

RESOLUTION NO. 3515

A RESOLUTION, PURSUANT TO TITLE 7, CHAPTER 2, PART 46 MCA, ANNEXING CERTAIN LANDS TO THE CITY OF MILES CITY, MONTANA, BY PETITION OF THE LANDOWNER, TO-WIT: TRACT 1 OF CERTIFICATE OF SURVEY NO. 49207 IN SECTION 2, TOWNSHIP 7 NORTH, RANGE 47 EAST, CUSTER COUNTY, MONTANA (COMMONLY KNOWN AS THE SUPER 8 MOTEL PROPERTY)

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 the owners of 50% or more of the area of the real property sought to be annexed, to-wit

Tract 1 of Certificate of Survey No. 49207 in Section 2, Township 7 North, Range 47 East, Custer County, Montana.

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) in that the petition is signed by the owners of 50% of the 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:

Tract 1 of Certificate of Survey No. 49207 in Section 2, Township 7 North, Range 47 East, Custer County, Montana.

2. A description of the boundaries of the area annexed hereby is set forth in Exhibit "B" attached hereto and made a part hereof.

3. 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

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

5. 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.

6. 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 14TH DAY OF AUGUST, 2012.**



C.A. Grenz, Mayor

ATTEST:



Rebecca Stanton, City Clerk

CAPITAL FACILITIES PLAN FOR SUPER 8 ANNEXATION

Pursuant to MCA 7-2-4732, a long-range plan for extension of services must show anticipated development a minimum of 5 years into the future and showing how the municipality plans to extend services for territory to be annexed. The following is a 5 year plan for the annexation area known as the Super 8 motel.

The following services will be provided at substantially the same level of service as the rest of the City.

Police

The area is currently served by the County sheriff or Montana Highway Patrol. The Miles City police department would assume jurisdiction. This would have some negative impact to the police with added service calls and an additional stretch of Highway 59 which would be added to their jurisdiction. However, this is not likely to have a significant impact on level of service and there is a capability to serve this area.

Fire

Currently fire service is provided by Custer County Fire Department which would no longer service the area. Miles City currently has a contract for service outside City limits on either side of the proposed annexation and the Fire Chief has stated that there will be no problem serving this area since the City is already providing services nearby.

The annexation area is not included within the boundaries of any fire district organized under the authority of MCA 7-33-2101.

Garbage

Miles City Sanitation is a private company that provides solid waste services in Miles City and the extended area. Service is currently provided to the territory and it is anticipated that this service will continue for a period of 5 years or more in accordance with MCA 7-2-4736.

Streets & street maintenance

The Super 8 motel property is accessed by an entrance directly off State Highway 59. There are no private roads or county roads serving the site. No additional development is anticipated in the next 5 years that would necessitate development of a road network. Therefore the demand for streets and street maintenance would remain the same.

The following is a description of the remaining services shall be provided including any future extensions and method of financing such extensions.

Water

Water service is currently provided by the Custer County Water and Sewer District. The City of Miles City provides water and water treatment to this district. No additional demand is

anticipated in the next 5 years although there is sufficient capacity should motel expansion occur within this time frame.

Sewer

Although the site currently lies within the boundary of the Custer County Water and Sewer District service is provided by a direct tie into the City sewer line. No additional demand is anticipated in the next 5 years although there is sufficient capacity should motel expansion occur within this time frame.

At the present time there is no plan for the transfer of territory from the Custer County Water and Sewer District to the City and service would continue to be provided as per agreement between the two entities.

Extension of Streets

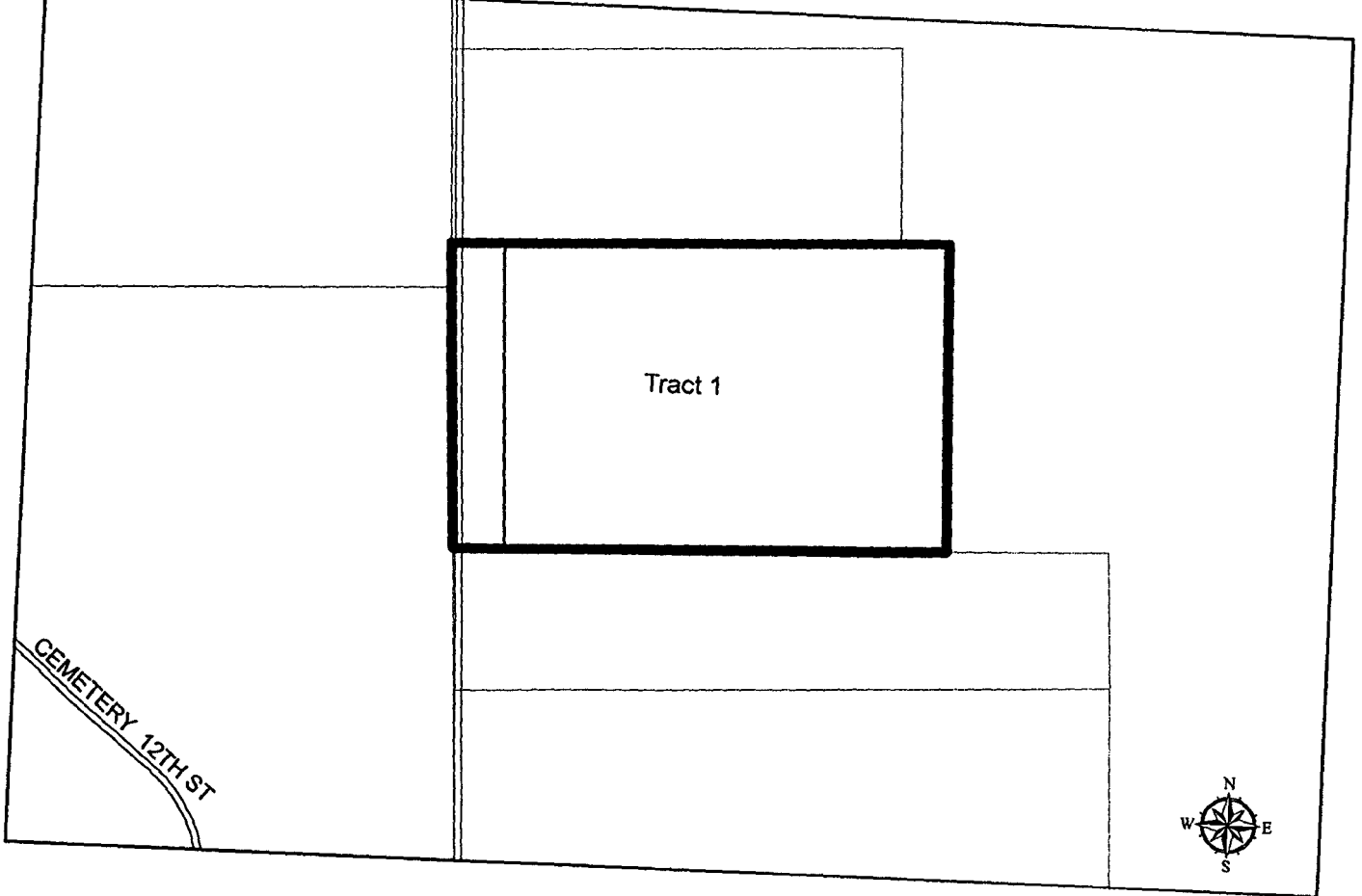
This 2.027 acre site is already developed with a motel. There is some capacity for expansion of the hotel on site but this would not necessitate the provision of roads. In the unlikely event of subdivision, any new roads that would be required would be financed and constructed by the developer at the time of subdivision.

Storm Water

Storm water for the site is currently handled by an MDOT storm pipe facility. It is anticipated that storm water conveyance would continue to be provided by MDOT in the next 5 years. Should the site redevelop in that period it would require MDOT approval for additional use.

Financing Plan for providing City services to the area of annexation

There would be a capture of additional revenues based on City taxes, however these would be some offset for the cost for the provision of police and fire service to the annexation area. There should be no change in demand for other City services so this tax base should cover any anticipated service delivery. Due to the existing agreement with Custer County Water and Sewer District there would be no difference in revenue based on utility service.



Tract 1 of COS 49207

A tract of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 7 North, Range 47 East, being more particularly described as follows: Commencing at the W $\frac{1}{4}$ corner of said Section 2, the true point of beginning; thence North 0 degree 11 minutes 35 second East a distance of 22.30 feet to a point; thence south 89 degrees 26 minutes 26 second East a distance of 441.37 feet to a point; thence south 0 degrees 02 minutes 00 seconds West a distance of 278.25 feet to a point; thence North 89 degrees 58 minutes 00 seconds West a distance of 441.42 feet to a point; thence North 0 degrees 02 minutes 00 seconds East a distance of 260.00 feet to the true point of beginning, according to the plat and survey thereof filed for record as Document No. 49207 in Envelope No. 134 of the plat cabinet in the office of the county clerk and Recorder in and for Custer County, Montana. LESS that portion thereof deeded to the State of Montana, for the benefit and use of its Department of
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EXHIBIT B to Resolution 3515