

RESOLUTION 2019 - 60

A RESOLUTION OF INTENTION TO ALTER THE BOUNDARIES OF THE TRI-LAKES FIRE SERVICE AREA TO ANNEX ADJACENT WATER BODIES

WHEREAS, the Lewis and Clark County Board of Commissioners (Commission) has received a petition requesting to annex certain adjacent water bodies, currently contained within the Lewis and Clark County Fire Service Area into the Tri-Lakes Fire Service Area; and

WHEREAS, said petition was signed by a majority of the owners of real property within the proposed annexation area, pursuant to Section 7-33- 2401, MCA, shown in Exhibit "B", attached hereto and made a part hereof; and

WHEREAS, the boundaries of the proposed annexation area are shown in Exhibit "A", attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners:

1. That the Commission considers it both advisable and necessary to approve this Resolution of Intention to Alter the Boundaries of the Tri-Lakes Fire Service Area to Annex Adjacent Water Bodies, shown and described in Exhibit "A", attached hereto and made a part hereof.
2. That a Public Hearing shall be held on July 9, 2019 at 9:00 a.m. in the Chambers of the Board of County Commissioners, at the City-County Building, Helena, Montana, for the purpose of gathering and receiving testimony, input and comments from all interested or affected users, citizens, persons, associations, corporations and/or companies.
3. Notice of the Public Hearing shall be published in the Independent Record pursuant to Section 7-1-2121, MCA.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 9th Day of July, 2019.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

Attest:



Paulette DeHart, Clerk of the Board

Attachments:

Exhibit "A" to Resolution 2019-60: Map of the Proposed Tri-Lakes Fire Service Area Boundary

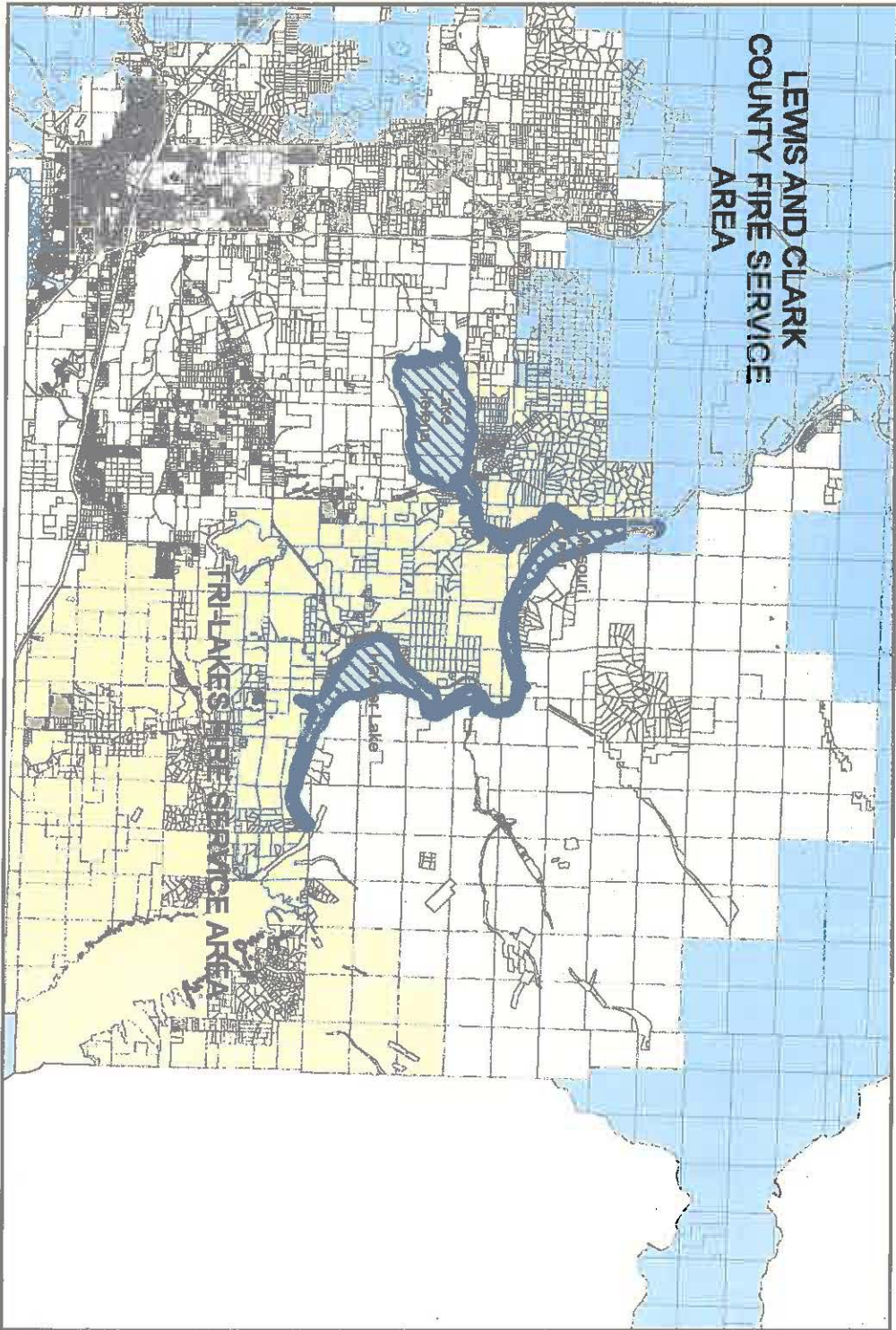
Exhibit "B" to Resolution 2019-60: Signed Petition from DNRC and NorthWestern Energy



Exhibit "A"

TO RESOLUTION 2019-60: MAP OF THE PROPOSED ANNEXATION FOR WATER BODIES INTO TRI-LAKES FIRE SERVICE AREA

Map for Proposed Annexation of Water Bodies into Tri-Lakes Fire Service Area



Map Created by L&C
Community Development & Planning Department
on 06/01/2019

- MT Parcels w/ Condos
- Proposed Annexation Area into Tri-Lakes FSA
- Lewis And Clark County Fire Service Area
- Tri-Lakes Fire Service Area

Exhibit "B"

TO RESOLUTION 2019-60: SIGNED PETITION

(MONTANA DEPARTMENT OF NATURAL RESOURCES AND NORTHWESTERN ENERGY)

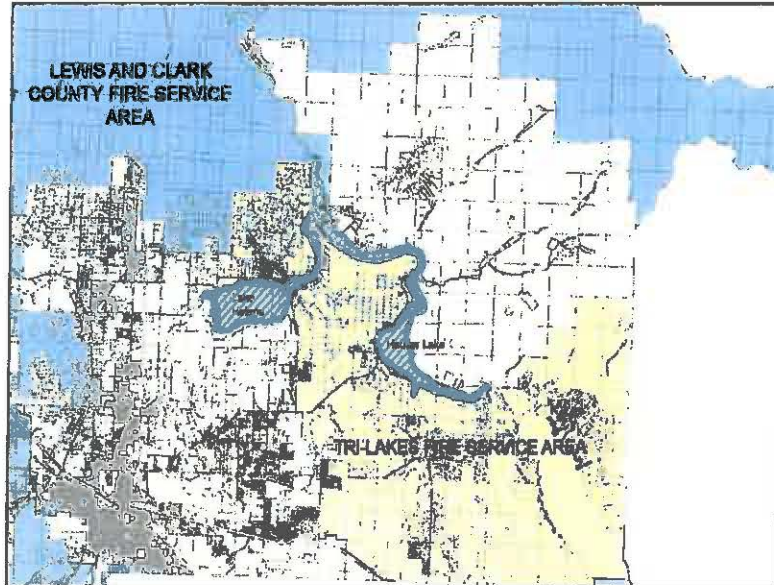
Department of Natural Resources- Greg Archie, Agency Representative

Tri-Lakes Fire Service Area Annexation Petition

A request has been received from Tri-Lakes Fire Service Area (FSA) to annex Lake Helena, Hauser Lake, and a portion of the Missouri into their FSA from Lewis and Clark County FSA. Based on State Statute the Board of County Commissioners must receive approval from the property owner before they can process the request. The water bodies included in the proposed boundary alteration are currently served by Lewis and Clark County FSA. Subsequent to the annexation process, the properties will be removed from the Lewis and Clark FSA and added to the Tri-Lakes FSA. There is no fire assessment collected on water bodies, so there will be no change in fire assessment collection.

Due to the complicated nature of ownership of water bodies, we are requesting your opinion on this annexation request due to the possibility that DNRC claims ownership of the navigable beds within this proposed annexation request.

Map for Proposed Annexation of Water Bodies into Tri-Lakes Fire Service Area



Map Created by L&C
Community Development & Planning Department
on 06/01/2019

MT Parcels w/ Cobble
Proposed Annexation Area into Tri-Lakes FSA
Lewis And Clark County Fire Service Area
Tri-Lakes Fire Service Area

Please sign and date next to the option you feel best reflects your opinion of this proposed annexation.

I am in favor of this annexation: Signature/Date

Greg Archie (MT-DNRC-CLD) 6/27/2019

I am opposed to this annexation: Signature/ Date _____

NorthWestern Energy - Mary Gail Sullivan, Director of Environmental & Lands Permitting & Compliance

From: [Sullivan, Mary Gail](#)
To: [Samantha Neil](#)
Cc: [Babcock, Sarah \(Sady\)](#)
Subject: FW: Water Body Ownership Question
Date: Thursday, March 28, 2019 9:50:50 AM

Samantha,

NorthWestern Energy favors this annexation request.

Thank you,

Mary Gail

Mary Gail Sullivan
Director, Environmental & Lands Permitting & Compliance
marygail.sullivan@northwestern.com
O: 406-497-3382
C: 406-490-1838
11 E Park
Butte, MT 59701

From: Samantha Neil <SNE11@lccountymt.gov>
Sent: Wednesday, March 27, 2019 8:09 AM
To: Babcock, Sarah (Sady) <Sady.Babcock@northwestern.com>

Subject: RE: Water Body Ownership Question

NOTICE: This message has been sent by an EXTERNAL sender outside of NorthWestern Energy. Please use caution when clicking on links, opening attachments, or replying to this email.

Sady,

Thanks for getting back to me, this map is very helpful to us in identifying ownership boundaries. This request comes from Tri-Lakes Fire Service Area requesting to annex these water bodies into their fire service area. Currently, they are under the fire management of Lewis and Clark County Fire Service Area. In order for this annexation to be processed, we would need your approval of the annexation. Attached is a map of the proposal.

Because there are no structures on the water bodies, Tri-Lakes PSA would not be collecting any fire assessment fee in order to manage these bodies. Thus, there would be no change other than Tri-Lakes PSA being the first to respond to an emergency on any of these water bodies.

Please let me know if you are in favor, oppose, or need more information on this annexation request.

Thank you,
Sam