

## CERTIFICATE AS TO RESOLUTION 01-12 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, SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT'S SEWER SYSTEM JURISDICTIONAL AREA THE QUESTION OF INCURRING BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED THIRTEEN MILLION FIVE HUNDRED AND NO/100 DOLLARS (\$13,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF FINANCING, DESIGNING, CONSTRUCTING AND INSTALLING A WASTEWATER TREATMENT PLANT, WASTEWATER FORCE MAIN, PUMPING STATION(S) AND RELATED IMPROVEMENTS AND APPURTENANCES TO THE DISTRICT WASTEWATER SYSTEM, AND TO PAY COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS" (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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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. 01-12**

A RESOLUTION OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT'S SEWER SYSTEM JURISDICTIONAL AREA THE QUESTION OF INCURRING BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED THIRTEEN MILLION FIVE HUNDRED AND NO/100 DOLLARS (\$13,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF FINANCING, DESIGNING, CONSTRUCTING AND INSTALLING A WASTEWATER TREATMENT PLANT, WASTEWATER FORCE MAIN, PUMPING STATION(S) AND RELATED IMPROVEMENTS AND APPURTENANCES TO THE DISTRICT WASTEWATER SYSTEM, AND TO PAY COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS

WHEREAS, pursuant to Section 7-13-2321, Montana Code Annotated, whenever the board of directors of a county water and sewer district deems it necessary for the district to incur a bonded indebtedness, it shall by resolution so declare and state the purpose for which the debt is proposed to be incurred, the amount of debt to be incurred, the land within the district to be benefitted thereby, the maximum term the bonds proposed to be issued shall run before maturity, and the proposition to the electors; and

WHEREAS, pursuant to Section 7-13-2331, Montana Code Annotated, the board of directors of a county water and sewer district is authorized to issue general obligation bonds to finance the acquisition, construction or improvement of facilities in accordance with the provisions of Title 20, Chapter 9, Part 4, Montana Code Annotated, except to the extent that those provisions conflict with the express provisions of Title 7, Chapter 13, Part 22 and 23, Montana Code Annotated; and

WHEREAS, the Board of Directors (the "Board") of Big Sky County Water & Sewer District No. 363, Montana (the "District") pursuant to the authorization by the electors of the District issued General Obligation Bonds of the District for the purpose of paying the costs of designing, constructing and installing improvements to the District's wastewater treatment system, satisfying the Interim Action Work Plan mandated by the Department of Environmental Quality and to pay costs associated with the sale and issuance of the bonds (the "1996 Interim Action Work Plan"); and

WHEREAS, the 1996 Interim Action Work Plan has been constructed to completion; and

WHEREAS, pursuant to an Interlocal Agreement between the District and Gallatin County and Madison County (the "Agreement"), the District has been able to pay the annual debt service costs on the Series 1996 Bonds from the use of Resort Tax revenues generated within Big Sky and allocated as provided in the Agreement; and

WHEREAS, it is necessary to make additional improvements to the District's System to implement the District's long term improvement plan as required to meet state and federal requirements (the "Long Term Compliance Work Plan"); and

WHEREAS, pursuant to Resolution No. 01-09, approved and adopted by the District on December 18, 2001, the Board has revised the boundaries of the District and an accurate and correct description of the boundary of the District is attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof); and

WHEREAS, the District has determined that all of the property incorporated in the District will be served or benefit from either the System or the District's water system, but that not all property will be served by or benefit from both the systems and that only those properties benefitted by the respective systems shall be subject to tax levies to pay the costs of capital improvements for such systems; and

WHEREAS, pursuant to Resolution No. 01-10, the District has determined that the properties of the District depicted and shown on Exhibit B hereto (which is hereby incorporated herein and made a part hereof) is the property in the District to be benefitted by the System and which shall be referred to as the Sewer System Jurisdictional Area; and

WHEREAS, the Board has determined that it is in the best interest of the District that general obligation bonds be issued to finance the Long Term Compliance Work Plan, which bonds will be payable from ad valorem property taxes to be levied against all property in the Sewer System Jurisdictional Area, unless resort tax or other revenues of the District are available therefor; and

WHEREAS, based on the information provided to the District from HKM, Inc., of Billings, Montana, the District's Engineers, the estimated cost of the Long Term Compliance Work Plan is \$13,500,000; and

WHEREAS, it is the judgment and determination of the Board that it is in the best interest of the District to proceed to undertake the Long Term Compliance Work Plan and to incur the indebtedness necessary to pay a portion of the cost thereof; and

WHEREAS, it is necessary to submit to the qualified electors of the Sewer System Jurisdictional Area the question of whether the Board of the District shall be authorized to issue general obligation bonds for the Long Term Compliance Work Plan; and

WHEREAS, pursuant to Section 13-19-104, M.C.A., such election can be conducted by a mail ballot election; and

WHEREAS, the Board has determined that a mail ballot election conducted in accordance with the provisions of Title 13, Chapter 19, Parts 1-3, M.C.A. (the "Mail Ballot Act"), is in the best interests of the District, the Sewer System Jurisdictional Area and the

electors thereof, and has notified the County Election Administrator of its intent to conduct a mail ballot election; and

WHEREAS, the Election Administrator will be requested to prepare a mail ballot election plan in accordance with the provisions of Section 13-19-205, M.C.A. (the "Mail Ballot Plan").

NOW, THEREFORE, BE IT RESOLVED By the Board of the District as follows:

1. Calling of the Election. The Board of the District hereby calls and directs a special election to be held by mail ballot on February 27, 2002 or as soon thereafter as possible, for the purpose of voting on the question of whether or not the Board shall be authorized to incur bonded indebtedness in an amount not to exceed Thirteen Million Five Hundred and No/100 Dollars (\$13,500,000) for the purpose of paying the costs of financing, designing, constructing and installing a wastewater treatment plant, wastewater force main, pumping station(s) and related improvements and appurtenances to the District wastewater system, and to pay costs associated with the sale and issuance of the bonds. The bonds shall be payable during a period of not more than twenty (20) years from an ad valorem property tax levied against all properties in the Sewer System Jurisdictional Area.

2. Benefitted Property. All land within the Sewer System Jurisdictional Area will be benefitted by the Project and such land is shown on Exhibit B hereto. A listing of all parcels of land constituting the Sewer System Jurisdictional Area is shown on Exhibit C hereto (which is hereby incorporated herein and made a part hereof).

3. Conduct of Election. All qualified electors of the Sewer System Jurisdictional Area shall be entitled to vote at the bond election. For purposes of this election, the qualified electors include those registered electors owning or residing upon real property in the Sewer System Jurisdictional Area, or in the case of property owned by a corporation, the president, vice president or secretary of the corporation who shall be a registered elector. The Secretary of the District is hereby authorized and directed to give notice of the call and details of this election to the County Election Administrator. The County Election Administrator is requested to give notice of the close of registration and thereafter prepare printed lists of the qualified electors in the Sewer System Jurisdictional Area entitled to vote in the election in the Sewer System Jurisdictional Area and to conduct the election in the form and manner prescribed by law and consistent with the Mail Ballot Plan, as follows:

The election will be conducted solely by mail ballot. Ballots will be mailed to all eligible registered voters in the Sewer System Jurisdictional Area on February 7, 2002, and must be returned by each voter, to the County Election Administrator's Office by mail or in person to the Gallatin County Courthouse, 311 West Main Street, Room 204, Bozeman, Montana, during regular business hours (8:00 a.m. to 5:00 p.m.), weekdays, February 8, 2002 through February 26, 2003.

On Election Day, February 27, 2002, the only place for deposit of voted ballots will be the office of the County Election Administrator at Gallatin County Courthouse, 311 West Main

Street, Bozeman, Montana, which will be open from 8:00 a.m. to 8:00 p.m., and all ballots must be in that office by 8:00 p.m. in order to be counted. All ballots will be tallied in the office of the County Election Administrator after 8:00 p.m. on February 27, 2002.

A qualified voter who will be absent from the Sewer System Jurisdictional Area during the time the election is being conducted may:

- (a) vote in person in the office of the County Election Administrator as soon as the ballots are available and until noon on February 6, 2002; or
- (b) make a written request prior to noon on February 6, 2002, signed by the applicant and addressed to the office of the County Election Administrator, that the ballot be mailed to an address other than that which appears on the registration records. All ballots to be mailed will be mailed no later than February 7, 2002.

An elector may obtain a replacement ballot if his ballot is destroyed, spoiled, lost, or not received by the elector by personally appearing at the office of the County Election Administrator and by:

- (a) signing an affidavit form stating the reason for the request for replacement; and
- (b) if the reason given for replacement is "spoiled ballot," by returning the spoiled ballot to the office of the County Election Administrator.

If the County Election Administrator determines it is not possible to conduct the election on February 27, 2002, the District directs the General Manager to work with the County Election Administrator and the District's bond counsel to establish an election date as soon as possible after February 27, 2002, and make some revisions to the mail ballot election plan, the notice of close of registration and the notice of election as may be required to meet all statutory requirements for the conduct of the election.

4. Notice of Election. The County Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given not less than once a week for three consecutive weeks prior to the election by publishing notice in the *Big Sky Weekly* or *Lone Peak Lookout*, newspapers of general circulation in Gallatin County, and in the *Madisonian*, a newspaper of weekly circulation in Madison County. The notice of election as published shall read substantially as shown on Exhibit D hereto (which is hereby incorporated herein and made a part hereof).

5. Form of Ballot. The ballot shall be printed in substantially the following form:

**BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA**

**SEWER SYSTEM JURISDICTIONAL AREA**

**WASTEWATER INDEBTEDNESS ELECTION**

**FEBRUARY 27, 2002**

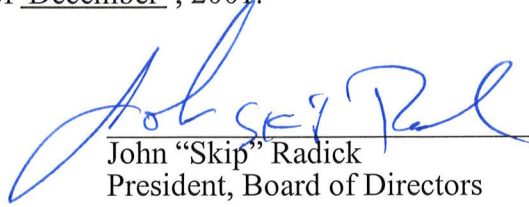
INSTRUCTIONS TO VOTERS OF SEWER SYSTEM JURISDICTIONAL AREA OF BIG SKY COUNTY WATER & SEWER SYSTEM: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS--NO".

Shall the Board of Directors of Big Sky County Water & Sewer District No. 363, Montana (the "District") be authorized to sell general obligation bonds of the District in an amount not to exceed Thirteen Million Five Hundred and No/100 Dollars (\$13,500,000), payable over a term of twenty (20) years, for the purpose of paying the costs of financing, designing, constructing and installing a wastewater treatment plant, wastewater force main, pumping station(s) and related improvements and appurtenances to the District wastewater system (the "Project"), and to pay costs associated with the sale and issuance of the Bonds? The Project will benefit all properties in the Sewer System Jurisdictional Area, the boundaries of which are on file in the office of the District and the office of the Gallatin County Clerk and Recorder. The Bonds will bear interest at a rate not to exceed 4% per annum and be payable from an ad valorem property tax levied against all properties in the Sewer System Jurisdictional Area and other available revenues of the Sewer System and Sewer System Jurisdictional Area, except that all property in the Sewer System Jurisdictional Area currently owned by Westland Enterprises, Inc. and TM Land Partners Limited consisting of lands located in Section 31, Township 6 South, Range 4 East, and Section 1, Township 7 South, Range 3 East, as more specifically described in the Gallatin County Clerk and Recorder's office (the "Westland Property") will not be taxed to pay principal of and interest on the Bonds pursuant to an order of the Supreme Court dated June 2, 1989.

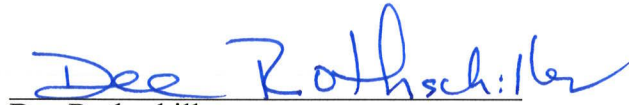
☐ BONDS — YES

☐ BONDS — NO

Passed and approved this 18<sup>th</sup> day of December , 2001.

  
John "Skip" Radick  
President, Board of Directors

ATTEST:

  
Dee Rothschilder  
Secretary

(SEAL)

## **EXHIBIT A**

### **BOUNDARIES OF THE DISTRICT**

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

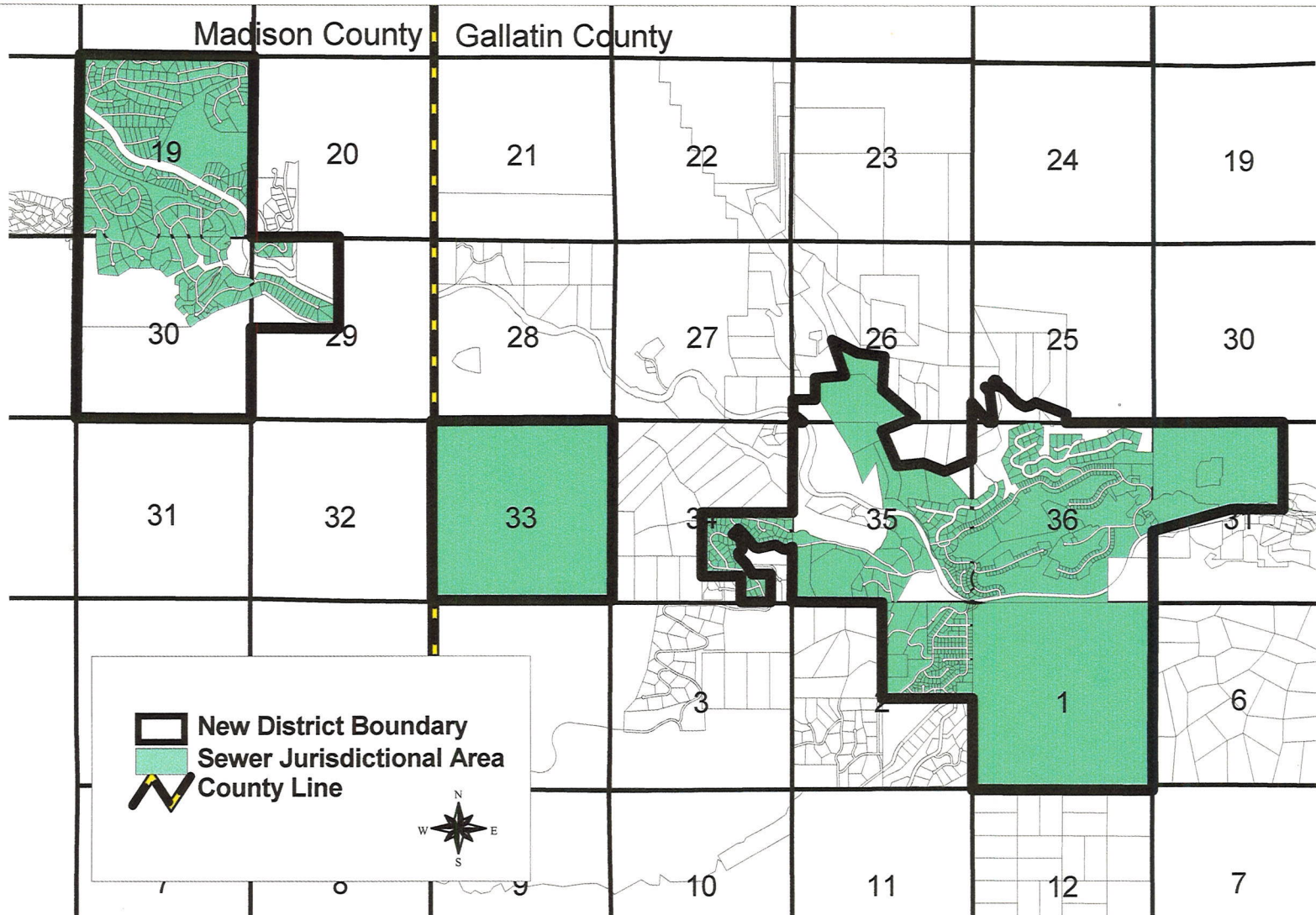
The following property presently adjoins the district boundaries, more commonly known as Aspen Groves Subdivision:

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.

# Big Sky county Water & Sewer District Sewer Jurisdictional Area

December 18, 2001



## EXHIBIT C

### LIST OF PROPERTIES CONSTITUTING BIG SKY SEWER SYSTEM JURISDICTIONAL AREA

#### GALLATIN COUNTY

##### Section 26, T-6-S, R-3-E, Gallatin County, Montana

Certificates of Survey: Tract 2 of COS 1701; Tract 1 of COS 1697

##### Section 33, T-6-S, R-3-E, Gallatin County, Montana

All of section 33, Patent 40-422, Tax No. RKE18795

##### Section 34, T-6-S, R-3-E, Gallatin County, Montana

Aspen Groves Subdivision, Phase 1, Plat J-240: all parcels

Aspen Groves Subdivision, Phase 2, Plat J-246: all parcels

##### Section 35, T-6-S, R-3-E, Gallatin County, Montana

Certificates of Survey: Tract B of COS 358A; Tract A-1 of COS 358B; Tract 2 of COS 1501;  
Tract 6 of COS 1502A; Tract 7 of COS 1502A; Tract 1 remainder of COS 1468; and  
Tract A of COS 1605

Northfork Creek Subdivision, Plat J-247: all parcels

Pinewood Hills Subdivision, Plat J-148: all parcels

Minor Subdivision No. 90, Lot 1

1 Lot in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Plat 153-215, Tax No. RKE19339

##### Section 36, T-6-S, R-3-E, Gallatin County, Montana

Certificates of Survey: COS 209, Tract 5 of COS 1502A, and COS 409

Sweetgrass Hills Subdivision, Plat H-36: all parcels except Tract D, Tract E, Tract H20, Tract H21

Meadow Village Subdivision, Plats H14 & H23: all parcels except the remainder parcel of  
Tract A in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36

Meadow Village Subdivision, Second Filing, Plat I-12: all parcels except the remainder of  
Tract D

Meadow Village 25 Lot Addition, Plat J-157: all parcels

Minor Subdivision 91 & 91A, Lots 1A, 2, 3, 4, 5

Remainder parcel, 17 FM 405 PLAT

##### Section 31, T-6-S, R-4-E, Gallatin County, Montana

Certificates of Survey: Tract A of COS 2216, Tr A1 of COS 1354A

Remainder parcel in the NW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , 6 FM 1074, Tax No. RKF19143

##### Section 1, T-7-S, R-3-E, Gallatin County, Montana

All of Section, Patent 56-1, Tax No. RLE19141 <sup>1</sup>

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<sup>1</sup> This parcel has been submitted to Gallatin County for final plat approval as the Town Center Subdivision. After final plat approval, all parcels recorded under the Town Center Subdivision will be included in the Sewer System Jurisdictional Area.

**Section 2, T-7-S, R-3-E, Gallatin County, Montana**

Certificates of Survey: COS 214

Westfork Meadows Subdivision, Plat I-37: all parcels

South Fork Subdivision, Phase 1, Plat J-233: all parcels

South Fork Subdivision, Phase 2, Plat J-254: all parcels

South Fork Subdivision, Phase 4, Plat J-324: all parcels

Blue Grouse Hills Subdivision, Phase 1, Plat J-161: Lot 1

Blue Grouse Hills Subdivision, Phase 2, Plat J-225: all parcels

1 Lot in the SE¼ NE¼, Plat 154-346, Tax No. RLE18925

Remainder parcel, 52 FM 2350, in the SW¼ NE¼, Tax No. RKE18356<sup>2</sup>

**MADISON COUNTY**

**Section 19, T-6-S, R-3-E, Madison County, Montana**

Cascade Subdivision: All parcels on the following plats

Cascade Subdivision, Block 1, Book 4 Page 76 & 76A; and Block 1 Amended, Book 4 Page 153-153A

Cascade Subdivision, A Portion of Tract 5 and Tract A of Block 1 Amended, Book 4 Page 327

Cascade Subdivision, A Portion of Tract 2 and Tract 3 of Block 1 Amended, Book 4 Page 357

Cascade Subdivision, Tract 7, Block 1 Amended, Book 4 Page 309

Cascade Subdivision, Block 2, Book 4 Page 77

Cascade Subdivision, Block 3, Page 78

Cascade Subdivision, Lots 241, 244, 253, 254, 255, 258 and 262 Block 3 and Lots 264, 266, 268 thru 276, 287 thru 290, 294 thru 298, 301, 302 and 303, Tracts 12, A, C and D Block 4; Book 4 Page 358

Cascade Subdivision, Lots 188 through 235, Block 3 Amended, Book 4 Page 405

Cascade Subdivision, Lots 80-92 and 98-109, Block 2 and Lots 130-139 and 236-237, Block 3 Amended, Book 4 Page 409

Cascade Subdivision, Block 4, Book 4 Page 79

Cascade Subdivision, Block 5, Book 4 Page 80

Cascade Subdivision, Block 6, Book 4 Page 81 and Block 6 Amended; Block 6 Amended, Book 4 Page 112

**Section 30, T-6-S, R-3-E, Madison County, Montana**

Custer Minor Subdivision (Lake Condominiums), Book 4 Page 173 - 175; Book 4 Page 373; and Book 6 Page 445 & 453: All parcels

Mountain Village Subdivision, Phase I, Book 4 Page 334: All parcels

**Madison County Condominiums:**

Arrowhead Condominiums, Book 6 Page 404-405A: All phases & units

Beaverhead Condominiums Subdivision Plat, Book 4 Page 176: All phases & units

Big Horn Condominiums, Book 6 Page 448-449: All phases & units

Cedar Creek Condominiums, All phases & units

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<sup>2</sup> This parcel has been submitted to Gallatin County for final plat approval as South Fork Subdivision, Phase 3. After final plat approval, all parcels recorded under South Fork Subdivision, Phase 3 will be included in the Sewer System Jurisdictional Area.

Hill Condominiums, Book 6 Page 195: All phases & units  
Lake Condominiums, Book 6 Page 440-441: All phases & units  
Powder Ridge Cabins, All phases and cabins  
Snowcrest Condominiums, Book 6 Page 454: All phases & units  
Snowflake (Skycrest) Condominiums, Book 6 Page 439: All phases & units  
Shoshone Condominiums, Book 6 Page 444: All phases & units  
Stillwater Condominiums: All phases & units  
Summit Condominiums: All phases & units

## EXHIBIT D

### NOTICE

#### **BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA SEWER SYSTEM JURISDICTIONAL AREA WASTEWATER INDEBTEDNESS ELECTION**

NOTICE IS HEREBY GIVEN by the Board of Directors (the "Board") of Big Sky County Water & Sewer District No. 363, Montana (the "District"), that pursuant to a certain resolution duly adopted at a regular meeting of the Board on December 18, 2001, which resolution is available for public inspection, a mail ballot election of the registered voters of the Sewer System Jurisdictional Area of the District will be held on February 27, 2002 for the purpose of voting on the question of whether or not the Board shall be authorized to issue general obligation bonds of the District in an amount not to exceed Thirteen Million Five Hundred and No/100 Dollars (\$13,500,000) for the purpose of paying the costs of financing, designing, constructing and installing a wastewater treatment plant, wastewater force main, pumping station(s) and related improvements and appurtenances to the District wastewater system (the "Project"), and to pay costs associated with the sale and issuance of the bonds.

The Bonds shall be payable over a term not to exceed twenty (20) years from an ad valorem property tax levied against all properties in the Sewer System Jurisdictional Area and other available revenues of the Sewer System and the Sewer System Jurisdictional Area, except that all property in the Sewer System Jurisdictional Area currently owned by Westland Enterprises, Inc. and TM Land Partners Limited consisting of lands located in Section 31, Township 6 South, Range 4 East, and Section 1, Township 7 South, Range 3 East, as more specifically described in the Gallatin County Clerk and Recorder's office (the "Westland Property") will not be taxed to pay principal of and interest on the bonds pursuant to an order of the Supreme Court dated June 2, 1989. Every registered elector owning or residing upon real property in the Sewer System Jurisdictional Area shall be entitled to vote.

The Sewer System Jurisdictional Area is described as follows:

#### **GALLATIN COUNTY**

##### **Section 26, T-6-S, R-3-E, Gallatin County, Montana**

Certificates of Survey: Tract 2 of COS 1701; Tract 1 of COS 1697

##### **Section 33, T-6-S, R-3-E, Gallatin County, Montana**

All of section 33, Patent 40-422, Tax No. RKE18795

##### **Section 34, T-6-S, R-3-E, Gallatin County, Montana**

Aspen Groves Subdivision, Phase 1, Plat J-240: all parcels

Aspen Groves Subdivision, Phase 2, Plat J-246: all parcels

##### **Section 35, T-6-S, R-3-E, Gallatin County, Montana**

Certificates of Survey: Tract B of COS 358A; Tract A-1 of COS 358B; Tract 2 of COS 1501; Tract 6 of COS 1502A; Tract 7 of COS 1502A; Tract 1 remainder of COS 1468; and Tract A of COS 1605

Northfork Creek Subdivision, Plat J-247: all parcels

Pinewood Hills Subdivision, Plat J-148: all parcels

Minor Subdivision No. 90, Lot 1

1 Lot in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Plat 153-215, Tax No. RKE19339

##### **Section 36, T-6-S, R-3-E, Gallatin County, Montana**

Certificates of Survey: COS 209, Tract 5 of COS 1502A, and COS 409

Sweetgrass Hills Subdivision, Plat H-36: all parcels except Tract D, Tract E, Tract H20, Tract H21

Meadow Village Subdivision, Plats H14 & H23: all parcels except the remainder parcel of Tract A in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36

Meadow Village Subdivision, Second Filing, Plat I-12: all parcels except the remainder of Tract D

Meadow Village 25 Lot Addition, Plat J-157: all parcels

Minor Subdivision 91 & 91A, Lots 1A, 2, 3, 4, 5

Remainder parcel, 17 FM 405 PLAT

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South Fork Subdivision, Phase 2, Plat J-254: all parcels

South Fork Subdivision, Phase 4, Plat J-324: all parcels

Blue Grouse Hills Subdivision, Phase 1, Plat J-161: Lot 1

Blue Grouse Hills Subdivision, Phase 2, Plat J-225: all parcels

1 Lot in the SE¼ NE¼, Plat 154-346, Tax No. RLE18925

Remainder parcel, 52 FM 2350, in the SW¼ NE¼, Tax No. RKE18356<sup>4</sup>

**MADISON COUNTY**

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Cascade Subdivision: All parcels on the following plats

Cascade Subdivision, Block 1, Book 4 Page 76 & 76A; and Block 1 Amended, Book 4 Page 153-153A

Cascade Subdivision, A Portion of Tract 5 and Tract A of Block 1 Amended, Book 4 Page 327

Cascade Subdivision, A Portion of Tract 2 and Tract 3 of Block 1 Amended, Book 4 Page 357

Cascade Subdivision, Tract 7, Block 1 Amended, Book 4 Page 309

Cascade Subdivision, Block 2, Book 4 Page 77

Cascade Subdivision, Block 3, Page 78

Cascade Subdivision, Lots 241, 244, 253, 254, 255, 258 and 262 Block 3 and Lots 264, 266, 268 thru 276, 287 thru 290, 294 thru 298, 301, 302 and 303, Tracts 12, A, C and D Block 4; Book 4 Page 358

Cascade Subdivision, Lots 188 through 235, Block 3 Amended, Book 4 Page 405

Cascade Subdivision, Lots 80-92 and 98-109, Block 2 and Lots 130-139 and 236-237, Block 3 Amended, Book 4 Page 409

Cascade Subdivision, Block 4, Book 4 Page 79

Cascade Subdivision, Block 5, Book 4 Page 80

Cascade Subdivision, Block 6, Book 4 Page 81 and Block 6 Amended; Block 6 Amended, Book 4 Page 112

**Section 30, T-6-S, R-3-E, Madison County, Montana**

Custer Minor Subdivision (Lake Condominiums), Book 4 Page 173 - 175; Book 4 Page 373; and Book 6 Page 445 & 453: All parcels

Mountain Village Subdivision, Phase I, Book 4 Page 334: All parcels

**Madison County Condominiums:**

Arrowhead Condominiums, Book 6 Page 404-405A: All phases & units

Beaverhead Condominiums Subdivision Plat, Book 4 Page 176: All phases & units

Big Horn Condominiums, Book 6 Page 448-449: All phases & units

Cedar Creek Condominiums, All phases & units

Hill Condominiums, Book 6 Page 195: All phases & units

Lake Condominiums, Book 6 Page 440-441: All phases & units

Powder Ridge Cabins, All phases and cabins

Snowcrest Condominiums, Book 6 Page 454: All phases & units

Snowflake (Skycrest) Condominiums, Book 6 Page 439: All phases & units

Shoshone Condominiums, Book 6 Page 444: All phases & units

Stillwater Condominiums: All phases & units

Summit Condominiums: All phases & units

A map of the Sewer System Jurisdictional Area is on file with the District Secretary.

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<sup>3</sup> This parcel has been submitted to Gallatin County for final plat approval as the Town Center Subdivision. After final plat approval, all parcels recorded under the Town Center Subdivision will be included in the Sewer System Jurisdictional Area.

<sup>4</sup> This parcel has been submitted to Gallatin County for final plat approval as South Fork Subdivision, Phase 3. After final plat approval, all parcels recorded under South Fork Subdivision, Phase 3 will be included in the Sewer System Jurisdictional Area.

The election will be conducted solely by mail ballot. Ballots will be mailed to all eligible registered voters in the Sewer System Jurisdictional Area on February 7, 2002, and must be returned by each voter, to the County Election Administrator's Office by mail or in person to the Gallatin County Courthouse, 311 West Main Street, Room 204, Bozeman, Montana, during regular business hours (8:00 a.m. to 5:00 p.m.), weekdays, February 8, 2002 through February 26, 2002.

On Election Day, February 27, 2002, the only place for deposit of voted ballots will be the office of the County Election Administrator at Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana, which will be open from 8:00 a.m. to 8:00 p.m., and all ballots must be in that office by 8:00 p.m. in order to be counted. All ballots will be tallied in the office of the County Election Administrator after 8:00 p.m. on February 27, 2002.

A qualified voter who will be absent from the Sewer System Jurisdictional Area during the time the election is being conducted may:

- (a) vote in person in the office of the County Election Administrator as soon as the ballots are available and until noon on February 6, 2002; or
- (b) make a written request prior to noon on February 6, 2002, signed by the applicant and addressed to the office of the County Election Administrator, that the ballot be mailed to an address other than that which appears on the registration records. All ballots to be mailed will be mailed no later than February 7, 2002.

An elector may obtain a replacement ballot if his ballot is destroyed, spoiled, lost, or not received by the elector by personally appearing at the office of the County Election Administrator and by:

- (a) signing an affidavit form stating the reason for the request for replacement; and
- (b) if the reason given for replacement is "spoiled ballot," by returning the spoiled ballot to the office of the County Election Administrator.

DATED this \_\_\_\_\_ day of December, 2001.

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