

RESOLUTION # 238

FINAL RESOLUTION OF ANNEXATION OF LANDS

The Stevensville Town Council of Stevensville, Montana enters into this Final Resolution of Annexation of Lands.

Whereas the Town Council has found that it is in the best interest of the town and its inhabitants to annex certain lands legally described as: the NW1/4NE1/4 of Section 35, Township 9 North, Range 20 West, PMM, Ravalli County, Montana as found in Certificate of Survey No. 560214-TR and a portion of SW1/4 NE1/4 of Section 35, Township 9 North, Range 20 West, PMM, Ravalli County, Montana as described in a Deed located at Book 130, Page 38.

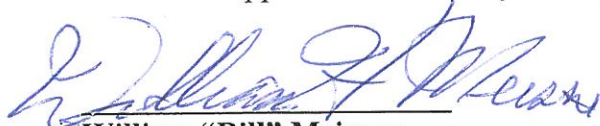
Whereas notice has been given as required by statutes of the State of Montana and public hearing was held on Monday, October 30, 2007, and continued for the following dates: Tuesday, November 13, 2007, continued until Monday, November 19, 2007, and continued until Monday, November 26, 2007, to consider written comment, objections at hearing and to consider the plan for services as required by statute and town ordinance.

Whereas the Town Council has found it is in the best interest of the town and its inhabitants to zone the property Residential – Low Density (R-1), which allows for 4 units per acre.

Whereas the Stevensville Town Council finds the property to be annexed contains fewer than 300 recorded parcels and all written comment has been considered.

THEREFORE, IT IS HEREBY RESOLVED that all the lands described as the NW1/4NE1/4 of Section 35, Township 9 North, Range 20 West, PMM, Ravalli County, Montana as found in Certificate of Survey No. 560214-TR and a portion of SW1/4 NE1/4 of Section 35, Township 9 North, Range 20 West, PMM, Ravalli County, Montana as described in a Deed located at Book 130. Page 38 are hereby declared annexed and part of the Town of Stevensville and shall be zoned Residential – Low Density (R-1). A map of the boundaries of the lands annexed is attached.

Passed and approved this 12th day of May, 2008.

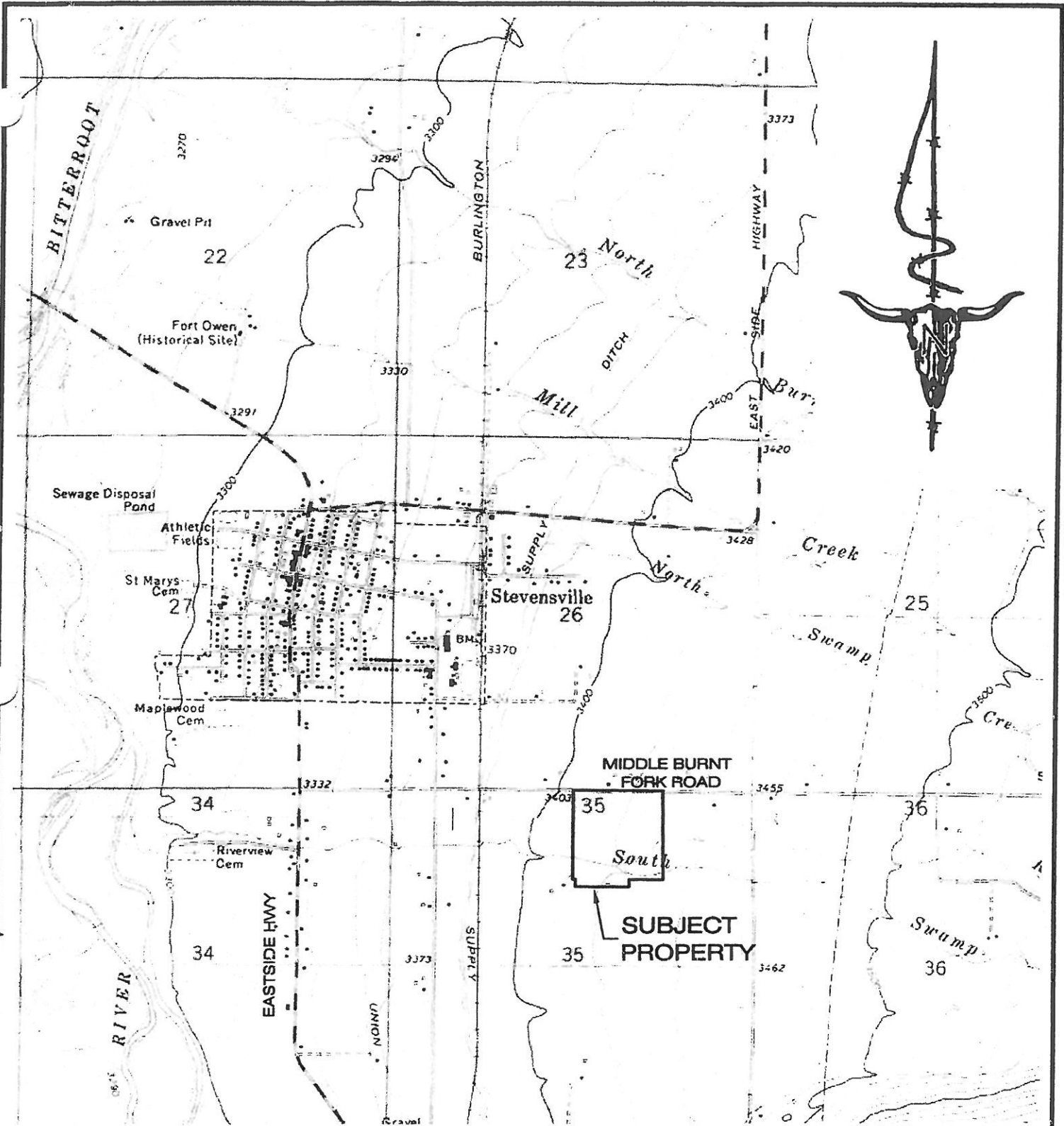


William "Bill" Meisner
Mayor, Town of Stevensville



Attest, Tom Brown
Council President

Town of Stevensville, MT 59870



Ph: (406) 721-0142
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PO Box 3851
Missoula, MT 59806

USGS VICINITY MAP
TWIN CREEKS SUBDIVISION
SEC. 35, T9N, R20W, PMM
RAVALLI COUNTY

PROJECT NO. 06-1223

Kelly Klein

ANNEXATION AGREEMENT

For the extension of services to the Twin Creeks Subdivision to the town of Stevensville, Montana.

INTRODUCTION

Pursuant to Section 7-2-4601, MCA, the Town of Stevensville received a Petition for Annexation dated October 8, 2005 from John L Anderson, Kristie Anderson and Rebecca S. Thoft, hereinafter referred to as "owners/developers" pertaining to the real property described herein.

Following the adoption and filing of a resolution of annexation in accordance with Section 7-2-4607, MCA, the property described herein will be annexed, subject to the terms of this Annexation Plan.

DESCRIPTION OF AREA TO BE ANNEXED.

The property to be annexed is described as follows:

All property with the boundaries of Twin Creeks Subdivision, as shown on Survey No. 560214-TR, and Plat No. _____; legally described as:

1. NW1/4NE1/4 of Section 35, Township 9 North, Range 20 West, PMM, Ravalli County, Montana; and
2. A portion of SW1/4 NE1/4 of Section 35, Township 9 North, Range 20 West, , Ravalli County, Montana,

PLAT WITH DEDICATED STREETS

The property to be annexed will be platted with 60 foot wide street rights-of-way dedicated to the Town of Stevensville for all interior streets, Cimarron Lane, and Alex Lane.

Utility easements, 10 foot wide, will be provided as shown on the Preliminary Plat attached as Exhibit "A", and the final plat will contain the required easement language.

The Town of Stevensville will receive a cash donation in an amount equivalent to 5% of the required park land dedication for said Twin Creeks Subdivision, as set forth in the Conditions of Subdivision Approval, pursuant to §76-3-621, MCA.

The final plat of the development will be in compliance with the Uniform Standards for Monumentation ARM 8.94.3001 and the Uniform Standards for Final Subdivision Plats, ARM 8.94.3003, the Town of Stevensville Development Code and the Conditions of Approval. Final plats will be filed in the Ravalli County Clerk and Recorder's office, with two copies being provided to the Town of Stevensville.

CLERK NOTE: NO EXHIBIT "A" provided at time of recording

Town of Stevensville, PO Box Stevensville MT 59870

ENGINEERING

All required improvements will be designed by Territorial Landworks, Inc. The designs will be submitted to the Engineer for the Town of Stevensville, the Town of Stevensville, and all relevant staff members of the Town of Stevensville.

STREET IMPROVEMENTS

A Traffic Impact Study (TIS) will be conducted for any roads, streets and highways that will be impacted by the development of the Twin Creeks Subdivision. This includes, but may not be limited to, Middle Burnt Fork Road, the Eastside Highway, Park Street, Cimarron Lane, Alex Lane and Logan Lane. The conclusions and recommendations of the TIS shall be used, along with the Town Road Master Plan, to develop a plan for the installation of streets, roads, curb, gutter, sidewalks, and any signage. The Street Plan shall be reviewed and approved by the Town Engineer and the Town Council, including any proposed use of geotextile, prior to installation of any streets, roads, gutters, curbs, sidewalks and/or signage.

GRADING AND DRAINAGE

A grading and drainage plan will be prepared by a professional engineer. All proposed drainage plans, including mitigation plans to filter oil and antifreeze run off, must be reviewed and approved by the Town Engineer, and the State of Montana Department of Environmental Quality (DEQ) prior to installation. The developer shall indemnify and hold the governing bodies harmless from all claims, suits, cause of action, damages, expenses, and costs, including reasonable attorney's fees arising out of or in any way connected with the drainage from the Twin Creeks Subdivision.

WATER AND WATER LINES

Developer shall follow the proposed new water source proposal found on page 3 of Developer's Water Service Summary of Developer's subdivision application. The proposed new water proposal which Developer shall include, but is not limited to, securing title to a well field site and installing a minimum of one well. Prior to the filing of the final plat, Developer shall transfer title to the well field property where the well(s) are located into the Town of Stevensville. Included with the transfer should be a Deed as well as a Certificate of Survey identifying the exact area of well field land to be given to the Town of Stevensville

SEWER LINES

All plans for installation of the sewer system must be reviewed and approved by DEQ and Town Engineer, and Army Corps of Engineer where applicable prior to installation. Final plans must be approved by DEQ and the Town Engineer prior to the filing of the final plat. All necessary easements must be secured and recorded prior to final plat approval.

ZONING AND SUBDIVISION REQUIREMENTS

The property to be annexed will be zoned Residential – Low Density (R-1). Future development of the property will be subject to the Town of Stevensville Development Code after it is annexed.

The petition for annexation and this annexation plan have been coordinated with the Town of Stevensville's subdivision review process for Twin Creeks Subdivision. Subdivision plats, plat supplements and the Conditions of Approval are hereby made a part of this Annexation Plan by this reference.

TIMETABLE FOR CONSTRUCTION AND FILING OF FINAL PLAT.

The Twin Creeks Subdivision is proposed to be constructed, and the final plats filed, in three phases. Owners/Developers hereby acknowledge the Conditions of Subdivision Approval adopted by the Town of Stevensville and acknowledges and agrees that he is bound by the Conditions of Approval and shall abide by them.

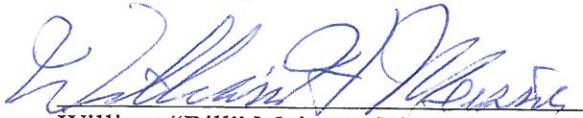
All rights-of-ways proposed for each phase shall be dedicated and the necessary easements provided prior to or upon final plat for each separate phase. All engineering studies, plans, and specifications will be completed for the proposed development, submitted for review and all necessary approvals obtained prior to or upon the filing of the final plat for each phase. Water, sewer, street and alley, grading and drainage, and other required improvements will be constructed for each phase of the proposed subdivision development prior to or upon the filing of the final plat of each phase.

If owners/developers cannot perform as required, or the Town of Stevensville has good cause to believe owners/developers are unable to perform its duties as set forth in the Conditions of Subdivision Approval and this Annexation Agreement, owners/developers shall provide the Town of Stevensville an improvement agreement with financial guarantees.

METHOD OF FINANCING IMPROVEMENTS

The owners/developers are required to install and finance all improvements as a condition of subdivision approval and annexation. The owners/developers of the property petitioning for annexation acknowledge and agree they will be responsible for the cost of all permits, surveying, engineering, financial, administrative, construction work and any other costs associated with the improvements identified in this plan. All improvements not completed pursuant to the time-frame established herein, or upon a request of the Town of Stevensville based upon good cause, owners/developers will be guarantee the improvements through an irrevocable letter of credit, assignment of funds, performance bonds, payment bonds, cash bonds or other financial guarantees acceptable to the Town of Stevensville. Cost estimates must be certified by a registered professional engineer. One hundred percent of the estimated costs, plus 5% inflation per year and 5% administrative costs must be included in the financial guarantees.

Motion made to adopt this Annexation Agreement was made at the April 28th, 2008 Stevensville Town Council Meeting. The Town Council voted to approve the Annexation Agreement.

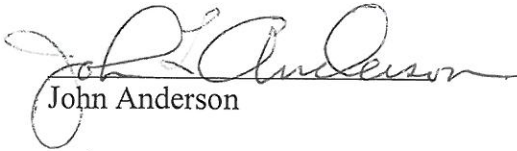


William "Bill" Meisner, Mayor
Town of Stevensville

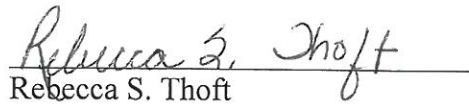
CONSENT AND ACCEPTANCE OF ANNEXATION AGREEMENT

John and Kristie Anderson and Rebecca S. Thoft, being the owners of 100% of the area described in the foregoing Annexation Agreement hereby consent to the foregoing Annexation Agreement and agree to be bound by its terms and conditions.

Date this 12 day of May, 2008.



John Anderson



Rebecca S. Thoft



Kristie Anderson

