

After recording return to:  
Ron Edwards, General Manager  
Big Sky Water and Sewer District #363  
P.O. Box 160670  
Big Sky, Montana 59716

### **CERTIFICATE AS TO RESOLUTION 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, TO CLARIFYING PREVIOUSLY EXCLUDED LANDS FROM THE WATER SYSTEM and SEWER SYSTEM JURISDICTIONAL AREAS WITHIN 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 21<sup>st</sup>, 2010 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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: President Packy Cronin, Gary McRae, Dick Allgood, Jeff Daniels, Bill Olson & Betsey Weltner; abstained from voting thereon: \_\_\_\_\_; or were absent: Dick Fast.

WITNESS my hand and seal officially this 21<sup>st</sup> day of December, 2010.

  
\_\_\_\_\_  
Secretary

## **RESOLUTION NO. 10-01**

A RESOLUTION OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, TO CLARIFYING PREVIOUSLY EXCLUDE LANDS FROM THE WATER SYSTEM JURISDICTIONAL AREA AND SEWER SYSTEM JURISDICTIONAL AREA WITHIN THE DISTRICT

WHEREAS, the Big Sky County Water & Sewer District No. 363, Montana (the "District") is a county water or sewer district, validly organized pursuant to Title 7, Chapter 1 3, 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 Ordinance Nos. 01-1001 and 01-1002 (the "Ordinances"), both adopted on October 25, 2001, and in accordance with the provisions of Montana law, the Board annexed into the District certain property identified in those Ordinances, subject to the approval and ratification of the electors of the District; and

WHEREAS, pursuant to Resolution No. 01-09, adopted on December 18, 2001, the Board excluded certain land and modified the boundaries of the District; and

WHEREAS, pursuant to Resolution Nos. 01-10 and 01-11, duly adopted on December 18, 2001, after holding a public hearing and giving notice thereof, the District created and established the boundaries of a Sewer System Jurisdictional Area and a Water System Jurisdictional Area within the District; and

WHEREAS, pursuant to a mail ballot election conducted on February 27, 2002, the electors of the District approved the incurrence of debt for the Water System Jurisdictional Area in the amount of \$2,500,000 and Sewer System Jurisdictional Area in the amount of \$13,500,000; and

WHEREAS, the owners of certain property in the Water System and Sewer System Jurisdictional Areas have called to the attention of the District that the property is not being served and cannot be served by the District's water system (the "System"); and

WHEREAS, the Board has determined that land which can not and will not under the District's long term facility plans be benefited from or served by the District's Systems and should not have to pay for the costs of such Systems and thus should be excluded the Water and Sewer System Jurisdictional Areas within the District; and

WHEREAS, pursuant to Resolution No. 04-01, duly adopted on January 18, 2005, the Board removed certain lands, specifically Uplands Residential Cluster B Subdivision, located in Section 1, Township 7 South, Range 3 East, Gallatin County Montana from the Water System Jurisdictional Area with the balance of Section 1, Township 7 South, Range 3 East, Gallatin County remaining in the Water System Jurisdictional Area; and

WHEREAS, it has been determined that all of Section 1, Township 7 South, Range 3 East, Gallatin County Montana, including Uplands Residential Cluster B, was erroneously included in the Sewer System Jurisdictional Area; and

WHEREAS, pursuant to Section 7-13-2348, M.C.A. the Board authorized and conducted a hearing regarding the exclusion, after notice, with said hearing having been conducted on January 18, 2005.

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

Section 1. Lands Excluded from Water System Jurisdictional Area: The Board hereby affirms that the land described as Uplands Residential Cluster B located in Section 1, Township 7 South, Range 3 East, Gallatin County Montana is not served or benefited by the Water System and should have been excluded from the Water System Jurisdictional Area within the District. The remaining lands within Section 1, Township 7 South, Range 3 East, Gallatin County is included within the Water System Jurisdictional Area; and

Lands Excluded from Sewer System Jurisdictional Area: The Board hereby determined and ratified that land described as Section 1, Township 7 South, Range 3 East, Gallatin County Montana is not served or benefited by the Wastewater System and should have been excluded from the Sewer System Jurisdictional Area within the District as of the hearing conducted on January 18, 2005.

Section 2. Mill Levy. For purposes of calculating the amount of debt service to be levied against the properties in the respective Water System Jurisdictional Area and Wastewater System Jurisdictional Area for the fiscal year debt service, any property removed from the jurisdictional areas prior to August 1 of each year will not be included in the mill levy calculation and taxed for the improvements for the then current fiscal year or any fiscal year thereafter.

Passed and approved this 21st day of December, 2010.



Paul 'Packy' Cronin  
President, Board of Directors

Attest:



Dick Fast  
Secretary

(SEAL)