

DRAFT

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Big Sky County Water & Sewer District No. 363, Montana (the "District"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "AN ORDINANCE OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, GRANTING THE PETITION OF WALTER BLESSEY TO ADD LAND TO THE DIST" (the "Ordinance"), on file in the original records of the District in my legal custody; that the Ordinance was duly adopted by the Board of Directors of the District at a regular meeting on _____ and that the meeting was duly held by the Board of Directors and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Directors voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this _____ day of _____, 20__.

Secretary

BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363

**ORDINANCE NO. 06-1002
SECOND READING**

Adopted: _____

AN ORDINANCE OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, GRANTING THE PETITION OF WALTER BLESSEY TO ADD LAND TO THE DISTRICT

BE IT ordained by the Board of Directors (the “Board”) of the Big Sky Water & Sewer District No. 363, Montana (the “District”) as follows:

WHEREAS, the District has received a petition from Walter Blessey (“Petitioner”) requesting the addition of certain lands to the District, which petition has been determined and certified to meet the requirements of the Title 7, Chapter 7, Parts 22 and 23, Montana Code Annotated; and

WHEREAS, the Petitioner’s land, was originally included within the Big Sky County Water & Sewer District boundary and was subsequently removed from the District in 2001 under different land ownership; and

WHEREAS, after a public hearing on the proposed addition to the District duly noticed and held on March 21, 2006, the Board determined that the addition of the land to the District would not adversely impact the District or its capacity to service the proposed addition of land; and

WHEREAS, Section 7-13-2341(5), Montana Code Annotated, allows the District to grant the Petition by adopting an Ordinance, without referring the Ordinance to a vote of the qualified electors of the District and the qualified electors of the proposed addition, if the District has water and sewer facilities with capacities greater than required to meet the current needs of the District; and

WHEREAS, the purpose of the Petition is for water service only for the sole use of indoor domestic water use, all landscape irrigation will be provided by well(s), and wastewater will be provided by a on-site private sewage disposal system; and

WHEREAS, the Petitioner agrees to bear the entire cost of extending a water line, and any necessary associated equipment, from the District public water system to the his property. That Mr. Blessey’s use would be metered and he would pay the same rates as other users inside the District.

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, STATE OF MONTANA, AS FOLLOWS:

THAT, the boundaries of the District are hereby modified to include the following property:

Certain lands within Gallatin County, Montana described as Tract 1 of Certificate of Survey No. 1502B, said survey being a realignment of Tract 2 of Certificate of Survey No. 1697 and Tracts 3 and 4 of Certificate of Survey No. 1502-A, located

in the NE¼ and NW¼ of Section 35 and the SE¼ of Section 26, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana.

THAT, upon approval by the Board, the President and Secretary of the Board are hereby directed to certify that fact to the Secretary of State and the County Clerk and Recorder and request that the Secretary of State issue a certificate that the Ordinance has been approved and the territory has been added to the District. The Secretary of State shall transmit the certificate to the County Clerk and Recorder for filing, upon which the territory is deemed added to the District; and

THAT, upon the filing of the certificate of approval of the Ordinance, the territory described above shall be a part of the District and shall be included in the Water System Jurisdictional Area and shall be subject to all the rules, regulations, ordinance fees, charges, taxes levied or imposed against other property of the District, and posses the rights, privileges and powers set forth in Title 7, Chapter 13, Part 22 and 23, Montana Code Annotated.

DATE OF EFFECT: This Ordinance shall take effect and be in force from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Board of Directors of the Big Sky County Water and Sewer District No. 363, State of Montana, on this ____ day of _____, 2006 by the following vote:
___ Ayes ___ Nays ___ Abstains.

ATTEST:

Paul A. Cronin
President, Board of Directors

Richard Fast
Secretary, Board of Directors

(SEAL)