

RESOLUTION NO. 3584

A RESOLUTION OF INTENT TO ANNEX PURSUANT TO TITLE 7, CHAPTER 2, PART 45 MCA, CERTAIN LANDS WHOLLY SURROUNDED BY THE CITY OF MILES CITY, MONTANA, TO-WIT: LOTH SPEICH MINOR SUBDIVISION TOGETHER WITH TRACT 1 OF STOLZ TRACTS IN SECTION 34, TOWNSHIP 8N, RANGE 47E, CUSTER COUNTY, MONTANA.

WHEREAS, pursuant to Title 7, Chapter 2, Part 45, Montana Code Annotated, the City of Miles City may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city upon passing a resolution of intent, giving notice, and passing a resolution of annexation.

AND WHEREAS, such an area as described below is wholly surrounded by the City.

AND WHEREAS, in the judgment of the City Council of the City of Miles City, Montana, it is in the best interests of the City that the boundaries of the City be extended to include the following described platted tracts and parcels within the corporate limits of the City of Miles City:

Lothspeich Minor Subdivision together with Tract 1 of Stolz Tracts in Section 34, Township 8 N, Range 47E, Custer County, Montana.

AND WHEREAS, the area to be considered for annexation hereunder is not a part of any incorporated city or town, and no portion of the area is used for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose; or for the purpose of maintaining or operating a golf or country club, an athletic field or aircraft landing field, a cemetery, or a place for public or private outdoor entertainment or any purpose incident thereto;

AND WHEREAS, pursuant to §7-2-4506, the City of Miles City has provided the plan for provision of services to such petitioned area of annexation as provided in Exhibit "B", attached hereto and made a part hereof;

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, Montana to include the following described real property, to-wit:

Lothspeich Minor Subdivision together with Tract 1 of Stolz Tracts in Section 34, Township 8 N, Range 47E, Custer County, Montana.

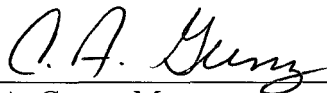
2. A description of the boundaries of the area annexed hereby is set forth in Exhibit "A" attached hereto and made a part hereof.

3. The plan has been made for the provision of services to the area annexed hereunder, attached hereto as Exhibit "B".

4. That the City Clerk whose address and phone are P.O. Box 910, Miles City, Montana 59301 and 406-874-8602, shall give written notice of the passage of this resolution to each registered voter within the above described territory, and shall publish notice in the Miles City Star that this resolution 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 from registered voters and landowners in the area proposed to be annexed, 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 23rd day of April, 2013 at 7:00 p.m.; and

5. Such notice shall be published twice with at least 6 days separating each publication and shall comply with all applicable requirements of 7-1-4127 MCA.

**SAID RESOLUTION PASSED AND ADOPTED BY A DULY CONSTITUTED
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA,
THIS 26th DAY OF MARCH, 2013.**

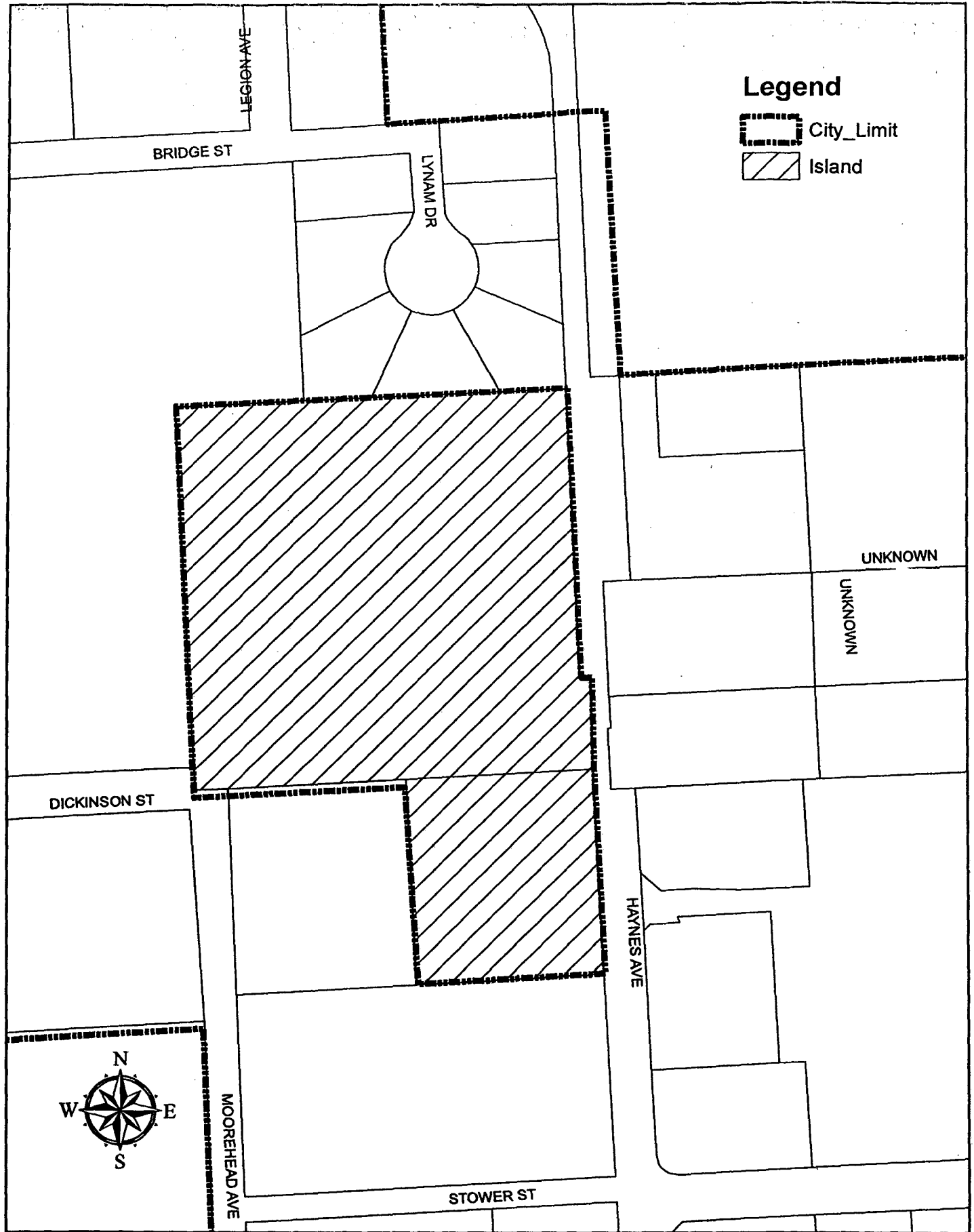


C. A. Grenz, Mayor

ATTEST:



Rebecca Stanton, City Clerk



Island Annexation Site

Exhibit A to
Resolution No. 3584

CAPITAL FACILITIES PLAN FOR
LOTSPIECH MINOR AND LOT 1 OF STOLZ TRACTS
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 Lotspiech Minor Subdivision and Lot 1 of Stolz Tracts.

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. The Miles City police department would assume jurisdiction. There would unlikely to be a significant change in immediate workload as there are no streets associated with the area and only one existing business. Within 5 years, new businesses could be constructed on 3 lots of the subdivision. In order to fully use all three lots in commercial use, the zone line must be moved. An application for that has been submitted. The back portion of the subdivision is zoned for multifamily. The County subdivision application stated that this lot was to be granted to MCC for parking but to date this has not occurred and it would have to be assumed that multifamily could be constructed under the Residential C zoning.

Fire

The lot is currently vacant and would come under the Custer County Fire Department. The fact that it is wholly surrounded by the City has the potential to create confusing response areas. The cost of service would be low because of the vacant status and any new development would have to meet current fire and building codes. If development occurred in the next five years there eventually would be additional tax revenue to fund fire services as that development came on the tax roll.

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

Solid Waste

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. The Custer County landfill serves the needs of both Miles City and the greater unincorporated area. At the current time it is estimated that there is capacity for the next 5 years.

Streets & street maintenance

The Stolz tract is accessed directly via two entrances to the parking lot of Frank's Body Shop that is located on the property. There are no public streets. The subdivision recorded 60 foot easements, on the southmost section of the property labeled as private streets but has not created any improvements to create such streets. Likewise a 60 foot easement has been recorded on Lot

D on the east edge. Because there are no streets on the Stolz parcel and because the subdivision easements are recorded as private streets, there will be no city maintenance.

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

Water

It is expected that water service would be provided by a connection on the southwest corner of the subdivision. Should development occur within the next five years it is anticipated that there is sufficient capacity for such development, however no provision for utility easements where required at the time of platting. The City would require such easements prior to providing service. Currently the portion of the site known as Stolz tracts is served by a private well.

Sewer

The site currently lies within the boundary of the Custer County Water and Sewer District. The Stolz tract is currently being served by City sewer. Connection is likely to occur directly to the City system and sufficient capacity within the next five years.

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

The extension of Dickinson would have provided for a more gridded street system. However, there are no records to show that a portion of Dickinson south of the college was ever dedicated as City ROW. Additionally, the fact that the County recently allowed the easements to be recorded as private streets further erodes the City's ability to provide for this street connection.

Therefore, it is unlikely that the City would have to provide for any street extension.

Storm Water

Storm water for the site is either is currently handled by an MDOT storm pipe facility or would be if future development takes place on the subdivision. It is anticipated that storm water conveyance would continue to be provided by MDOT in the next 5 years. Should the site develop 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.

Exhibit B of Resolution 3584