

RESOLUTION 9822

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. 2 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, LOCATED IN SECTIONS 13, 14, 23, & 24, 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.

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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, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Beginning at the intersection of the west right-of-way of Upper River Road and the north right-of-way of 24th Avenue South, being the **Point of Beginning**; thence westerly along the north right-of-way of 24th Avenue South to a point on the northerly projection of the west line of Lots 6 and 7 of Westfall Tracts; thence southerly across 24th Avenue South to the south right-of-way of 24th Avenue South; thence continuing southerly along the west line of said Lots 6 and 7 to the south line of Westfall Tracts; thence westerly along said south line to the northwest corner of Tract # 27A described on Reel 289 Document 705; thence southerly along the west line of said Tract # 27A to the north line of Tract 27B-1 described on Certificate of Survey # 1757; thence easterly along the north line of said Tract 27B-1 to the northeast corner of Tract 27B-1; thence southerly along the east line of Tract 27B-1 to the north line of Lot 27, McLean Garden Tracts; thence westerly along the north line of said Lot 27, McLean Garden Tracts to the east right-of-way of the B.N.S.F. Railway; thence southerly along the east right-of-way of said B.N.S.F. Railway to the northwest corner of Tract # 22 of Certificate of Survey # 2143; thence easterly along the north line of said Tract # 22 to the west right-of-way of Upper River Road; thence easterly across Upper River Road to the east right-of-way of Upper River Road and the north line of Southvale Addition;

thence easterly along the north line of said South Vale Addition to the northeast corner of said Southvale Addition; thence northerly to the southeast corner of Sunny Lane Tracts; thence continuing northerly along the east boundary of said Sunny Lane Tracts and the east boundary of Grandview Tracts to the northeast corner of Lot 27B of Grandview Tracts; thence westerly along the north line of said Lot 27B and the north lines of Lots 27 and 27A to the east right-of-way of 4th Street South; thence continuing westerly across said 4th Street South to the west right-of-way of 4th Street South; thence southerly along said west right-of-way 4th Street South to the northeast corner of Amended Plat 2008-56, (Amended Plat of Lots 26 & 30, Grandview Tracts); thence westerly along the north line of said Amended Plat to the east right-of-way of 3A Street South; thence continuing westerly across said 3A Street South to the west right-of-way of 3A Street South; thence southerly along said west right-of-way to the northeast corner of Lot 29 of Grandview Tracts; thence westerly along said north line of Lot 29 to the southeast corner of Lot 24; thence northerly along the east line of said Lot 24 to the northeast corner of said Lot 24; thence westerly along the north line of said Lot 24 to the east right-of-way of 3rd Street South; thence continuing westerly across 3rd Street South to the west right-of-way of 3rd Street South; thence southerly along said west right-of-way 3rd Street South to the northeast corner of Lot 23B of Grandview Tracts; thence westerly along the north line of Lots 23B, 23C and 23D of Grandview Tracts to the east right-of-way of Upper River Road; thence continuing westerly across Upper River Road to the west right-of-way of Upper River Road; thence southerly along said west right-of-way to the point of beginning containing 98.00 acres more or less;

and,

That portion of Lower River Road further described as follows:

Commencing at the quarter corner common to Section 14 and 15, Township 20 North, Range 3 East, P.M.M., Cascade County Montana, which is a found brass cap in vault in the centerline of Fox Farm Road; thence along the east-west mid-section line of said Section 14 a distance of 3473.98 feet to a point on the west right-of-way of the BNSF Railway described on Certificate of Survey #4580, said point being the **Point of Beginning**; thence southeasterly along the west right-of-way of the BNSF Railway to the northeast corner of Lot 1C of the Amended Plat of a Portion of Lot 1, McLean Garden Tracts, filed in the records of Cascade County, as Plat # 1798; thence westerly along the north line of Lot 1C to the east high water mark of the Missouri River; thence northerly meandering along the east high water mark of the Missouri River to the mid-section line of said Section 14; thence easterly on the mid-section line of said Section 14 to the point of beginning, containing 5.95 acres more or less,

and,

That portion of Upper River Road further described as follows:

Commencing at the quarter corner common to Section 14 and 15, Township 20 North, Range 3 East, P.M.M., Cascade County Montana, which is a found brass cap in vault in the centerline of Fox Farm Road; thence along the east-west mid-section line of said Section 14 a distance of 3473.98 feet to a point on the west right-of-way of the BNSF Railway; thence

continuing easterly along said mid-section line a distance of 122.02 feet to the east right-of-way of the BNSF Railway described on Certificate of Survey # 4580, said point being the **Point of Beginning**; thence southeasterly along a line common to the east right-of-way of BNSF Railway and the west right-of-way of Upper River Road to a point on a line being the southwesterly projection of the south line of the Second Addition to Prospect Heights Addition; thence northeasterly along said line crossing Upper River Road to the southwest corner of Lot 97, Second Addition to Prospect Heights Addition; thence northwesterly along the west line of Second Addition to Prospect Heights Addition to the southwest corner of First Addition to Verde Park; thence northwesterly along the west boundary of First Addition to Verde Park to the southwest corner of Lot 6, Volk Terrace Addition; thence along the northwesterly boundary of Volk Terrace Addition to the intersection point with the mid-section line of said Section 14; thence westerly along the mid-section line of said Section 14 to the point of beginning, containing 1.52 acres more or less,

all 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. 2 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, LOCATED IN SECTIONS 13, 14, 23, & 24, 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 5th day of May, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lucy Hallett, Acting City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

