**RESOLUTION NO. 3655**

***NOT PASSED***

**A RESOLUTION OF INTENT TO EXCLUDE CERTAIN LANDS FROM THE INCORPORATED CITY LIMITS OF THE CITY OF MILES CITY, MONTANA, SAID PROPERTY COMMONLY KNOWN AS SUPER 8 MOTEL.**

**RECITALS**

***WHEREAS*,** The City of Miles City has received a PETITION TO BE EXCLUDED FROM THE BOUNDARIES OF THE CITY OF MILES CITY from Lakshmi, Inc., owner of certain land located in Custer County, Montana, which has been incorporated into the corporate city limits of the City of Miles City, Montana, to wit:

A tract of land located in the SW1/4NW1/4, NW1/4SW1/4 of Section 2, Township 7 North, Range 47 East, being more particularly described as follows: Commencing at the W1/4 of said Section 2, the true point of beginning; thence North 0 degrees 11 minutes 35 seconds East a distance of 22.30 feet to a point; thence South 89 degrees 26 minutes 26 seconds 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 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 Transportation

Commonly known as the Super 8 Motel;

***AND WHEREAS*,** the City Council of the City of Miles City finds that the petition is signed by the owners of not less than three-fourths in value of the territory to be excluded, that the territory petitioned to be excluded is within the corporate limits and on the border of the corporate limits, and that the granting of the petition is in the best interest of the city or town and the inhabitants and will not materially mar the symmetry of the city;

***AND WHEREAS,*** Section 7-2-4805 through 7-2-4807, MCA, requires that notice of the passage of this Resolution of Intent be published, that a 20 day protest period be given to the owners of the territory proposed to be excluded to object to the exclusion of the property hereinbefore described, and that a hearing be held by the City Council and all protests received

be considered prior to the passage of a resolution excluding said land from the corporate limits of the City of Miles City, Montana;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE**

**CITY OF MILES CITY, MONTANA AS FOLLOWS:**

herein.

1. The foregoing Recitals are incorporated by this reference as if fully set forth

2. The City Council of the City of Miles City hereby passes its Resolution of Intent to exclude the real property described herein from the corporate city limits of the City of Miles City, Montana, having found that the petition to exclude was properly filed, and that the exclusion of such land is in the best interests of the city.

3. The City Clerk shall publish notice as provided in 7-1-4127 MCA indicating that a resolution has been duly and regularly passed to exclude the real property hereinbefore described, and that for a period of 20 days after the first publication of such notice, that the City Clerk will receive from the owners of the territory proposed to be excluded expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of the city by the exclusion of the territory petitioned to be excluded.

4. At the next regularly scheduled meeting following the expiration of the 20 days for protest, presently scheduled for February 11, 2014, or as soon thereafter as can be heard, the City Clerk shall provide all written communications received to the City Council for consideration. Upon consideration of such protests, the City Council may pass a resolution of exclusion pursuant to 7-2-4807, which becomes effective 30 days after its passage and approval.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 14th**

**TH DAY OF JANUARY, 2014.**

ATTEST:

C.A. Grenz, Mayor

Lorrie Pearce, City Clerk