

Ordinance 2024-05

ORDINANCE ACCEPTING THE ANNEXATION PETITION OF RDO
EQUIPMENT COMPANY TO ANNEX 57 EAST HULBERT ROAD BOZEMAN,
MT 59718 GALLATIN COUNTY MONTANA INTO THE FOUR CORNERS
WATER & SEWER DISTRICT

WHEREAS, RDO EQUIPMENT COMPANY , as owner, submitted a petition for annexation of a parcel of land described 57 East Hulbert Road, Bozeman MT 59718, located in the SW ¼ of SW ¼ Section 25, Township 1 South, Range 4 East P.M.M. Gallatin County Montana hereinafter also referred to as “Property” requesting that the Property be annexed into the Four Corners County Water and Sewer District to connect to; and

WHEREAS, the legal description of the Property, sought to be annexed is:

A tract of land in the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section Twenty-five (25), Township One (1) South, Range Four (4) East of the Montana Principal Meridian, Gallatin County, Montana, and being more particularly described by the following metes and bounds, to wit:

Beginning at a point which bears South 89°38' East a distance of 428.0 feet from the southwest corner of said Section Twenty-five (25); thence continuing South 89°38' East along the south line of the Southwest Quarter (SW¼), of said Section Twenty-five (25) a distance of 896.1 feet; thence North 0°19' East and parallel to the west line of the Southwest Quarter (SW¼) of said Section Twenty-five (25) a distance of 500.0 feet; thence North 89°38' West a distance of 897.3 feet; thence South 0°11' West on a line parallel to and 327.0 feet East of the East right of way of Highway Project FAS. 139(1), also known as Jack Rabbit Lane, a distance of 500.00 feet to the point of beginning, Plat in Book 145, page 535. Deed Reference: Film: 173, Page 1296.

WHEREAS, the Property is contiguous by virtue of platted streets dedicated to public use to the District boundary; and

WHEREAS, on September 17, 2024 at a duly noticed meeting of the Board of Directors, the Board considered the Petition to annex the Property as contiguous property and determined that the systems will have sufficient future capacity to provide service to the Property.

WHEREAS, the RDO EQUIPMENT COMPANY, shall, at RDO EQUIPMENT COMPANY's sole cost and expense, provide to the District water rights which may be used on the Property being annexed and shall pay the sewer and water capacity fee for 2 Equivalent Dwelling Units (“EDUs”), with an EDU equal to a maximum daily flow of 320 gallons a day and

average daily flow of 160 gallons per day per EDU. RDO EQUIPMENT COMPANY agrees to pay all cost associated with the annexation as well as the water and wastewater fee per EDU to the District; and

WHEREAS, the Property will need to provide its own irrigation water.

NOW THEREFORE, the Board by passage of this ordinance does agree to annex the Property described as RDO EQUIPMENT COMPANY located in the SW ¼ of SW ¼ Section 25, Township 1 South, Range 4 East P.M.M. Gallatin County Montana more particularly described above, also referred to as "Property" not to exceed equal to a maximum daily flow of 320 gallons a day and average daily flow of 160 gallons per day per water and sewer EDU. All recitals set forth above are incorporated herein as if fully set forth herein.

The annexation shall not be set for 2nd reading and passage until the water right is transferred to the District.

ADOPTED by the Board of Directors of the Four Corners County Water and Sewer District after first reading on Oct 15, 2024 with a vote of 4 in favor and 0 against and second reading on Nov 19, 2024 with a vote of 3 in favor and 0 against. This Ordinance shall be in effect 30 days after the date of the second reading.

1st Read and approved: Four Corner's County Water and Sewer District

Dated: Oct 15, 2024

Nancy A. Flikken
Its: President

Attested: Moby Krenke

Secretary

2nd Read and approved: Four Corner's County Water and Sewer District

Dated: Nov 19, 2024

Jeff R. Lyles
Its: Vice-President

Attested: Moby Krenke

Secretary