


**CERTIFICATE AS TO RESOLUTION NO. 01-09 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 resolution is a true copy of a Resolution entitled: "A RESOLUTION OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, APPROVING THE EXCLUSION OF CERTAIN LAND FROM THE DISTRICT" (the "Resolution"), on file in the original records of the District in my legal custody; that the Resolution was duly adopted by the Board of Directors of the District at a regular meeting on December 18, 2001 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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: Skip Radick, Dick Wiggins, Dee Rothschiller, Stewart Peacock, Gary McRae and William Shropshire; voted against the same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or were absent: Director Wendell Ingraham.

WITNESS my hand and seal officially this 18th day of December, 2001.

  
Dee Rothschiller, Secretary

## **RESOLUTION NO. 01-09**

### **A RESOLUTION OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, APPROVING THE EXCLUSION OF CERTAIN LAND FROM THE DISTRICT**

WHEREAS, the Big Sky County Water & Sewer District No. 363, Montana (the "District") is a county water and sewer district, validly organized pursuant to Title 7, Chapter 13, Parts 21 and 22, M.C.A.; and

WHEREAS, the District was incorporated on August 5, 1993 and is located within the boundaries of Gallatin County and Madison County, political subdivisions of the State of Montana; and

WHEREAS, the Board of Directors (the "Board") of the District adopted Resolution No. 1993-30, on August 3, 1993, which described and set forth all land within the District; and

WHEREAS, pursuant to Section 7-13-2348, M.C.A., the Board is authorized to initiate proceedings for the exclusion from the District of any land or lands which it may not be for the best interest of the District to be included or which may not be benefited in any manner by its continued inclusion in the District; and

WHEREAS, the Board identified land which can not and will not under the District's long term facility plans be benefited from either the District's water system or sewer system and which it believed should be excluded from the District; and

WHEREAS, pursuant to a resolution adopted on October 25, 2001, the Board set forth its intention to exclude certain identified lands, and caused notice to be published and mailed to all property owners whose property would be excluded from the District; and

WHEREAS, after a public hearing on the proposed exclusion of land from the District duly noticed and held on November 20, 2001, the Board determined that excluding certain land from the District is in the best interest of the District; and

WHEREAS, all correspondence received by the Board from the owners of the land proposed to be excluded was discussed with the Board at the meeting; and

WHEREAS, all persons appearing were given an opportunity to speak at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors (the "Board") of the District as follows:

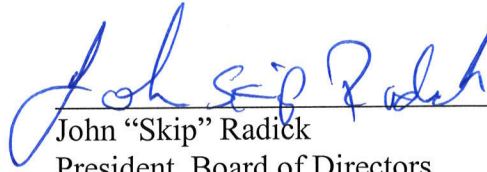
Section 1. Land to be Excluded. The Board hereby determines that the land described, shown and depicted on Exhibit A, attached hereto and incorporated herein, is the land the Board shall exclude from the District.

Section 2. Boundary of the District. From the effective date of this resolution, the property described (shown) on Exhibit B, attached hereto and incorporated herein, shall constitute the Big Sky County Water and Sewer District No. 363. A list of each of the parcels of land comprising the District is set forth on Exhibit C, attached hereto and incorporated herein.

Section 3. Contract to Serve Property. The District provides service to a parcel of land currently owned by William Gerrard, 1960 S. Ocean Blvd., Manalapan, FL 33462-6219, described as Certificate of Survey 994B, Section 26, Township 6 South, Range 3 East, Gallatin County, Montana, which property is not contiguous to the boundaries of the District. The District has determined that such property should not be included within the District as it and the surrounding area has not been included in the District's Long Range Service Plan. The District will agree to continue to provide service to such parcel on a contract basis, with the cost of service to include District costs of operation and maintenance, depreciation and costs of capital facilities.

Section 4. Effective Date. This Resolution shall become effective upon passage. The Director shall file this resolution in the office of the Gallatin County and Madison County Clerk and Recorder.

Passed and approved this 18th day of December, 2001

  
John "Skip" Radick  
President, Board of Directors

Attest:

  
Dee Rothschilder, Secretary

(SEAL)

## EXHIBIT A

### LAND TO BE EXCLUDED FROM DISTRICT

**Section 25 – Township 6 South Range 3 East, Gallatin County, Montana:** All of the South  $\frac{1}{2}$  of Section 25 including: Tr. 1-A of COS 972; Tr. 1 of COS 1157C; Tr. 2 of COS 1875; and Lots 1, 2, 3 & 4 of Minor Subdivision 259.

**Section 26 – Township 6 South Range 3 East, Gallatin County, Montana:** That part of Section 26 including: COS 418A; COS 958A; Tr. B-2A of COS 1033A, Tr. B-2B of COS 1033C, Tr. 1 of COS 1033D, Tr. 1 of COS 1033F, Tr. 2A of COS 1033G, Tr. 2B of COS 1033G; Tr. 1 of COS 1157C; Tr. 1 of COS 1480; Tr. 1 of COS 1701; Trs. 5A & 6A of COS 1739A; Trs. 7 & 8 of COS 1739; Trs. 1, 2 & 3 of COS 1760; Trs. 1, 2, 3 & 4 of COS 1769A; and Trs. 4A-1 & 1A of COS 2264; and COS 994B.

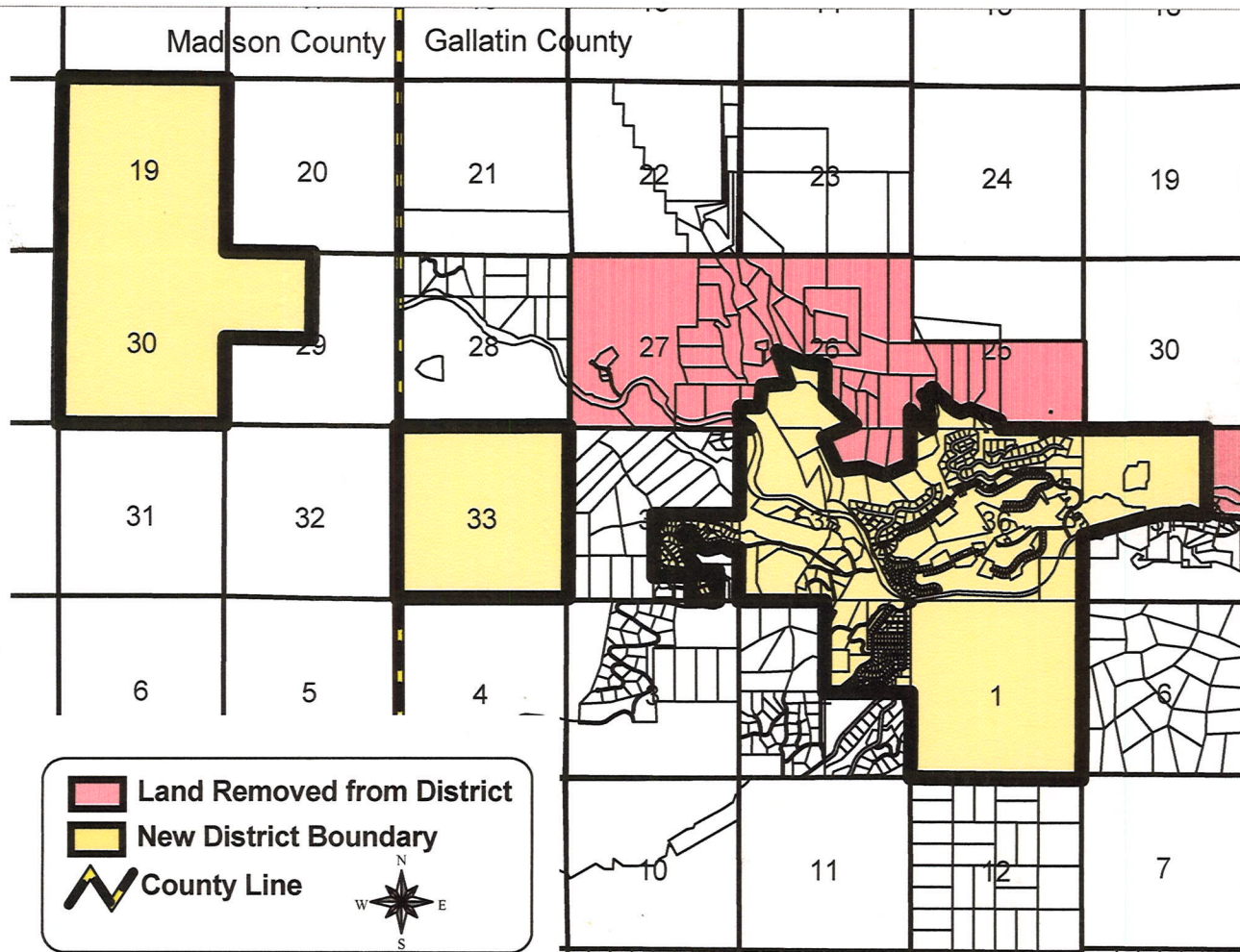
**Section 27 – Township 6 South Range 3 East, Gallatin County, Montana:** All of Section 27 including: Tr. A of COS 1486; Tr. 1 of COS 1503A; Tr. 2 of COS 1504; Trs. 1 & 2 of COS 1504A; Trs. 1 & 2 of COS 1720; Trs. 1, 2, 3 & 4 of COS 1721; Tr. 2A of COS 1739A; LOT 2 of COS 1751; Tr. 1 of COS 1998; Lots 1 & 2 of Minor Subdivision 149; and the remainder of Section 27.

**Section 31 – Township 6 South Range 4 East, Gallatin County, Montana:** The East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 31 north of the Spur Road including 2 tracts of land in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; and 1 Tr. in the NE  $\frac{1}{4}$ , & Tr. 5 of the NE  $\frac{1}{4}$ .

**Section 35 – Township 6 South Range 3 East, Gallatin County, Montana:** That part of section 35 including: Trs. 3 & 4 of COS 1502A; and Tr. 2 of COS 1697.

# Big Sky County Water & Sewer District Boundary after Exclusion of Land

December 18, 2001



**EXHIBIT C**  
**PARCELS COMPRISING**  
**THE**  
**BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363**  
**As amended December 18, 2001**

The following properties constitute the Big Sky County Water & Sewer District No. 363:

**MADISON COUNTY**

**Township 6 South, Range 3 East**

**All of Section 19**

**All of Section 30**

**NW ¼ of Section 29**

**GALLATIN COUNTY**

**Township 6 South, Range 3 East**

**A part of the S½ of Section 25:** Lot 5 of Minor Subdivision 259; Tract 1 of COS 1784; Tract E of the Sweetgrass Hills Subdivision

**A part of Section 26:** Tract 2 of COS 1701; Tract 1 of COS 1697; and Tract 1 of COS 1501

**All of Section 33**

**A part of Section 34:** Tracts of land situated in the SE¼ of Section 34 Described as Tract 1B, Certificate of Survey No. 1812, 79.579 acres; and Tract B, Certificate of Survey No. 1696, 20.009 acres; known as Aspen Groves Subdivision Phases I & II (see **ATTACHMENT A** for complete legal description)

**Section 35:** except Tract 2 of COS 1697; Tract 3 of COS 1502A; and Tract 4 of COS 1502A

**All of Section 36**

**Township 6 South, Range 4 East**

**A part of Section 31:** situated north of the US 191 Spur Road, including Tract A of COS 2216; Tract A1 of COS 1354A; and remainder parcel generally located in the NW ¼ and NW ¼ NE ¼ of Section 31

**Township 7 South, Range 3 East**

**All of Section 1**

**NE ¼ of Section 2**



## ATTACHMENT A

### **BIG SKY COUNTY WATER & SEWER DISTRICT Section 34- Boundary Description for Aspen Groves Phase I & II**

The following property presently adjoins the district boundaries, more commonly known as Aspen Groves Subdivision:

A tract of land situated in the SE 1/4 of Section 34, T6S, R3E, P.M.M., Gallatin County, Montana, and being further described as follows:

Beginning at a point which is the east 1/4 of Section 34; thence from said point of beginning along the easterly line of Section 4 South 00 degrees 34 minutes 15 seconds West a distance of 122.93 feet, along a curve to the right with a radius of 220.08 feet a distance of 206.45 feet, North 60 degrees 13 minutes 11 seconds West a distance of 166.27 feet, along a curve to the left with a radius of 143.95 feet a distance of 105.74 feet South 77 degrees 41 minutes 39 seconds West a distance of 400.74 feet, along a curve to the right with a radius of 219.97 feet a distance of 249.46 feet, North 37 degrees 19 minutes and 45 seconds West a distance of 185.47 feet, South 43 degrees 32 minutes 03 seconds West a distance of 230.71 feet, along a non-tangent curve to the left with a radius of 120.00 feet a distance of 24.25 feet South 62 degrees 33 minutes 21 seconds East a distance of 116.97 feet, along a curve to the right with a radius of 180.00 feet a distance of 150.25 feet, South 14 degrees 43 minutes 43 seconds East a distance of 185.40 feet along a curve to the right with a radius of 110.42 feet a distance of 122.84 feet, South 49 degrees 00 minutes 36 seconds West a distance of 32.21 feet, along a curve to the left with a radius of 120.00 feet a distance of 189.07 feet and South 41 degrees 15 minutes 48 seconds East a distance of 288.07 feet to the Northwest corner of Tract C of Certificate of Survey No. 1696; thence along the westerly line of said Tract C South 31 degrees 21 minutes 35 seconds East a distance of 330.00 feet; thence along a curve to the left with a radius of 11.77 feet a distance of 76.82 feet; thence South 70 degrees 44 minutes 27 seconds East a distance of 193.48 feet; thence along a curve to the right with a radius of 110.00 feet a distance of 275.62 feet; thence South 71 degrees 07 minutes 25 seconds West a distance of 106.68 feet; thence South 18 degrees 52 minutes 35 seconds East a distance of 53.93 feet along a curve to the left with a radius of 120.00 feet a distance of 421.00 feet to a point on the south line of said Section 34; thence along said line North 89 degrees 34 minutes 20 seconds West a distance of 831.37 feet to the Southeast corner of Tract A of Certificate of Survey No. 1696; thence along the east and north line of said Tract North 00 degrees 19 minutes 20 seconds East a distance of 742.17 feet and North 89 degrees 34 minutes 20 seconds West a distance of 1,173.85 feet to a point on the North-South mid-section line of said Section 34; thence along said North 00 degrees 19 minutes 20 seconds East a

distance of 1, 838.70 feet the center 1/4 of Section 34; thence along the East-West mid-section line of said Section 34 South 89 degrees 49 minutes 33 seconds East a distance of 2,651.35 feet to the point of beginning. Said tract being acres along with and subject to any existing easements.