

BOARD OF TRUSTEES

RURAL IMPROVEMENT DISTRICT 305

WAYNE O. HILL
Chairman

Michael H. Ankeny
Trustee

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92-01

July 19, 1993

RESOLUTION OF TRUSTEES OF RURAL IMPROVEMENT DISTRICT #305

The undersigned, being all of the Trustees of Rural Improvement District #305, hereby adopt the following Resolution which was adopted by the Board of Trustees on June 28, 1993.

Whereas, on May 4, 1993, the Gallatin County Commissioners adopted Resolution 1993-07, a certified copy of which is attached as Exhibit "1", directing that, pursuant to Title 7, Chapter 13, Parts 22 and 23, MCA, an election shall be held in the pertinent part of Gallatin County on July 26, 1993, on the following proposition:

SHALL THE PROPOSITION TO ORGANIZE THE BIG SKY COUNTY WATER AND SEWER DISTRICT UNDER PARTS 22 AND 23 OF CHAPTER 13 OF TITLE 7 BE ADOPTED?

;and

WHEREAS, ON MAY 24, 1993, the Madison County Commissioners adopted Resolution 2-1993, a certified copy of which is attached as Exhibit "2", which provides that on July 26, 1993, an election shall be held in the pertinent part of Madison County regarding adoption of the identical proposition; and

WHEREAS, pursuant to Gallatin County Commissioners' Resolution 1993-07 and Madison County Commissioners' Resolution 2-1993, the Gallatin County Commissioners and the Madison County Commissioners jointly agreed that, for economical and administrative reasons, the above-described election would be conducted by mail pursuant to Title 13, Chapter 19, MCA, by the Gallatin County Election Administrator pursuant to MCA § 7-13-2241; and

WHEREAS, all of the members of the Board of Trustees of Rural Improvement District #305, namely Michael H. Ankeny, Raymond J. Tout and Wayne O. Hill, as Chairman, met on June 28, 1993, and discussed at length transfer to the Big Sky County Water and Sewer District all functions, assets and liabilities of RID #305 should the voters approve the creation of the District during the July 26, 1993 election; and

WHEREAS, it was unanimously agreed by the Board of Trustees of Rural Improvement District #305, that transfer of the functions, assets and liabilities of the RID to the Big Sky County Water and Sewer District, including the interest of RID #305 in its lawsuit with Boyne USA, would be in the best interests of the RID, the citizens of Big Sky, Montana, as well as the citizens of Gallatin County and Madison County, Montana, and their respective governing bodies;

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NOW, THEREFORE, upon motion duly made, seconded and unanimously carried, the following Resolution was adopted:

RESOLVED, that the Trustees of Rural Improvement District #305, acting within their vested authority, do hereby transfer to the Big Sky County Water and Sewer District, all its functions as well as the assets and liabilities of RID #305, should the voters approve the creation of the District during the July 26, 1993 election; and

RESOLVED FURTHER, that it is the intention of the Trustees of Rural Improvement District #305, that, if the voters approve the creation of the District, the Big Sky County Water and Sewer District will annex and assume all functions, assets and liabilities of RID #305, including the lawsuit which is currently pending against Boyne USA, which is captioned as follows: Boyne USA, Inc. a Michigan Corporation v. Rural Improvement District No. 305; Big Sky Owners Association, Inc. v. Boyne, USA, Inc.; Blue Grouse Hills Condominium Owners Association, Inc., Log Condominiums, Inc. and Southfork Subdivision, Inc., v. Boyne USA, Inc.; Boyne USA, Inc., v. Chrysler Realty Corporation, et al., No. Cause No. DV-91-716 (Montana Eighteenth Judicial District, Gallatin County).

RESOLVED FURTHER, that Wayne O. Hill, as Chairman of the Board of Trustees for RID #305, is hereby authorized to negotiate a transfer date with the Big Sky County Water and Sewer District should it be created and shall sign any and all agreements, documents or papers required by the District on behalf of RID #305, to effectuate transfer of the assets and liabilities of RID #305 to the District.

RESOLVED FURTHER, that the Board of Trustees of RID #305 will keep and maintain operation, control and management of RID #305 until all transfer documents are executed by RID #305 and the District, and the transfer date agreed upon by RID #305 and the District has been reached.

RESOLVED FURTHER, as soon as the transfer date has been reached and all transfer documents have been signed by both RID #305 and the Big Sky County Water and Sewer District, the Board of Trustees will take whatever action is required by Montana Law to dissolve RID #305.

DATED this 28th day of June, 1993.

RURAL IMPROVEMENT DISTRICT #305

BY: Wayne O. Hill
WAYNE O. HILL, Chairman

BY: Michael H. Ankeny
MICHAEL H. ANKENY, Trustee

BY: Raymond J. Tout
RAYMOND J. TOUT, Trustee