

113749 Fee:\$ 0.00 File: RESOLUTION NO. 1464 BEAVERHEAD COUNTY Filed 6/20/2024 At 10:26 AM Stacey Reynolds, Clerk, and Recorder By:

RESOLUTION NO. 1464

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DILLON APPROVING RETAINON FOR ANNEXATION AND ZONING OF LOTS 1 AND 2 OF THE CLOVER VIEW MINOR SUBDIVISION, PROVIDING FOR ANNEXATION OF PROPERTY, ZONING THE PROPERTY, EXTENDING THE BOUNDARIES OF THE LIGHTING AND STREET MAINTENANCE DISTRICTS, AND PROVIDING FOR WATER AND SEWER SERVICE TO PROPERTY

WHEREAS, FTCD, LLC, the owner of the property hereinafter described, has filed a Petition for Annexation and Zoning with the City of Dillon requesting that the described property be annexed to the City of Dillon and designated a "C2 Zone" Community Business District

WHEREAS, Section 76-2-303 (a) M.C.A provides that a City may conduct a hearing on the annexation in conjunction with a hearing on the zoning of the property proposed to be annexed when the land use is consistent with the recommendations of the growth policy, and

WHEREAS, FTCD, LLC are the owners of the entire interest in the property and therefore the owner of more than fifty percent (50%) of the property pursuant to Section 7-2-4601, M.C.A., and

WHEREAS, there are no inhabitants now living on the described property, and the fact the petition for annexation is signed by the owner of more than fifty percent of the property the city need not submit the question of annexation to the electors according to Section 7-2-4601(3) M.C.A., and

WHEREAS, the owner has petitioned Beaverhead Rural Fire District No 2 to detract the property from the boundaries of the fire district as required by Section 7-33-2127 M.C.A., and

WHEREAS, preliminarily it appears to the City Council that it is in the best interests of the City of Dillon, and the inhabitants thereof, that the City of Dillon annex and include within its corporate limits the following described real property, and

WHEREAS, it is the policy of the City of Dillon that no areas within the city should be un-zoned, and

WHEREAS, preliminarily it appears to the City Council that it is in the best interests of the City of Dillon, and the inhabitants thereof, that the described property be designated a "C2 Zone" Commercial Business District, and

WHEREAS, the owner of the property has determined that it will provide city water and sewer services to the property without cost to the taxpayers or water and sewer rate payers of the City of Dillon, according to the city's plan for extension of water and sewer services to the property, and

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WHEREAS, A Parcel of land located in the W1/2 of Section 18 T7S, R8W PMM, Beaverhead County, State of Montana, and more particularly described as Lots 1 and 2 of the Clover View Minor Subdivision. It is proposed that the portion of Lot 1 that is not annexed into the City of Dillon and all of Lot 2 be annexed into the City of Dillon and that both Lots 1 and 2 be zoned with a designation of a C2 Zone (Commercial Business District).

WHEREAS, the City Clerk published notice of the combined annexation and zoning public hearing twice in the Dillon Tribune Examiner on May 22nd, 2024 and May 29th, 2024 all as required by Section 76-2-303(2) M.C.A. and pursuant to Section 7-1-4127 MCA, and Section 17.88.020, Dillon Municipal Code, and

WHEREAS, the City Council of the City of Dillon has held the public hearing on June 5th, 2024 at the City Council chambers at 6:30 p.m. and obtained comments on the issue of annexation and zoning the above-mentioned property.

NOW THEREFORE, the City Council of the City of Dillon, Beaverhead County, Montana, in a regular meeting assembled, this 19th day of June, 2024,

HEREBY FINDS:

- (1) The petition submitted by FTCD, LLC for the annexation of Lots 1 and 2 of the Clover View Minor Subdivision has been submitted by the owners of more than 50% of the real property of the area to be annexed.
- (2) That Notice of the hearing on the question of annexation and zoning of the parcel was published twice as provided by law and the hearing held at the time and place scheduled and testimony received concerning the annexation and zoning of the parcel.
- (3) The governing body need not submit the question of annexation to the qualified electors of the area to be annexed, because the owner of more than 50% of the real property in the area to be annexed has executed the petition.
- (4) The description of the boundaries of the area to be annexed is specifically described as W1/2 of Section 18 T7S, R8W PMM, Beaverhead County, State of Montana, and as set out herein above.
- (5) That there are no public streets, named or un-named within the above described parcel that are required by § 7-2-4211 MCA to be annexed.
- (6) That the annexation of the parcel into the city identified in paragraph (4) hereof is in the best interest of the City and its citizens, and that zoning the parcel as a "Commercial, Medium Density District C2 Zone" is in the best interest of the city and its citizens.
- (7) That granting the Petitioner's request that city water and sewer service be provided to the parcel, at no cost to the city, is in the best interest of the city and its inhabitants, and that preliminary studies indicate that both water and sewer services can be provided by extension of current facilities.
- (8) The City Council further finds that, pursuant to long standing policy of the City, that it is

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appropriate and necessary that the portions of the water distribution system and the sewer collection system that will be required to be installed shall be installed by the annexation of this property, pursuant to the requirements and regulations of the Montana Department of Environmental Quality, and city specifications and under city supervision, and further that all such costs of design, construction testing and supervision be paid by the Petitioner prior to permitting the Petitioner to receive any water or sewer service, whether for construction or otherwise.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DILLON:

- (1) That the land described herein above and as of Lots 1 and 2 of the Clover View Minor Subdivision, is hereby annexed to the City of Dillon, and the City boundary extended to include the parcel.
- (2) That the boundaries of the Street Maintenance District and the Lighting District of the City of Dillon are extended to include the area described in the Petition for Annexation as of Lots 1 and 2 of the Clover View Minor Subdivision
- (3) That the area described in the Petition for Annexation as Lots 1 and 2 of the Clover View Minor Subdivision is hereby designated as a "Commercial, Medium Density District - C2 Zone".

PASSED AND APPROVED this 16th day of June, 2024.

APPROVEI John McGinley, Mayor

ATTEST Kami Høerning, City Clerk

NUMBER VOTING IN FAVOR OF THE RESOLUTION: 6 NUMBER VOTING AGAINST THE RESOLUTION: 1 NUMBER ABSENT OR ABSTAINED: 0

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