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Linda Corbett, Clk & Rcdr By Linda Corbett

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MILES CITY MT 59301

RESOLUTION NO. 3862

A RESOLUTION, PURSUANT TO TITLE 7, CHAPTER 2, PART 46 MCA, ANNEXING CERTAIN CONTIGUOUS LANDS TO THE CITY OF MILES CITY, MONTANA, TO-WIT: A TRACT OF LAND SITUATED IN THE S1/2NE1/4 OF SECTION 3, T. 7 N., R. 47 E., P.M.M., CUSTER COUNTY, MONTANA, BEING LOTS 1 AND 2 OF BLOCK 1 OF BABER MEADOWS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, UNDER DOCUMENT NO. 164215, ENVELOPE NO. 546A.

WHEREAS, pursuant to Title 7, Chapter 2, Part 46, Montana Code Annotated, a petition for annexation has been filed with the City Council of the City of Miles City by CHS, Inc., who are the owners of 50% or more of the area of the real property sought to be annexed, to-wit:

Legal Description of property owned by CHS, Inc.:

A tract of land situated in the S1/2NE1/4 of Section 3, T. 7 N., R. 47 E., P.M.M., Custer County, Montana, being Lots 1 and 2 of Block 1 of Baber Meadows Subdivision, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 164215, Envelope No. 546A; said tract being more particularly described as follows, to-wit:

Beginning at a point being the southeast corner of said Lot 2; thence, from said Point of Beginning, S 89°59'14" W along the south line of said Lot 2, a distance of 525.00 feet to the southwest corner of said Lot 1; thence N 00°11'18" E along the west line of said Lot 1, a distance of 556.95 feet to the northwest corner of said Lot 1, said corner also being on the southeasterly line of Tract 3B of

Certificate of Survey No. 103322; thence N 65°55'23" E along said southeasterly line of Tract 3B, a distance of 324.64 feet to the southeasterly corner of said Tract 3B, said corner also being the southwesterly corner of Tract 2 of Certificate of Survey No. 98096; thence N 65°55'23" E along the southeasterly line of said Tract 2, a distance of 273.17 feet to the southeasterly corner of said Tract 2, said corner also being the northeast corner of said Lot 1; thence along the easterly line of said Lot 1, the following courses and distances:

S 00°11'18" W a distance of 142.29 feet;

S 14°13'25" W a distance of 41.23 feet;

S 00°11'18" W a distance of 300.00 feet

S 14°13'29" W a distance of 41.23 feet to the southeasterly corner of said Lot 1, said corner also being the northeast corner of said Lot 2; thence S 00°11'18" W along the east line of said Lot 2, a distance of 278.51 feet to said Point of Beginning; said described tract having an area of 8.278 acres.

AND WHEREAS, the area petitioned to be annexed hereunder is not a part of any incorporated city or town, and no portion of the area petitioned to be annexed hereunder, at the time the petition was presented to the City Council, was used in whole or part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose or any purpose incident thereto;

AND WHEREAS, pursuant to §7-2-4601(3)(b) the City Council of the City of Miles City approves the petition upon its merits;

AND WHEREAS, pursuant to §7-2-4610, the City of Miles City has provided the plan for provision of services to such petitioned area of annexation as provided in Exhibit "A", attached hereto and made a part hereof;

AND WHEREAS, an election on the petition is not required under §7-2-4601(3)(a) in that the petition is signed by more than 50% of the resident electors owning real property in the area sought to be annexed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

1. The boundaries of the City of Miles City, Montana are extended to include the following described real property, to-wit:

A tract of land situated in the S1/2NE1/4 of Section 3, T. 7 N., R. 47 E.,

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P.M.M., Custer County, Montana, being Lots 1 and 2 of Block 1 of Baber Meadows Subdivision, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 164215, Envelope No. 546A; said tract being more particularly described as follows, to-wit:

Beginning at a point being the southeast corner of said Lot 2; thence, from said Point of Beginning, S 89°59'14" W along the south line of said Lot 2, a distance of 525.00 feet to the southwest corner of said Lot 1; thence N 00°11'18" E along the west line of said Lot 1, a distance of 556.95 feet to the northwest corner of said Lot 1, said corner also being on the southeasterly line of Tract 3B of Certificate of Survey No. 103322; thence N 65°55'23" E along said southeasterly line of Tract 3B, a distance of 324.64 feet to the southeasterly corner of said Tract 3B, said corner also being the southwesterly corner of Tract 2 of Certificate of Survey No. 98096; thence N 65°55'23" E along the southeasterly line of said Tract 2, a distance of 273.17 feet to the southeasterly corner of said Tract 2, said corner also being the northeast corner of said Lot 1; thence along the easterly line of said Lot 1, the following courses and distances:

S 00°11'18" W a distance of 142.29 feet;

S 14°13'25" W a distance of 41.23 feet;

S 00°11'18" W a distance of 300.00 feet

S 14°13'29" W a distance of 41.23 feet to the southeasterly corner of said Lot 1, said corner also being the northeast corner of said Lot 2; thence S 00°11'18" W along the east line of said Lot 2, a distance of 278.51 feet to said Point of Beginning; said described tract having an area of 8.278 acres.

2. An election on the petition is not required under §7-2-4601(3) in that the petition is signed by the owners of 50% or more of the real property in the area sought to be annexed.

3. The plan for the provision of services to the area annexed hereunder, attached hereto as Exhibit "A" and made a part hereof, is approved.

4. The area annexed hereunder is not a part of any incorporated city or town, and no portion of the area annexed hereunder, at the time the petition was presented to the City Council, was used in whole or part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose or any purpose incident thereto.

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5. Upon passage of this Resolution, the Clerk shall promptly make and certify under the seal of the City of Miles City a copy of the record of this Resolution as entered upon the minutes and file such certified record with the Clerk and Recorder of Custer County, Montana. Upon the filing of such record the annexation of the real property described herein shall be complete and the real property annexed hereunder shall thereafter be a part of the City of Miles City.

SAID RESOLUTION PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 24TH DAY OF NOVEMBER, 2015.



C.A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk