

## RESOLUTION No. 3522

### A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO EXCLUDE LAND FROM THE CITY LIMITS

**WHEREAS**, in accordance with Montana Code Annotated (MCA) 7-2-4803 the City has received a valid petition to exclude land from its boundary; and

**WHEREAS**, the specific land to be excluded can be more particularly described as the land lying southwest of the intersection at Ski Run Road and Highway 212, and as graphically depicted in the attached Exhibit A; and

**WHEREAS**, the petition received from Daniel and Marsha Monahan both met the requirements of MCA 7-2-4804(1), and per MCA 7-2-4804(2) prayed for the removal of the property from the City limits; and

**WHEREAS**, the Council on April 9, 2019 approved Resolution # 3512 affirming their intent to De-Annex the property; and

**WHEREAS**, public notice has been properly conducted to De-Annex the property; and

**WHEREAS**, in accordance with MCA 7-2-4806 the requisite twenty (20) day protest period to permit the owners of the territory proposed to be excluded the opportunity to provide expressions of approval or disapproval, has been properly noticed; and

**WHEREAS**, all easements and agreements located within the property, which includes City use of the property for a water line shall remain; and

**NOW THEREFORE BE IT RESOLVED** by the City Council:

1. That the City Council finds as follows:

- a. That all applicable sections of MCA specific to De-Annexation have been satisfied.
- b. That the granting of the petition is in the best interest of the City and its inhabitants and will not materially mar the symmetry of the City.
- c. That the boundary of the City shall then be as set forth in Exhibit A (attached hereto) of this resolution and referenced below:


The specific land to be de-annexed and excluded can commonly be described land lying southwest of the intersection at Ski Run Road and Highway 212 (right-of-way of previously vacated White Avenue).

2. That this Resolution becomes effective 30 days after its passage and approval.

3. That the City Clerk shall, within 30 days after the passage and approval of this Resolution #3522, provide a copy thereof to the Carbon County Clerk for filing, duly certified together with a map showing the amended corporate limits of the City.

PASSED and APPROVED by the City Council the 11<sup>th</sup> day of June, 2019.

FOR THE CITY OF RED LODGE, MONTANA:

By: 

William Larson, Mayor

Attest: 

Loni Hanson, City Clerk



Rebecca Narmore, City Attorney