

ORDINANCE ANNEXING RESIDENTIAL, UTILITY LOTS AND PUBLIC PARK
OF ELK GROVE SUBDIVISION UPON PETITION FOR ANNEXATION INTO THE
FOUR CORNERS WATER AND SEWER DISTRICT

WHEREAS, the Four Corners County Water and Sewer District, a duly form water and sewer district pursuant to the law of Montana received 262 petitions for annexation of Elk Grove Subdivision; and

WHEREAS there are 299 residential lots, 1 day care lot and 12 commercial lots finally platted within Elk Grove Subdivision in Gallatin County; and

WHEREAS, pursuant to §7-13-2341 MCA, in pertinent part, “any portion of any county....may be added to any district organized under party 22 and this part at any time upon petition presented in a manner provided in Part 22 and this party for the organization of the district; and

WHEREAS, §7-13-2204, MCA states in pertinent party, “A petition, which may consist of any number of separate instruments, must be presented at a regular meeting....signed by at least 10% of the qualified electors of the territory included in the proposed district”; and

WHEREAS, there are 599 qualified electors within Elk Grove Subdivision with 10% being 60 qualified electors; and

WHEREAS, of the 262 petitions seeking annexation of Elk Grove Subdivision, petitions were signed by a total of 213 qualified electors, who did not withdraw their signatures prior to the 1st reading of this ordinance; and

WHEREAS, the property is contiguous to the District boundary; and

WHEREAS, the Board considered the recommendation to annex the Elk Grove residential lots as the day care lot and 13 commercial lots did not submit annexations petitions and the attorney for Elk Grove Development, the owner of the commercial lots did not request to multiple requests for response if the commercial lots desired annexation or not; and

WHEREAS on April 17, 2018, at a regularly scheduled and notice meeting of the Board of Directors, the Board considered the Petitions to annex the Elk Grove Subdivision as contiguous property and determined that the systems has sufficient capacity to provide service to the property.

NOW THEREFORE, the Board by passage of this ordinance does agree to annex the property described as the residential lots, utilities lots, exclusive UL 4, which receives no water or sewer service, and open space of Elk Grove, and more particularly described on the Exhibit A attached and incorporated herein, into the District and does not require an election of the members of the District in doing so.

ADOPTED by the Board of Directors of the Four Corners County Water and Sewer District after first reading on April 17, 2018 and second reading on May 15, 2018. This Ordinance shall be in effect 30 days after the date of the second reading.

1st Read and approved:
Dated: 4/17/2018

Four Corner's County Water and Sewer District

Its: _____

Attested:

Secretary

2nd Read and approved:
Dated: 5/15/ 2018

Four Corner's County Water and Sewer District

Its: _____

Attested:

Secretary

Exhibit A

Elk Grove Residential, Utility and Public Park Lots

Lots 1- 145, Public Park and UL 1, UL 2, UL3 of Elk Grove Subdivision Phase 1, and Lots 146 – 230 of Elk Grove Subdivision Phase 2, and Lots 231 – 299 of Elk Grove Subdivision Phase 3, a planned unit development being a tract of land located in the SE ¼ of Section 23, the SW1/4 of Section 24, the NE¼ of Section 25, T2S, R4E, PMM, Gallatin County Montana (plat reference: J-316)