

Big Sky County Water & Sewer District
Ron Edwards, General Manager
PO Box 160670
Big Sky, MT 59716

148829 MISC Pages: 4
STATE OF MONTANA MADISON COUNTY
RECORDED: 12/28/2012 1:15 KOI: MISC
Peggy Kaatz Stemler CLERK AND RECORDER
FEE: \$28.00 BY: Peggy Kaatz Stemler
TO: BIG SKY CO WATER & SEWER PO BOX 160670, BIG SKY MT 59716

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CERTIFICATE AS TO AUTHENTICITY

I, the undersigned, being the duly qualified General Manager of the Big Sky County Water and Sewer District #363, Big Sky Montana (the "District"), hereby certify that the attached meeting Ordinance is a true copy of Big Sky County Water and Sewer District No. 363 Ordinance entitled: "An Ordinance of the Big Sky County Water & Sewer District No. 363, Montana, Granting The Petition of Mountain Lake Partners, LLC to annex M. L. Condominiums Land into the Big Sky County Water And Sewer District No. 363," on file in the original records of the District in my legal custody; and that the meeting was duly held by the Board of Directors and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law.

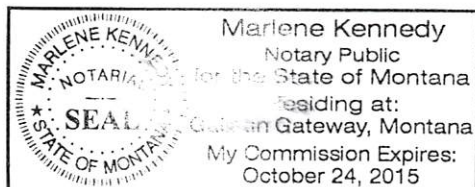
WITNESS my hand officially this 27th day of December, 2012.



RON EDWARDS, General Manager

STATE OF MONTANA)
 : SS.
County of Gallatin)

The foregoing instrument was acknowledged before me this 27th day of December, 2012, by Ron Edwards, General Manager of the Big Sky County Water and Sewer District No. 363 County Water & Sewer District.



Marlene Kennedy

Notary Public for the State of Montana
Printed Name: Marlene Kennedy
Residing at Gallatin Gateway, MT
My Commission expires: October 24, 2015

**BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363
ORDINANCE 2012-01**

Adopted: August 14, 2012

AN ORDINANCE OF THE BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, GRANTING THE PETITION OF MOUNTAIN LAKE PARTNERS, LLC TO ANNEX M. L. CONDOMINIUMS LAND INTO THE BIG SKY COUNTY WATER AND SEWER DISTRICT NO. 363.

BE IT ordained by the Board of Directors (the "Board") of the Big Sky Water & Sewer District No. 363, Montana (the "District") as follows:

Section 1. Recitals and Findings.

1.01 The District has received a petition from Mountain Lake Partners, LLC, a Montana limited liability company ("the Petitioner") requesting the addition of certain lands, those known as M. L. Condominiums, to the District, which petition has been determined and certified to meet the requirements of the Title 7, Chapter 7, Parts 22 and 23, Montana Code Annotated.

1.02 The Petitioner has a development interest in the the tract of certain real property ("Subject Property"), hereinafter referred to as the M. L. Condominiums property and described as follows:

M. L. Condominiums, Phase IV also designated as Phase 4 Comm. Tract of Corrected Final Plat of Summit View Subdivision, Phases I, II & IV, located in the SW ¼ of Section 20, Township 6 South, Range 3 East, P.M.M., Madison County, Montana, according to Book 4 of Plats, page 395 and Book 4 of Plats, page 397.

1.03 The District's engineers have determined that the District has sufficient surplus water and wastewater capacity to service a maximum of 52.5 Single Family Equivalents (SFEs) of build-out density.

1.04 The District Board determined that the addition of the land to the District, as requested in the petition, is in the best interest of the environment and the water and sewer service areas of the District.

1.05 Section 7-13-2341, Montana Code Annotated, requires that the District grant the petition by adoption of an Ordinance. Because of the precedence; the District Board decided to refer the question of whether or not to annex the Subject Property into the Big Sky County Water and Sewer District to the electors of the District and the electors of the Subject Property.

1.06 The District conducted a mail ballot election in December of 2008. The results of the mail ballot election were in the affirmative with 232 votes (78%) in favor of annexing the property and 66 votes (22%) against annexing the property.

1.07 The District and Mountain Lake Partners, LLC on behalf of M.L. Condominiums subsequently entered into a recordable Annexation Agreement on April 10, 2009. As a condition of the Annexation Agreement, the Petitioner and its successors in interest and assigns agrees to:

- 1) Compensate the District ten thousand dollars (\$10,000) per SFE that is developed as the Plant Investment Charge for each SFE that connects to the public system. The PIC for the SFE's will be paid by the Petitioner at the time that each building or condominium unit is permitted to connect to the District's public sewer system.
- 2) Landowners agree to pay all general obligation bond tax levy costs in accordance with the rules and regulations of the District. This levy will be effective the first year that the Subject Property is annexed into the District.
- 3) Petitioner agrees to design and drill a new 8 inch water well and to provide all appurtenant equipment to connect the new well into the public water system with a minimum yield requirement of 35 gallons per minute, in accordance with the Water Well Installation Agreement.
- 4) Petitioner agrees to abandon the on-site wastewater treatment and disposal drainfield system in accordance with county and state rules and regulations after the project has been connected to the public sewer system.
- 5) Petitioner agrees to indemnify and to hold the District harmless against any claims made against the District for lost damages concerning the development of the annexed lands described below.

Section 2. Addition of the Property. The boundaries of the District are hereby modified to include the following property, being 4.3 acres:

M.L. Condominiums, Phase IV also designated as Phase 4 Comm. Tract of Corrected Final Plat of Summit View Subdivision, Phases I, II & IV, located in the SW ¼ of Section 20, Township 6 South, Range 3 East, P.M.M., Madison County, Montana, according to Book 4 of Plats, page 395 and Book 4 of Plats, page 397.

Section 3. Effect of the Addition of Property to the District. Upon the filing of the certificate of approval of the Ordinance, the territory described above (the "Summit View Phase IV Addition") shall be a part of the District and shall be included in the both the Water System Jurisdictional Area and the Sewer System Jurisdictional Area and shall be subject to all the rules, regulations, ordinance fees, charges, taxes levied or imposed against other property of the District, and possess the rights, privileges and powers set forth in Title 7, Chapter 13, Part 22 and 23, Montana Code Annotated.


Section 4. Instructions to Secretary; Filing. The President and Secretary of the Board are hereby directed to certify to the Secretary of State and the County Clerk and Recorder, and request that the Secretary of State issue a certificate that the Ordinance has been approved and the Subject Property has been added to the District. The Secretary of State shall transmit the certificate to the County Clerk and Recorder for filing, upon which the territory is deemed added to the District.

Passed and approved this 14th day of August, 2012.




Paul A. Cronin, President
Board of Directors

ATTEST:



Dick Fast, Secretary

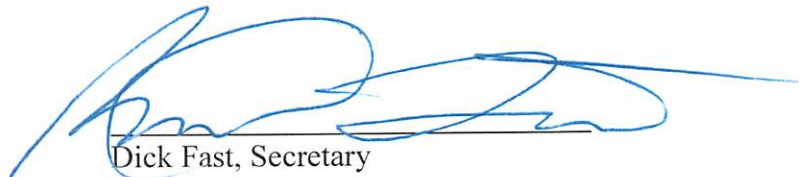


CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Big Sky County Water & Sewer District No. 363, Montana (the "District"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "AN ORDINANCE OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, GRANTING THE PETITION OF MOUNTAIN LAKE PARTNERS, LLC, a Montana limited liability company TO ANNEX M. L. CONDOMINIUMS LAND INTO THE DISTRICT; (the "Ordinance"), on file in the original records of the District in my legal custody; that the Ordinance was duly adopted by the Board of Directors of the District at a regular meeting on August 14, 2012 and that the meeting was duly held by the Board of Directors and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Directors voted in favor thereof: Packy Cronin, Jeff Daniels, Dick Fast, Les Loble, Bill Olson, and William Shropshire, voted against the same: _____; abstained from voting thereon: _____; or were absent: Gary McRae.

WITNESS my hand and seal officially this 14th day of August, 2012.


Dick Fast, Secretary

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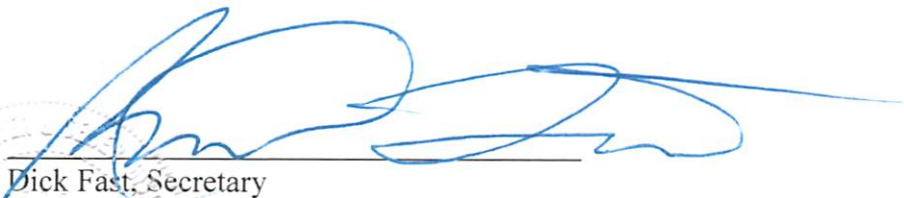
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Passed and approved this 14th day of August, 2012.



Paul A. Cronin, President
Board of Directors

ATTEST:



Dick Fast, Secretary

(SEAL)