lower River Road Water & Sewer District, as follows:
 - a. Riverside Townhomes Addition on file as PL# 196 and filed on January 2, 1996, with the Office of Clerk & Recorder's, Cascade County and the Amended Subdivision Plat of Lot1, Block 1 of the Amended Plat of Lots 1, 2, 3, 4, & 5, Block 1 Riverside Townhomes and on file as PL# 1598 and filed on March 16, 1998, in the Office of Clerk & Recorder's, Cascade County; and
 - b. Lots 1A and 1B of the Amended Plat of a Portion of lot 1, McLean Garden Tracts, on file as PL# 1798 and filed on March 25, 1998 with the Office of Clerk & Recorder's, Cascade County.
2. Those industrial parcels which cannot be annexed by petition, but must be annexed by the contiguous lands statutes. These are:
 - a. Janetski/Marsik Sand Dredge parcel, on file as Certificate of Survey No. 4411 and filed on 03 October, 2006 with the Cascade County Clerk and Recorder's.
 - b. Burlington Northern Santa Fe Rail Right-of-Way parcel, on file as Certificate of Survey No. 4409 and filed on 06, October, 2006 with the Cascade County Clerk and Recorder's.
3. A 5.77 acre parcel in Section 23, owned by the State of Montana and described on Certificate of Survey No. 1141, filed with the Office of Clerk & Recorder's, Cascade County.

4. Pleasant View Park, consisting of 2.42 acres within the Pearson Addition, filed on December 30, 1957 with the Office of Clerk & Recorder's, Cascade County, cannot be annexed by petition, but must be annexed by the contiguous government land statutes.

The overall area being annexed by this resolution, excluding the parcels contained in 1 thru 4 above, is 165.0 acres, all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, more than fifty percent (50%) of the resident electors owning real property within the hereinabove described area, have submitted petitions to have their property annexed to the City of Great Falls.

NOW, THEREFORE, the City Commission now finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the law and constitution of the State of Montana, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed;

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "SERVICE DISTRICT NO. 1 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, LOCATED IN SECTIONS 23, 24, 25 & 26, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

The Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said territory; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of March, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9639 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of March, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of March, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

SERVICE DISTRICT NO. 1
 Upper/Lower River Road
 Water & Sewer District



EXHIBIT "A"