

RESOLUTION NO. 3516

A RESOLUTION OF INTENT TO ANNEX CERTAIN CONTIGUOUS GOVERNMENT LANDS TO THE CITY OF MILES CITY, MONTANA, TO-WIT: THAT PORTION OF THE RIGHT OF WAY OF MONTANA STATE HIGHWAY 59 SOUTH COMMENCING AT THE INTERSECTION OF SUCH HIGHWAY WITH THE SOUTHERLY CITY LIMIT LINE OF THE CITY OF MILES CITY ON HIGHWAY 59 SOUTH, THENCE SOUTHERLY, THE FULL WIDTH OF SUCH RIGHT OF WAY, TO THAT POINT AT WHICH THE SOUTHERLY BOUNDARY LINE OF TRACT 1 OF CERTIFICATE OF SURVEY 49207 IN SECTION 2, TOWNSHIP 7 NORTH, RANGE 47 EAST, CUSTER COUNTY, MONTANA (COMMONLY KNOWN AS THE SUPER 8 MOTEL PROPERTY) INTERSECTS THE EASTERLY BOUNDARY OF SUCH RIGHT OF WAY, PROVIDING FOR NOTICE THEREOF, AND PROVIDING FOR A PUBLIC HEARING THEREON

WHEREAS, pursuant to Title 7, Chapter 2, Part 44, Montana Code Annotated, the State of Montana, Department of Transportation, Highways & Engineering Division, through its administrative head, has filed with the City Clerk of the City of Miles City, its request, by written certification, that the City of Miles City annex into its city limits the below described parcels of land owned by the State of Montana, Department of Transportation, and contiguous to the City of Miles City, and that the boundaries of the City of Miles City be extended to include the below described platted tracts and parcels within the corporate limits of the City of Miles City:

That portion of the right of way of Montana State Highway 59 South situated in Sections 2 and 3, Township 7 North, Range 47 East, Custer County, Montana, commencing at the intersection of such Montana State Highway 59 South with the present southerly city limit line of the City of Miles City on Highway 59 South, thence Southerly, the full width of such right of way, to that point at which the southerly boundary line of Tract 1 of Certificate of Survey 49207 in Section 2, Township 7 North, Range 47 East, Custer County, Montana (commonly known as the Super 8 Motel property) intersects the easterly boundary of such Highway 59 South right of way, and including therein such portions of the right of way of Montana State Highway 59 South as are granted in those certain bargain and sale deeds recorded at Books M25 at page 11, M25 at page 1036, M26 at page 246, M24 at page 718, M25 at page 783, M24 at page 892, M25 at page 787, M25 at page 17, and M25 at page 20, microfilm records of Custer County, Montana.

AND WHEREAS, pursuant to §7-2-4409, the City of Miles City has provided the plan for provision of services to such proposed area of annexation as provided in Exhibit "A", attached hereto and made a part hereof;

AND WHEREAS upon the passage of this Resolution of Intent the City Clerk is required to publish in the newspaper nearest such land, at least once a week for 2 successive weeks, a

notice that such resolution has been duly and regularly passed and that for a period of 20 days after the first publication of such notice, the Clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of the municipality. The notice shall also state the time and place set for the public hearing on the proposed annexation;

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

1. That it intends to extend the boundaries of the City of Miles City to include the following described contiguous government owned land, to-wit:

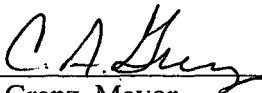
That portion of the right of way of Montana State Highway 59 South situated in Sections 2 and 3, Township 7 North, Range 47 East, Custer County, Montana, commencing at the intersection of such Montana State Highway 59 South with the present southerly city limit line of the City of Miles City on Highway 59 South, thence Southerly, the full width of such right of way, to that point at which the southerly boundary line of Tract 1 of Certificate of Survey 49207 in Section 2, Township 7 North, Range 47 East, Custer County, Montana (commonly known as the Super 8 Motel property) intersects the easterly boundary of such Highway 59 South right of way, and including therein such portions of the right of way of Montana State Highway 59 South as are granted in those certain bargain and sale deeds recorded at Books M25 at page 11, M25 at page 1036, M26 at page 246, M24 at page 718, M25 at page 783, M24 at page 892, M25 at page 787, M25 at page 17, and M25 at page 20, microfilm records of Custer County, Montana.

3. That the City Clerk shall publish notice in the Miles City Star that this resolution of intent has been passed and that for a period of twenty (20) days after the first publication of the notice, the City Clerk shall accept written comments approving or disapproving the proposed extensions of the boundaries of the City of Miles City, and that such comments will be heard at the regularly scheduled meeting of the City Council in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana on 25th day of September, 2012 at 7:00 p.m.; and

4. Such notice shall be published once a week for 2 successive weeks and shall comply with all applicable requirements of 7-1-4127 MCA.

BE IT FURTHER RESOLVED that all comments approving or disapproving such proposed annexation shall be considered by the City Council at the regularly scheduled meeting of the City Council in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana on 25th day of September, 2012 at 7:00 p.m..

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 ANNEXATION OF A PORTION OF HIGHWAY 59

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 a portion of Highway 59 between the southern City limits and the southern border of Tract 1 of COS 49207.

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 Montana Highway Patrol. The Miles City police department would assume jurisdiction. This would have some negative impact to the police with added service calls as 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 near 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. Because this area is functioning solely as right-of-way will continue to do so for the next 5 years and beyond, no need for garbage service is expected.

Streets & street maintenance

This will continue as a portion of State Highway 59. Maintenance will continue to be provided by the State Department of Highways.

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

Water

This will continue to function as a portion of State Highway 59. No need for water service is expected.

Sewer

This will continue to function as a portion of State Highway 59. No need for sewer service is expected.

Extension of Streets

This will continue to function as a portion of State Highway 59. Therefore no extension of streets is expected.

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.

Financing Plan for providing City services to the area of annexation

Because this is State right-of-way, there will be no revenue derived from this annexation. However, annexation of this right-of-way will make the annexation of the Super 8 motel property possible which in turn will provide additional tax base for required services.