

ORDINANCE NO. 95-1002

OCT 20 1995

NO FEE

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXPANSION OF THE BOUNDARIES OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363 TO INCLUDE ASPEN GROVES SUBDIVISION.

BE IT ORDAINED by the Board of Directors of Big Sky County Water & Sewer District No. 363 (District) as follows:

PREAMBLE

WHEREAS, a Petition for inclusion was presented to the District, signed by an agent of Aspen Groves Development Corporation (owner), the owner of certain real property commonly known as Aspen Groves Subdivision, requesting expansion of the District's boundaries to include said subdivision; and

WHEREAS, through mistake and inadvertence, the owner's request that Aspen Groves Subdivision be included within the District boundaries when the District was originally organized was not acted upon and said subdivision was excluded from the District boundaries; and

WHEREAS, the District has determined that once the District sewage treatment facilities have been sufficiently repaired and expanded, the State Compliance Order imposed by the State of Montana in July, 1993, is withdrawn, and the moratorium imposed by the Board of Trustees of RID 305 in January, 1992, and adopted by the District as successor-in-interest to RID 305, is lifted, then at that time, there will exist sufficient capacity to meet the needs of the current District and those of Aspen Groves Subdivision.

NOW, THEREFORE, be it ordained by the Board of Directors of Big Sky County Water & Sewer District No. 363 as follows:

1. Purpose. The purpose of this Ordinance is to authorize and direct the expansion of the boundaries of the District, pursuant to the provisions of Mont. Code Ann. Section 7-13-2341 (5), to include the following property presently adjoining 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:

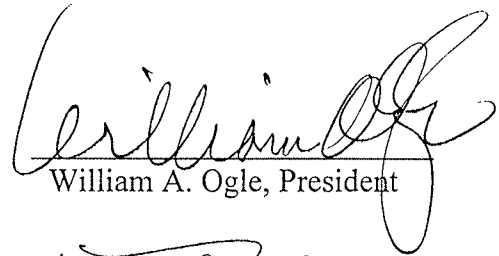
Beginning at a point which is the east 1/4 of Section 34; thence from said point of beginning along the easterly line of Section 4 South 00 degrees 34

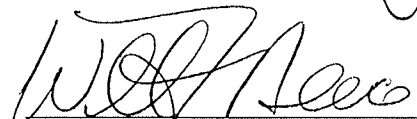
minutes 15 seconds West a distance of 122.93 feet, along a curve to the right with a radius of 220.08 feet a distance of 206.45 feet, North 60 degrees 13 minutes 11 seconds West a distance of 166.27 feet, along a curve to the left with a radius of 143.95 feet a distance of 105.74 feet South 77 degrees 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 to 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.

The above described tract of land is to be known and designated as "Aspen Groves Subdivision", Gallatin County, Montana; and the lands included in all streets, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever. The roadways dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. The owners

agree that the County has no obligation to maintain the roads hereby dedicated to public use.

2. Expansion of District Boundaries. The boundaries of Big Sky County Water & Sewer District No. 363 are hereby extended and increased so as to include within the limits of the District the Aspen Groves Subdivision described above, and such property is hereby declared to be included within the Big Sky County Water & Sewer District No. 363.
3. New District Boundary Description. The plat attached to this Ordinance is an accurate representation and legal description of the District boundaries, including the inclusion of the Aspen Groves Subdivision described above, and the same is hereby adopted as the official plat of the new boundary of Big Sky County Water & Sewer District No. 363, and shall be filed in the Office of The Clerk and Recorder for Gallatin and Madison Counties.
4. Effective Date. The effective date of this Ordinance is the date at which time that both the RID 305 moratorium and State Compliance Order have been lifted.


William A. Ogle, President


William F. Neece, Secretary

