

RESOLUTION 9710

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87.

* * * * *

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 of land described as follows:

- ◆ Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 54.86 acres; and
- ◆ A Parcel of land being portions of U.S. Highway 87, Federal Aid Project No. 149-D(3) according to right-of-way plans in the records of the Montana Department of Transportation, said Parcel being situated in the Northwest Quarter (NW 1/4) of Section 30, in Township 21 North, Range

4 East of the Principle Meridian Montana, Cascade County, Montana, described as follows:

COMMENCING at the Southwest Corner of said Section 30;

THENCE S88°55'00"E along the south line of said Section 30, a distance of 407.16 feet (407.50 feet recorded) to the centerline of said U.S. Highway 87, at Station 67+57.29 (67+76.25 recorded);

THENCE N26°36'03"E (N26°35'47"E recorded) along said centerline, a distance of 3194.81 feet to Station 99+52.10 (99+52.99 recorded), which is the intersection of said centerline with a southerly line of said Lot 5, extended westerly and the POINT OF BEGINNING of the Parcel herein described;

THENCE N63°24'13"W along said southerly line extended, a distance of 70.00 feet to the northwesterly right-of-way line of said U.S. Highway 87;

THENCE along said northwesterly right-of-way on the following 3 courses:

THENCE N26°36'03"E (N26°35'47"E recorded) a distance of 113.21 feet (112.31 feet recorded) to the Point of Curvature of a circular curve to the right, with a radius point which bears S63°23'57"W (S63°24'13"E recorded) a distance of 11535.48 feet, said point being at Station 100+65.30, 70.00 feet left of centerline;

THENCE along last said curve, through a central angle of 4°16'48" an arc distance of 861.72 feet to the Point of Tangency of said curve at Station 109+21.79 (109+22.0 recorded). 70.00 feet left of centerline;

THENCE N30°52'51"E a distance of 822.86 feet to the north-south midsection line of said Section 30 at a point 70.00 feet left of centerline, from which point the Quarter Section Corner to said Section 30 and Section 19 bears N00°43'23"E a distance of 808.41 feet;

THENCE leaving said northwesterly right-of-way and along said midsection line, S00°43'23"W a distance of 139.34 feet to the intersection of said midsection line with said highway centerline at Station 116+24.17;

THENCE continuing along said midsection line, S00°43'23"W a distance of 119.43 feet to the southeasterly right-of-way of said U.S. Highway 87 at 60.00 feet right of centerline and the Northwest Corner of said Lot 5, from which point the Center Quarter Section corner of said Section 30 bears S00°43'23"W a distance of 1574.55 feet (1574.42 feet recorded);

THENCE along said southeasterly right-of-way and along the westerly boundary of Lot 5, on the following 3 courses:

THENCE S30°52'51"W (S30°52'46"W recorded) a distance of 599.12 feet (599.71 feet recorded) to the Point of Curvature of a circular curve to the left, with a radius point which bears S59°07'09"E a distance of 11405.48 feet, at Station 109+21.79 (109+22.0 recorded), 60.00 feet right of centerline;

THENCE along said curve, through a central angle of 4°16'48" (4°16'59" recorded) an arc distance of 852.01 feet (852.19 feet recorded) to the Point of Tangency at Station 100+65.30, 60.00 feet right of centerline;

THENCE S26°36'03"W (S26°35'47"W recorded) a distance of 113.20 feet (112.31 feet recorded) to a southwest corner of said Lot 5;

THENCE leaving said southeasterly right-of-way, along a southerly line of said Lot 5 extended westerly, N63°24'13"W a distance of 60.00 feet to the POINT OF BEGINNING of the Parcel herein described;

CONTAINING in all 218,538 square feet or 5.017 acres.

generally as shown on the vicinity map exhibit attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the minor subdivision plat of International Malting Company, LLC Addition; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the state of Montana or a political subdivision of the state, such land may be incorporated and included in the municipality to which it is contiguous; 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.

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution 9696 entitled:

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, TO EXTEND THE BOUNDARIES OF
SAID CITY TO INCLUDE LOT 5, BLOCK 1,
INTERNATIONAL MALTING COMPANY, LLC

ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 2nd day of October, 2007, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: "LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 14th day of October, 2007; and,

WHEREAS, the City Clerk has received no expressions of approval or disapproval of the proposed alterations of the boundaries of the municipality, within the time allowed by said notice; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on November 6, 2007, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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 said 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: "LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87."

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 tract of land; 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 November, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, 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, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9710 was placed on its final passage and approved by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007.

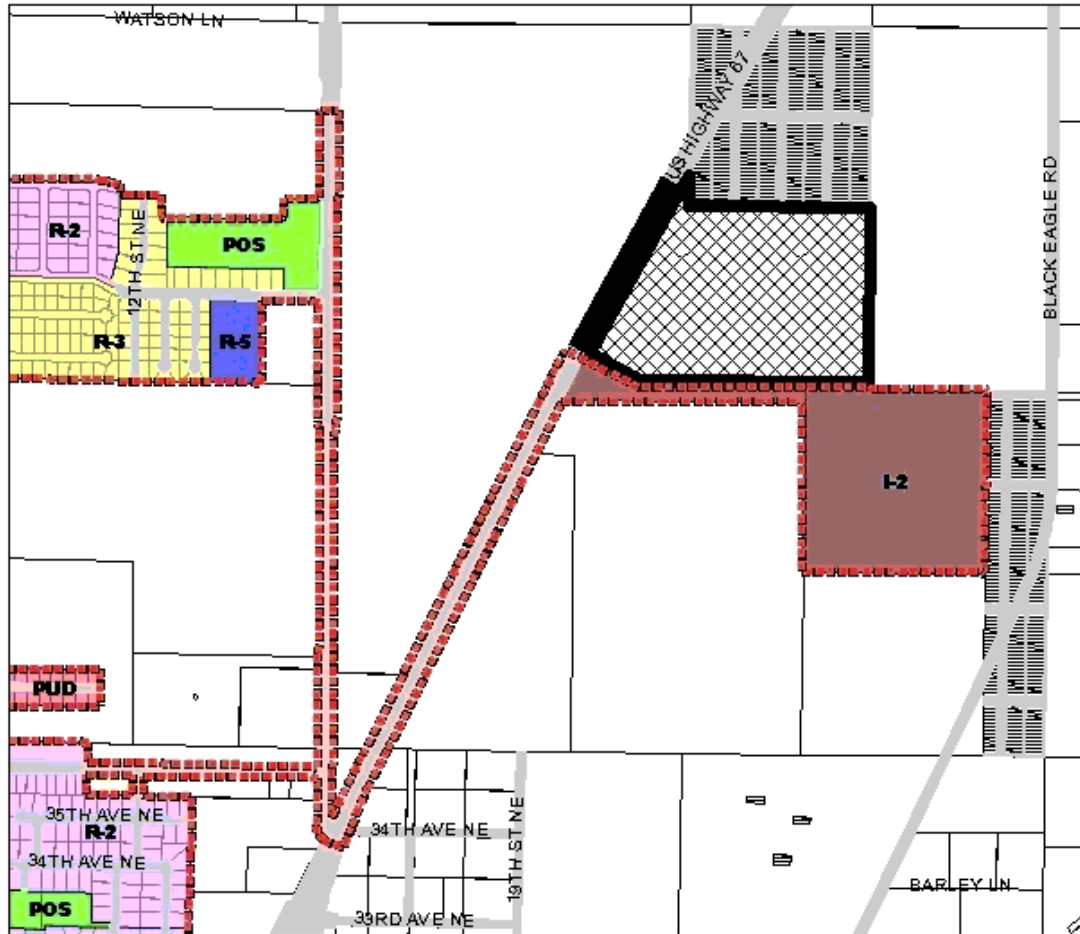
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



- LOT 5, BLOCK 1 INTERNATIONAL MALTING COMPANY, LLC ADDITION REQUESTED TO BE ANNEXED AND ZONED "I-2" HEAVY INDUSTRIAL DISTRICT
 - PORTION OF U.S. HIGHWAY 87 PROPOSED TO BE ANNEXED
 - EXISTING CITY LIMITS
- | | | |
|----------------------------------|------------------------------|-----------------------------|
| R-2 Single-family medium density | POS Parks and Open Space | U Unincorporated enclave |
| R-3 Single-family high density | PUD Planned unit development | Tracts of land outside City |
| R-5 Multi-family medium density | I-2 Heavy industrial | |

