

RESOLUTION NO. 20__-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF [insert name], MONTANA ESTABLISHING A SERVICE PLAN FOR FUTURE ANNEXATIONS AS REQUIRED UNDER MONTANA CODES ANNOTATED TITLE 7, CHAPTER 2, PART 46 “ANNEXATION BY PETITION” AND PART 47 “ANNEXATION WITH PROVISION OF SERVICES.”

A. Introduction

Whereas, the City of [insert name] hereby recognizes that Montana State law has established municipal governments for the purpose of providing local government municipal services essential for sound urban development of communities as well as for the protection of health, safety and welfare in areas either already being intensively used or undergoing development for residential, commercial, industrial, institutional and governmental purposes.

“Historically, the purpose of Montana’s annexation statutes have been simply to provide expanding communities with:

1. a united and effective single form of government;
2. orderly growth through uniform regulations such as building codes, planning, and zoning standards; and
3. an equal sharing of community resources and financial responsibility for those resources by people living in an area united by social, political, and economic interests. (From *Montana’s Annexation Laws: An Evaluation, November 1980, Montana Legislative Council*.)”

B. Long Range Plan

As required by MCA 7-2-4732, this plan anticipates development for a period of at least five years into the future. The 2010 Census lists the City of [insert name]’s population at [insert current population]. It is projected that the City could reach a population of [insert projected population] by 2017 [include source of projection]. Studies such as those noted below if available should be consulted when reviewing proposed annexations.

1. Sewer - The City’s sewage treatment facility can serve a population of [insert amount]. An upgrade to the facility would service a population of [insert amount]. (Provide general description of sewer capacity and future upgrades, if currently planned, and describe any long range plans and future upgrades).
2. Water - The City’s water capacity can serve a population of [insert amount]. An upgrade to the system would service a population of [insert amount]. (Provide general description of water capacity, if currently planned, and describe any long range plans and future upgrades.)
3. Roads – Future road extensions shall be designed to accommodate projected demand. Where possible, logical extensions of the City’s street network will be required. (Provide

general description of road extensions, if currently planned, and describe any long range plans and future upgrades.)

4. Service Providers – Describe the ability of local service providers to manage additional capacity (fire, police, emergency services, school district) (Provide general description and describe any long range plans and future upgrades.)

C. Areas Considered for Annexation

Currently there are numerous areas adjacent to and lying on the perimeter of the City of *[insert name]* that are natural extensions of the City but which are not presently located within the corporate boundaries of the City. Some of these areas are already extensively developed and are deriving benefits from the City of *[insert name]* without paying their just and equal share for these municipal services. Other areas are not extensively developed, but given the current growth trends in the *[insert name]* area will be attractive for development in the future. It is the policy of the City of *[insert name]* that properties outside of the City shall not be connected the City's water and sewer system without annexation. The City of *[insert name]* will attempt to timely consider any property owner petition requesting annexation of land that is contiguous with the City and eligible for annexation in accordance with State statutes. Furthermore, the City of *[insert name]* plans to consider annexation of new subdivision developments in a timely manner whenever a developer submits a development proposal to the City for annexation.

(Note: The following should describe areas where annexation may occur in the next five years. For each, provide a general description of the area and desirability for annexation. Consider physical constraints such as topography and man-made constraints such as railroads or industrial facilities, etc).

1. North – Within the next five (5) years, the City anticipates *[describe growth]*.
2. South - Within the next five (5) years, the City anticipates *[describe growth]*.
3. East - Within the next five (5) years, the City anticipates *[describe growth]*.
4. West - Within the next five (5) years, the City anticipates *[describe growth]*.
5. Insert reference to Limits of Annexation Map. Or reference future land use map if available.

D. Petition(s) for Annexation

If a property owner(s) petitions the City to have property annexed into the City pursuant to MCA Title 7, Chapter 2, Part 46, the property owner(s) shall submit a petition(s) for annexation in a form substantially similar to the petition attached hereto as Exhibit 1. The petitioner(s) shall also provide the City with the following:

1. A map depicting all of the tracts of land proposed for annexation. A
2. A certified list with the legal description, and the names and mailing addresses of the owner(s) of each tract of land in the area proposed for annexation, from the records of the *[insert name of jurisdiction]* County Clerk and Recorder, or a licensed title company.
3. Concurrent with a petition for annexation, the petitioner shall also propose one or more zoning designations for the property to be annexed, and a site plan or preliminary plat indicating the sizes of lots, proposed land uses and density of development anticipated for the property.

4. An annexation fee established by the city council.

E. Municipal Services to Annexed Land

1. It is the plan of the City of *[insert name]* that municipal services will be available to property that is annexed within a reasonable time (generally not to exceed five years) on substantially the same basis and in the same manner as such services are available to the rest of the municipality. If it is likely that the area proposed to be annexed will not have municipal services available within a reasonable time, the area should not be annexed.
2. All property owners located in a newly annexed area will be required to comply with all City, State, and Federal laws, statutes, regulations, ordinances, and resolutions, including but not limited to, zoning, building codes, fire prevention ordinance and fire codes, fireworks ordinances, dog license ordinance, business license ordinance, and all other laws, statutes, regulations, ordinances, and resolutions.

F. General Policies for Providing Services to Annexed Property

1. The City plans to generally provide municipal services of police, fire, street maintenance, parks and recreation and all general administrative services of the City of *[insert name]* to annexed property immediately upon annexation. The financial cost of extending such services shall generally be shared by the entire municipality through municipal revenues allocated and expended pursuant to the City's annual budget adopted each fiscal year. No new Citywide bond issue is planned for the sole purpose of financing provision of municipal services to annexed areas. *(Optional note: Parcels annexed into the City will be required to enter into the Citywide Street Maintenance District and may be required to enter into an existing or future street lighting district, or other such district established.)*
2. The developer(s) or property owner(s) of annexed property will be required to construct all infrastructure improvements, including but not limited to: water lines, sewer lines, fire hydrants, reservoirs, pump stations, lift stations, culverts, drainage systems, roadways, sidewalks, street lighting, traffic control devices, street name signs, and such other improvements as may be required by the City, at the developer's or property owner's expense. The infrastructure improvements will be constructed in accordance with the City of *[insert name]* Subdivision Regulations, City of *[insert name]* Specifications, and the most recent edition of the Montana Public Works Standard Specifications. The infrastructure improvements shall be in compliance with applicable codes and standards and be of adequate size and design to accommodate the needs of the proposed development. All proposed infrastructure shall be reviewed and approved by the City Public Works Director, and as-built drawings as required by the City Public Works Director shall be submitted to the City prior to final acceptance of the infrastructure.
3. The developer(s) or property owner(s) shall be responsible for providing fire protection appurtenances and required water flow pressures and volume, at the developer's or property owner's expense, as required by the applicable Fire Code enforced by the City and reviewed and approved by the City Fire Chief, based on the use of land and the type of construction employed.
4. Sewer systems shall be designed in such a manner as to avoid the requirement for lift stations if feasible.

5. Properties proposed for development in areas which do not have immediate access to City water and/or sewer, but where services are in close proximity may be required to install dry sewer lines in anticipation of the extension of City water and sewer into the area within a reasonable time, generally not to exceed five years. Once adequate water and sewer facilities are within 200 feet of the site, or if a new subdivision lot is within 500 feet of City water and sewer, connection may be required at the property owner's or developer's expense.
6. As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to City, State Department of Environmental Quality (DEQ), and Environmental Protection Agency (EPA) standards. It is the responsibility of the developer(s) or property owner(s) to convey storm water from their property to an appropriate point of disposal as approved by the City Engineer. If there is no storm sewer conveyance system available to the site, storm water generated as a result of the development shall be retained on site in accordance with applicable DEQ and EPA regulations. Generally, the quantity and rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.
7. The developer(s) or property owner(s) shall provide all necessary right-of-way and/or easements, or additional right-of-way or easements if less than adequate right-of-way or easements exist in property proposed for annexation.
8. In areas served by the City water system, the City may require the developer(s) or property owner(s) to properly abandon existing wells in accordance with DEQ regulations by qualified personnel. Furthermore, the City may require existing water rights to be transferred to the City.

G. Policies for Providing Services in Existing Developed Areas

1. As a general policy, property that is proposed for annexation that has existing infrastructure shall be required to upgrade the infrastructure to City standards as a condition of annexation.
2. Prior to annexation, the City may require the developer(s) or property owner(s) to provide the City with a report describing the following:
 - a. The approximate year or period in which the existing area was developed.
 - b. The location, size and condition of the existing infrastructure, including but not limited to, water and sewer lines, fire hydrants, streets, and storm drainage.
 - c. The size and location and legal purpose of all existing rights-of-way and easements.
 - d. The report shall also include the estimated costs associated with correcting the deficiencies and bringing the utility or improvement to City standards. The City may require such a report to be prepared by a professional engineer at the cost of the developer(s) or property owner(s).
3. In certain instances it may be appropriate to require areas within the City limits, including recently annexed areas, to connect to City services which are available over a stated period of time generally not to exceed five years. This would provide the opportunity to phase out individual and private systems utilizing on-site facilities or other antiquated systems, which operate at a marginal level and which may not be compatible with City Standards.

H. Off-Site Infrastructure Requirements

1. In the event that annexation creates impacts requiring off-site infrastructure improvements, the developer(s) or property owner(s) of the property proposed for annexation will be responsible for bearing the costs of such improvements, unless otherwise determined by the City Council.
2. The City may require reimbursement from a developer(s) or property owner(s) for City financed infrastructure that was installed in anticipation of future development on property that is proposed for annexation.
3. It shall be the responsibility of the developer(s) or property owner(s) to extend all roadways and utilities from the existing City facilities to the site of development in accordance with all City standards and specifications, including the provision for appropriate easements. It shall further be the responsibility of the developer(s) or property owner(s) to construct all streets and utilities to the furthest boundary of the property to be developed or annexed when it is deemed appropriate by the City Council or City Engineer in order to facilitate future development.

I. Special Improvement Districts

The City Council, in its discretion, may approve the formation of a Special Improvement District to pay for the installation, construction and upgrading of infrastructure improvements. The boundaries of the Special Improvement District shall be the area benefiting from the improvements in accordance with the laws of the State of Montana.

J. Payback Agreement

If a developer(s) or property owner(s) of property annexed pays the entire cost of infrastructure improvements, and such improvements will benefit other property that may be developed or annexed in the future, the City Council may, in its discretion, authorize a Payback Agreement. The Payback Agreement may provide that developer(s) or property owner(s) that connect to the infrastructure improvements in the future shall reimburse the developer(s) or property owner(s) that initially paid for the improvement a portion of the cost of the improvement. The Payback Agreement shall include a method of calculating the amount of reimbursement. The method of reimbursement may be based upon lot size, front footage, or other means that the City Council deems reasonable. The payback period shall not exceed 10 years from the date of completion of construction or installation of the improvement. The Payback Agreement shall set forth the specific area that may benefit from the improvement and that will be subject to the Payback Agreement. The costs that may be reimbursed under a Payback Agreement may include engineering, design and inspection fees. Any and all terms and conditions of a Payback Agreement are subject to approval by the City Council.

BE IT RESOLVED, the City of *[insert name]* hereby establishes the above service plan for future annexations as required by Montana Codes Annotated Title 7, Chapter 2, Part 46 “Annexation by Petition” and Part 47 “Annexation with Provision of Services” on *[insert date]* at a regular scheduled meeting of the *[insert name]* City Council in its Chambers at *[insert address]*, Montana.

PASSED by the City Council of *[insert name]*, Montana on the *[insert date]* of *[insert month and year]*.

[Name of City or Town Mayor or presiding officer]

ATTEST:

[Name of City or Town Clerk or other designated official]