

RESOLUTION NO. 4726

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, DECLARING ITS INTENTION TO ANNEX CERTAIN CONTIGUOUS PLATTED LAND INTO THE CITY OF MILES CITY PURSUANT TO TITLE 7, CHAPTER 2, PART 43, MONTANA CODE ANNOTATED, TO-WIT: ALL LOTS IN THE STEEL MINOR SUBDIVISION AND ALL LOTS IN THE KATL MINOR SUBDIVISION NOT CURRENTLY WITHIN THE CORPORATE BOUNDARIES OF THE CITY

WHEREAS, the City of Miles City, Montana (the “City”), is a duly incorporated municipality organized and existing under the laws of the State of Montana; and

WHEREAS, Title 7, Chapter 2, Part 43, Montana Code Annotated (“MCA”), provides a procedure by which a city or town may extend its corporate boundaries to include contiguous platted or unplatted land; and

WHEREAS, §7-2-4311, MCA provides that platted land, or unplatted land for which a certificate of survey has been filed, may be embraced within the corporate limits of a city or town when the land is contiguous to the incorporated city or town; and

WHEREAS, the City Council has considered the proposed annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Annexation Areas”); and

WHEREAS, the Annexation Areas are contiguous to the existing corporate limits of the City of Miles City within the meaning of §7-2-4301, MCA; and

WHEREAS, the City Council finds and determines that it is in the best interest of the City of Miles City and the inhabitants of the Annexation Areas that the boundaries of the City be extended to include the Annexation Areas within the corporate limits of the City; and

WHEREAS, the City Council desires to initiate the annexation proceedings authorized by §7-2-4311 through §7-2-4314, MCA; and

WHEREAS, the City Council recognizes that the adoption of this Resolution constitutes a resolution of intent and does not, by itself, complete the annexation of the Annexation Areas; and

WHEREAS, the Annexation Areas include the full width of public streets and roads, including rights-of-way, to the extent required by §7-2-4211, MCA; and

WHEREAS, the land within the Annexation Areas is not a part of any incorporated city or town, and the land is not used for industrial, railroad, or manufacturing purposes; and

WHEREAS, upon annexation of the Annexation Areas into the City, the City Council intends to establish interim zoning regulations for the Annexation Areas while the City considers and studies permanent zoning regulations applicable to the Annexation Areas; and

WHEREAS, the City Council intends to consider and adopt, at the same meeting at which the City Council considers final annexation of the Annexation Areas, a separate ordinance establishing interim zoning for the Annexation Areas pursuant to applicable provisions of §76-2-306, MCA; and

WHEREAS, the interim zoning ordinance is intended to establish appropriate interim zoning classifications for the Annexation Areas, including, as applicable to particular portions of the Annexation Areas, the City's Highway Commercial (HWC) District and/or General Commercial (GC) District, pending consideration and adoption of permanent zoning regulations for the Annexation Areas; and

WHEREAS, pursuant to §7-2-4305 and §7-2-4732, MCA, services to the area proposed for annexation must be provided in accordance with a plan for the extension of services; and the City has adopted a general Plan for Annexation and Extension of Services by Resolution No. 3872, which establishes the City's general policies for the provision and extension of municipal services to annexed areas; and the City intends to adopt, by final resolution of annexation, an annexation-specific plan for the provision and extension of services to the Annexation Areas; and

WHEREAS, the Annexation Areas contain 13 recorded parcels, which is fewer than 300 recorded parcels, so pursuant to §7-2-4314(1)(d), MCA, the City Council, after considering all written communication, may adopt a resolution approving the annexation without an election and the boundaries of the City must be extended to include the platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed; however, the City Council may not annex the area containing fewer than 300 recorded parcels if the resolution is disapproved in writing by a majority of real property owners of the area proposed to be annexed; and

WHEREAS, certain owners of properties within the Annexation Areas, including predecessors in interest to certain current owners, have executed "WAIVER OF PROTEST AND CONSENT TO ANNEXATION" documents that, based upon the City's review, remain applicable to the subject properties and binding upon their successors and assigns; said documents are attached hereto as Exhibit C; and

WHEREAS, based on the above documents, a majority of real property owners and/or past owners of real property owners in the Annexation Areas have signed "WAIVER OF PROTEST AND CONSENT TO ANNEXATION" documents and the City understands and intends to treat such waivers as effective and binding for purposes of determining valid written disapprovals under §7-2-4314, MCA, subject to the City's final determination at the time of consideration of the proposed annexation; and

WHEREAS, the City Council will determine at the time of consideration of the proposed annexation which written communications, waivers, and disapprovals are legally effective and must be considered for purposes of §7-2-4314, MCA; and

WHEREAS, the following is a list of tracts, real property owners in the Annexation Areas that have signed “WAIVER OF PROTEST AND CONSENT TO ANNEXATION” applicable to the tracts, with reference to the applicable documents:

(1) AREA #1, “STEEL MINOR SUBDIVISION”:

- (a) Lot 1; owner of record JM PROPERTIES, LLC: Document No. 162594.
- (b) Lot 2; owners of record BEAVERHEAD LODGING GROUP LLC and MILES CITY OASIS LLC: no known “WAIVER OF PROTEST AND CONSENT TO ANNEXATION” documents; owners may protest.
- (c) Lot 3; owner of record MONTANA-DAKOTA UTILITIES CO.: unrecorded, executed, and notarized “WAIVER OF PROTEST AND CONSENT TO ANNEXATION” document dated August 31, 2026.
- (d) Lot 4; owner of record MONTANA-DAKOTA UTILITIES CO.: unrecorded, executed, and notarized “WAIVER OF PROTEST AND CONSENT TO ANNEXATION” document dated August 31, 2026.
- (e) Lot 5; owner of record MONTANA-DAKOTA UTILITIES CO.: unrecorded, executed, and notarized “WAIVER OF PROTEST AND CONSENT TO ANNEXATION” document dated August 31, 2026.

(2) AREA #2, remaining lots in the KATL Minor Subdivision not currently within the corporate boundaries of the City of Miles City:

- (a) Tract 2D of the Amended Plat KATL Minor Subdivision Tract 2; owner of record: Notbohm Motors Real Estate, LLC: Document No. 147577; applies to Tract 2E and the portions of Tract 2D easterly of the City limits.
- (b) Tract 2E of the Amended Plat KATL Minor Subdivision Tract 2; owner of record: Notbohm Motors Real Estate, LLC: Document No. 147577; applies to Tract 2E and the portions of Tract 2D easterly of the City limits.
- (c) Tract 2B-1 of the Amended Plat KATL Minor Subdivision Tracts 2B & 2C; owner of record BEAN PROPERTIES, LLC: no known “WAIVER OF PROTEST AND CONSENT TO ANNEXATION” documents; owners may protest.
- (d) Tract 2A Amended of the Amended Plat of KATL Minor Subdivision; owner of record Bean Properties, LLC: Document No. 138044; applies to Tract 2A, which later became Tract 2A Amended, taking in part of Tract 1C, which was also part of the same no-protest document. Also, Document No. 173581; applies to Tract 2A Amended specifically.
- (e) Tract 1A-1 of the Amended Plat of Tract 1A Amended & Tract 1B, KATL Minor

Subdivision; owner of record RENOVA PROPERTIES LLC: Document No. 138044; applies to all of Tract 1, which later became Tract 1A-1 and other tracts.

- (f) Tract 1C Amended of the Amended Plat of KATL Minor Subdivision; owner of record Notbohm Motors Real Estate, LLC: Document No. 138044; applies to all of Tract 1, which later became Tract 1C Amended and other tracts.
- (g) Tract 1B-1 of the Amended Plat of Tract 1A Amended & Tract 1B, KATL Minor Subdivision; owner of record Notbohm Motors Real Estate, LLC: Document No. 138044; applies to all of Tract 1, which later became Tract 1B-1 and other tracts.
- (h) Tract 1D of the Amended Plat KATL Minor Subdivision Tract 1; owner of record: Notbohm Motors Real Estate, LLC: Document No. 138044; applies to all of Tract 1, which later became Tract 1D and other tracts.

WHEREAS, following adoption of this Resolution, the City Clerk is required by §7-2-4312, MCA to provide written notice to all registered voters residing in the territory proposed to be annexed and to publish notice as required by law; and

WHEREAS, pursuant to §7-2-4313, MCA, the notice shall provide that written comments approving or disapproving the proposed extension of the City's boundaries may be submitted by registered voters residing in the proposed annexation area for a period of twenty (20) days after the first publication of the notice; and

WHEREAS, the City Council intends to proceed with the annexation in accordance with all applicable provisions of Montana law, including the applicable requirements concerning notice, public consideration of written comments, and filing of the resulting annexation documents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AS FOLLOWS:

Section 1. Declaration of Intent.

The City Council hereby declares its intention to extend the corporate boundaries of the City of Miles City to include within the corporate limits the contiguous territory described in **Exhibit A** and depicted on the map attached as **Exhibit B**.

Section 2. Finding of Best Interest.

The City Council finds and determines that, in its judgment, it is in the best interest of the City of Miles City and the inhabitants of the Annexation Areas that the boundaries of the City be extended to include the Annexation Areas within the corporate limits of the City, pursuant to §7-2-4312, MCA.

Section 3. Descriptions of Annexation Areas.

The territory proposed for annexation consists of the properties according to the legal descriptions attached hereto as Exhibit A and as depicted by the map attached in Exhibit B. The legal

descriptions set forth in Exhibit A shall control over any depiction of the property boundaries shown on the map in Exhibit B.

Section 4. Contiguity.

The City Council finds that the Annexation Areas are contiguous to the existing corporate limits of the City of Miles City as required by §7-2-4301 and §7-2-4311, MCA.

Section 5. Notice.

The City Clerk is hereby directed, immediately following adoption of this Resolution of Intent, to:

1. Provide written notice to all registered voters residing in the territory proposed to be annexed, as required by §7-2-4312(1) MCA; and
2. Cause notice of the adoption of this Resolution of Intent and the proposed annexation to be published as required by §7-2-4312(2), § 7-2-4313, and §7-1-4127, MCA.

The notice shall state that this Resolution has been passed and shall advise registered voters residing in the proposed annexation area of their right to submit written comments approving or disapproving the proposed extension of the City's boundaries during the twenty (20) days following the first publication of the notice.

The City Clerk shall also provide courtesy notices by mail to the current landowners per the Montana Cadastral Program as of the week of the notices.

Section 6. Consideration of Written Comments.

Following expiration of the twenty (20) days period established by §7-2-4313, MCA, the City Clerk shall forward all written communications received concerning the proposed annexation to the City Council for consideration at the next regular meeting of the City Council, as provided by §7-2-4314 MCA.

Section 7. Further Proceedings.

Following consideration of the written communications received during the statutory comment period, the City Council may determine whether the proposed annexation may be approved pursuant to §7-2-4314, MCA, and may thereafter adopt a resolution approving the annexation, subject to the requirements of applicable law.

Nothing in this Resolution shall be construed as constituting final annexation of the Annexation Areas.

Section 8. Interim Zoning.

The City Council intends to consider and adopt, at the same meeting as consideration of the final annexation of the Annexation Areas, a separate ordinance establishing interim zoning for the Annexation Areas pursuant to applicable provisions of Title 76, Chapter 2, MCA, including § 76-2-306, MCA.

The interim zoning ordinance will establish the applicable interim zoning classification or classifications for the Annexation Areas, which may include the City's Highway Commercial

(HWC) District and/or General Commercial (GC) District, as designated by the City Council in the interim zoning ordinance.

The adoption of the interim zoning ordinance shall constitute a separate legislative action from the annexation of the Annexation Areas. The interim zoning shall not constitute final or permanent zoning of the Annexation Areas and shall not limit the City Council's authority to consider, adopt, amend, or otherwise establish permanent zoning regulations applicable to the Annexation Areas in accordance with Montana law and applicable City ordinances.

Section 9. City Clerk Authorized to Take Necessary Actions.

The City Clerk, in consultation with the City Attorney and other appropriate City officials, is authorized and directed to take all actions reasonably necessary to provide the notices and otherwise implement this Resolution in compliance with Title 7, Chapter 2, Part 43, MCA, and other applicable law.

Section 10. Effective Date.

This Resolution shall take effect immediately upon its passage and adoption.

**SAID RESOLUTION PASSED AND ADOPTED BY A DULY CONSTITUTED
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA,
THIS 22ND DAY OF SEPTEMBER, 2026.**

C.A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

EXHIBIT A

LEGAL DESCRIPTIONS OF PROPERTIES PROPOSED FOR ANNEXATION / ANNEXATION AREAS

(3) **AREA #1, all in Section 2 of Township 7 North, Range 47 East, P.M.M., in Custer County, Montana:** All lots on the recorded plat of “STEEL MINOR SUBDIVISION”, a subdivision plat filed for record the 14th day of September, 1999 as Document No. 12609, in Envelope No. 355B in the plat cabinet, records of the Clerk & Recorder’s Office of Custer County, Montana, to wit:

- (f) Lot 1 of STEEL MINOR SUBDIVISION, containing 1.430 acres, less 0.24 acre highway right-of-way; owner of record JM PROPERTIES, LLC; Geocode: 14-1640-02-2-02-03-0000; Assessment Code: 000RMS4740; Property Address: 3105 Steel Street, Miles City, MT.
- (g) Lot 2 of STEEL MINOR SUBDIVISION, containing 1.685 acres; owners of record BEAVERHEAD LODGING GROUP LLC and MILES CITY OASIS LLC; Geocode: 14-1640-02-2-02-09-0000; Assessment Code: 000RMS4739; Property Address: 3111 Steel Street, Miles City, MT.
- (h) Lot 3 of STEEL MINOR SUBDIVISION, containing 1.381 acres; owner of record MONTANA-DAKOTA UTILITIES CO.; Geocode: 14-1640-02-2-02-04-0000; Assessment Code: 000RSD4972; Property Address: not yet assigned.
- (i) Lot 4 of STEEL MINOR SUBDIVISION, containing 3.631 acres, less 0.21 acre highway right-of-way; owner of record MONTANA-DAKOTA UTILITIES CO.; Geocode: 14-1640-02-2-02-06-0000; Assessment Code: 000RSD4972; Property Address: not yet assigned.
- (j) Lot 5 of STEEL MINOR SUBDIVISION, containing 5.808 acres; owner of record MONTANA-DAKOTA UTILITIES CO.; Geocode: 14-1640-02-2-02-07-0000; Assessment Code: 000RSD4972; Property Address: not yet assigned.

Said area of STEEL MINOR SUBDIVISION, comprising AREA #1 above, containing 13.485 acres, more or less.

(4) **AREA #2, all in Section 35 of Township 8 North, Range 47 East, P.M.M., in Custer County, Montana:** All remaining lots in the KATL Minor Subdivision not currently within the corporate boundaries of the City of Miles City, said lots being the following lots on the following amended plats of “KATL MINOR SUBDIVISION”, to wit:

- (i) Those portions of the following tract currently outside of the corporate boundaries of the City: Tract 2D of the Amended Plat KATL Minor Subdivision Tract 2, being an amended subdivision plat filed for record the 26th day of January, 2006 as Document

- No. 134171 in Envelope No. 451B in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 0.213 acre; owner of record: Notbohm Motors Real Estate, LLC; Geocode: 14-1740-35-3-12-12-0000; Assessment Code: 000RSD4964; Property Address: not yet assigned;
- (j) Tract 2E of the Amended Plat KATL Minor Subdivision Tract 2, being an amended subdivision plat filed for record the 26th day of January, 2006 as Document No. 134171 in Envelope No. 451B in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 1.441 acres; owner of record: Notbohm Motors Real Estate, LLC; Geocode: 14-1740-35-3-12-13-0000; Assessment Code: 000RSD4964; Property Address: 820 S. Haynes Ave., Miles City, MT;
 - (k) Tract 2B-1 of the Amended Plat KATL Minor Subdivision Tracts 2B & 2C, being an amended subdivision plat filed for record the 26th day of January, 2021 as Document No. 149875, in Envelope No. 492B in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 1.000 acre; owner of record BEAN PROPERTIES, LLC; Geocode: 14-1740-35-3-12-07-0000; Assessment Code: 000RMS3618; Property Address: not yet assigned;
 - (l) Tract 2A Amended of the Amended Plat of KATL Minor Subdivision, being an amended subdivision plat filed for record the 26th day of April, 2019 as Document No. 172244, in Envelope No. 573A in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 2.200 acres; owner of record Bean Properties, LLC; Geocode: 14-1740-35-3-12-01-0000; Assessment Code: 000RFC0203; Property Address: 3200 Comstock Street, Miles City, MT;
 - (m) Tract 1A-1 of the Amended Plat of Tract 1A Amended & Tract 1B, KATL Minor Subdivision, being an amended subdivision plat filed for record the 26th day of January, 2021 at Document No. 176491, in Envelope No. 587A in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 1.000 acre; owner of record RENOVA PROPERTIES LLC; Geocode: 14-1740-35-3-12-02-0000; Assessment Code: 000RFC2227; Property Address: 3204 Comstock Street, Miles City, MT;
 - (n) Tract 1C Amended of the Amended Plat of KATL Minor Subdivision, being an amended subdivision plat filed for record the 26th day of April, 2019 as Document No. 172244, in Envelope No. 573A in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 1.696 acres; owner of record Notbohm Motors Real Estate, LLC; Geocode: 14-1740-35-3-12-04-0000; Assessment Code: 000RFC2230; Property Address: not yet assigned;
 - (o) Tract 1B-1 of the Amended Plat of Tract 1A Amended & Tract 1B, KATL Minor Subdivision, being an amended subdivision plat filed for record the 26th day of January, 2021 as Document No. 176491, in Envelope No. 587A in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 3.275 acres; owner of record Notbohm Motors Real Estate, LLC; Geocode: 14-1740-35-3-12-03-

0000; Assessment Code: 000RFC2228; Property Address: 3214 Comstock Street, Miles City, MT;

- (p) Tract 1D of the Amended Plat KATL Minor Subdivision Tract 1, being an amended subdivision plat filed for record the 31st day of January, 2005 as Document No. 131039, in Envelope No. 438B in the plat cabinet, records of the Clerk & Recorder's Office of Custer County, Montana, containing 1.99 acres; owner of record: Notbohm Motors Real Estate, LLC; Geocode: 14-1740-35-3-12-05-0000; Assessment Code: 000RFC2229; Property Address: not yet assigned;

Said area of KATL MINOR SUBDIVISION, comprising AREA #2 above, containing 15.92 acres, more or less.

Said combined Annexation Areas of STEEL MINOR SUBDIVISION and KATL MINOR SUBDIVISION, comprising AREA #1 and AREA #2 above, containing 29.405 acres, more or less.

EXHIBIT B

MAP OF PROPOSED ANNEXATION AREAS

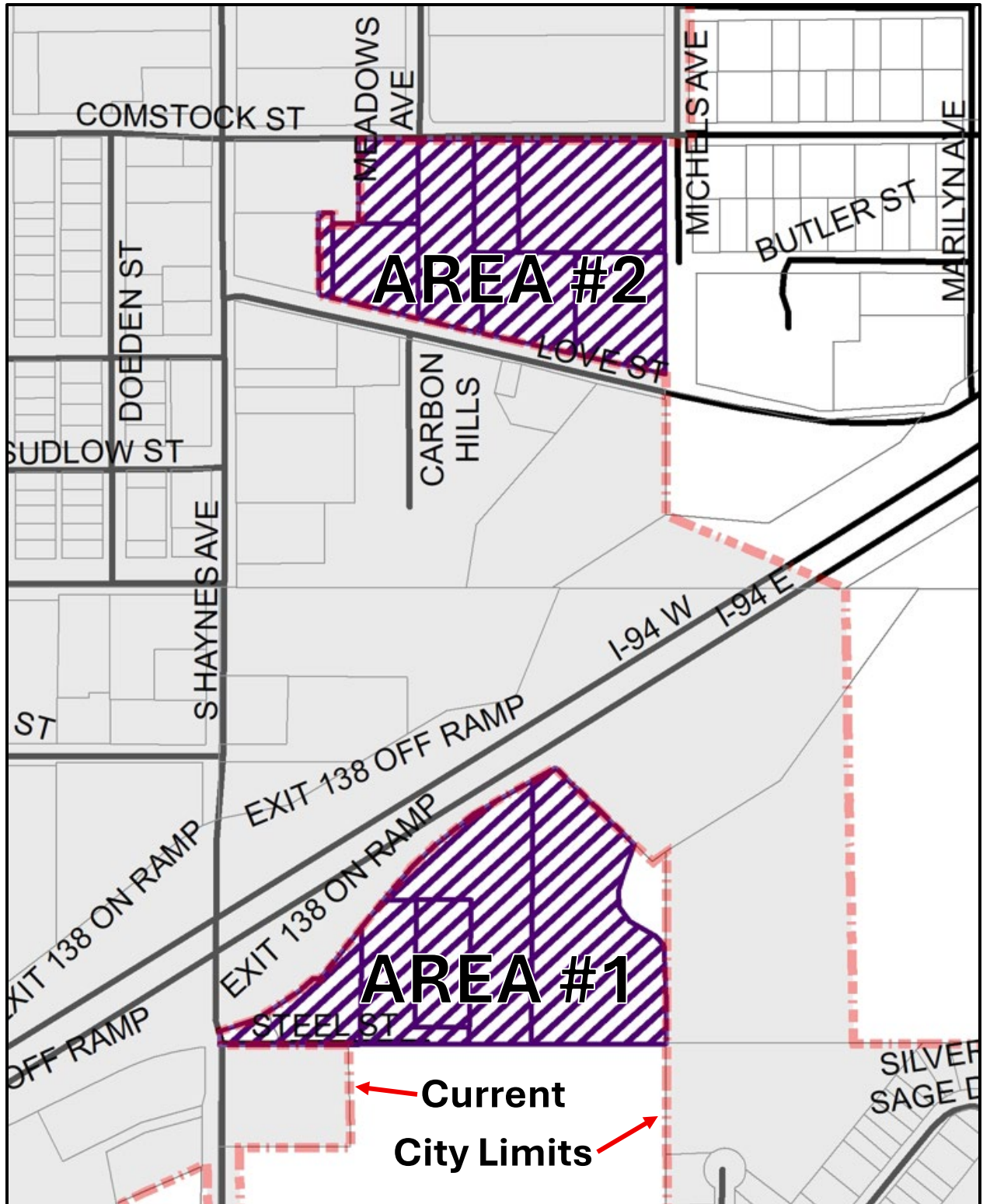


Exhibit C - Page1

138044 Fee: \$21.00

Custer County Recorded 4/20/2007 At 1:39 PM

Marie Wehri, Clk & Rcdr By *Lela Cabell Deputy*

Return to: City Clerk P.O. Box 910

Miles City MT 59301

Return to:

City Clerk
P.O. Box 910
Miles City, Montana 59301

WAIVER OF PROTEST AND CONSENT TO ANNEXATION

Jack A. Deibel

Of HC 87, Box 40, Volborg, MT 59351-9701

(hereinafter "*Owner*", whether one or more) is the record owner of certain real property outside the City limits of the City of Miles City, Montana, more particularly described as follows:

Township 8 North, Range 47 East, M.P.M. Section 35:

Tract No. 2A of the KATL Minor Subdivision, being a tract of land located in the SWSW, according to the AMENDED plat and survey said KATL Minor Subdivision Tract No. 2.

And

Tracts 1A, 1B, 1C, and 1D, all located with Tract No. 1 of the KATL Minor Subdivision, Being a tract of land located in the SW1/4SW1/4, according to the Amended Plat and Survey of said KATL Minor Subdivision Tract 1

Owner desires to utilize the above described real property for commercial purposes.

Owner has requested that the City of Miles City, Montana, a Montana municipal corporation, (hereinafter "*the City*") provide municipal 0 water 0 sewer service to the above real property.

Pursuant to §7-13-4314 MCA, the City requires as a condition precedent to initiate and continue such requested utility service, that Owner consent to annexation of the above real property to the City of Miles City, and that Owner waive protest of any future annexation of such property by the City of Miles City.

Accordingly,

IT IS HEREBY AGREED between the City and Owner as follows:

1. The City agrees to initiate water and sewer service to the above real property. Such utility service may be provided through the City's contract with the Custer County Water and Sewer District.

2. Owner hereby consents to annexation of the above real property to the City of Miles City, Montana and Owner waives protest of any future annexation of such real property by the

Exhibit C - Page2

City of Miles City.

3. Owner's consent and waiver herein constitutes a covenant running with the land and is binding upon the Owner and the heirs, personal representatives, successors and assigns of the Owner.

4. If Owner's are not the record owner of the above real property or this consent and waiver is otherwise invalid, the City reserves the right to discontinue the utility service to this property.

DATED this 19 day of APRIL, 2007.

OWNER:

By: Jack A. Deibel
Title:

CITY OF MILES CITY

By: Joe R. Whalen
Mayor



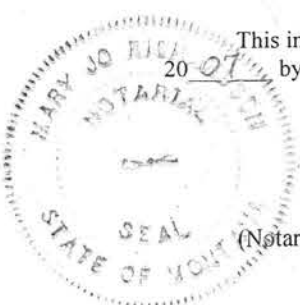
This instrument was acknowledged before me on the 19th day of APRIL, 2007, by Joe R. Whalen, in the capacity of Mayor of the City of Miles City, Montana, a Montana municipal corporation.

(Notarial Seal)

Mary Jo Richardson
MARY JO RICHARDSON
Notary Public for the State of Montana
Residing at Miles City, Montana
My Commission expires: 8/31/2008

[INDIVIDUAL OWNER ACKNOWLEDGMENT]

STATE OF MONTANA)
: S.S.
COUNTY OF CUSTER)



This instrument was acknowledged before me on the 19th day of APRIL, 2007, by JACK A. DEIBEL, Owner(s)

(Notarial Seal)

Mary Jo Richardson
MARY JO RICHARDSON
Notary Public for the State of Montana
Residing at Miles City, Montana
My Commission expires: 8/31/2008

CONSENT TO ANNEXATION AND WAIVER

138044 Fee: \$21.00
Custer County Recorded 4/20/2007 At 1:39 PM

[ENTITY OWNER ACKNOWLEDGMENT]

STATE OF MONTANA)
 : S.S.
COUNTY OF CUSTER)

This instrument was acknowledged before me on the ____ day of _____,
20____ by _____ in the capacity of _____
 (officer's name) (title)
of _____, a _____
 (entity name) (entity State) (entity type)

(Notarial Seal)

Notary Public for the State of Montana
Residing at Miles City, Montana
My Commission expires: _____ / _____ / 20_____

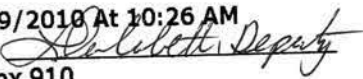
138044 Fee: \$21.00
Custer County Recorded 4/20/2007 At 1:39 PM

Exhibit C - Page4

147577 Fee: \$21.00

Return to:

City Clerk
P.O. Box 910
Miles City, Montana 59301

Custer County Recorded 3/9/2018 At 10:26 AM
Marie Wehri, Clk & Rcdr By 
Return to: City Clerk P.O. Box 910
MILES CITY MT 59301

WAIVER OF PROTEST AND CONSENT TO ANNEXATION

CHARLES L. NOTBOHM and **MARY L. NOTBOHM** of 298 Sunset Drive, Miles City, Montana 59301 (hereinafter "Owners") are the record owners of certain real property in Custer County, Montana outside the City limits of the City of Miles City, Montana, more particularly described as follows:

All of Tract 2E, and all that portion of Tract No. 2D easterly from the current city limits of the City of Miles City, of the KATL Minor Subdivision Tract 2, being a tract of land located in the SW1/4 SW1/4 of Section 35, Township 8 North, Range 47 East, according to the AMENDED plat and survey of said KATL Minor Subdivision Tract No. 2 filed for record on January 26, 2006, as Document No. 13471 in Envelope No. 451B of the plat cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana.

Owners desire to utilize the above described real property for commercial purposes.

Owners have requested that the City of Miles City, Montana, a Montana municipal corporation, (hereinafter "the City") provide municipal water and sewer service to the above real property.

Pursuant to §7-13-4314 MCA, the City requires as a condition precedent to initiate and continue such requested utility service, that Owners consent to annexation of the above real property to the City of Miles City, and that Owners waive protest of any future annexation of such property by the City of Miles City.

Accordingly,

IT IS HEREBY AGREED between the City and Owners as follows:

CONSENT TO ANNEXATION AND WAIVER OF PROTEST, PAGE 1 OF 3

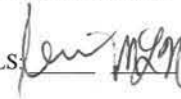
INITIALS:  

Exhibit C - Page5

1. The City agrees to initiate water and sewer service to the above real property. Such utility service may be provided through the City's contract with the Custer County Water and Sewer District.

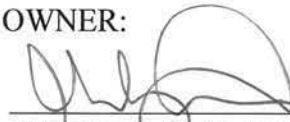
2. Owners hereby consent to annexation of the above real property to the City of Miles City, Montana and Owners waive protest of any future annexation of such real property by the City of Miles City.

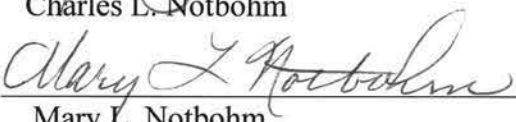
3. Owner's consent and waiver herein constitute covenants running with the land and are binding upon the Owners and the heirs, personal representatives, successors and assigns of the Owners.

4. If Owner's are not the record owner of the above real property or this consent and waiver is otherwise determined to be invalid, the City reserves the right to discontinue the utility service to this property.

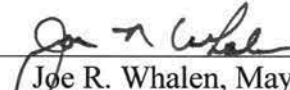
DATED this 5 day of MARCH, 20 10.

OWNER:


Charles L. Notbohm


Mary L. Notbohm

CITY OF MILES CITY

By: 
Joe R. Whalen, Mayor

STATE OF MONTANA)
 : S.S.
COUNTY OF CUSTER)

This instrument was acknowledged before me on the 8th day of March, 20 10 by **JOE R. WHALEN**, in his capacity of Mayor of the City of Miles City, Montana, a Montana municipal corporation.

CONSENT TO ANNEXATION AND WAIVER OF PROTEST, PAGE 2 OF 3 INITIALS: 

147577 Fee: \$21.00
Custer County Recorded 3/9/2010 At 10:26 AM

Exhibit C - Page6



MARY JO RICHARDSON
NOTARY PUBLIC for the
State of Montana
Residing at Miles City, Montana
My Commission Expires
August 31, 2012

(Notarial Seal)

Mary Jo Richardson
MARY JO RICHARDSON
(Printed name of notary)
Notary Public for the State of Montana
Residing at Miles City, Montana
My Commission expires: 1 / 20

CONSENT TO ANNEXATION AND WAIVER OF PROTEST, PAGE 2 OF 3

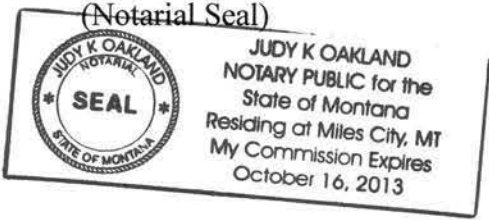
INITIALS:

CL ML

STATE OF MONTANA)
: S.S.
COUNTY OF CUSTER)

This instrument was acknowledged before me on the 5 day of MARCH,
2009 by CHARLES L. NOTBOHM and MARY L. NOTBOHM.

Judy K. Oakland
JUDY K. OAKLAND
(Printed name of notary)
Notary Public for the State of Montana
Residing at Miles City, Montana
My Commission expires: 10/16/2013



147577 Fee: \$21.00
Custer County Recorded 3/9/2010 At 10:26 AM

CONSENT TO ANNEXATION AND WAIVER OF PROTEST, PAGE 3 OF 3

INITIALS: _____

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Return to:

City Clerk
PO Box 910
Miles City, MT 59301

162594 Fee: \$14.00

Custer County Recorded 2/6/2015 At 2:52 PM
Linda Corbett, Clk & Rcdr By [Signature]
Return to: City Clerk P.O. Box 910
MILES CITY MT 59301

WAIVER OF PROTEST AND CONSENT TO ANNEXATION

JM PROPERTIES LLC

Of 3105 STEEL STREET MILES CITY, MT 59301

(hereinafter "Owner," whether one or more) is the record owner of certain real property outside the City limits of the City of Miles City, Montana, more particularly described as follows:

LOT 1 OF THE STEEL MINOR SUBDIVISION. located in the NW 1/4 & NW 1/4
of section 2, Township 7 north, Range 47 east & SW 1/4 NW 1/4 section 2,
Township 7 north, Range 47 east [Signature]

Owner has applied for a Site Plan Review for the above described property. The City has required that the Owner agree to sign a letter of no protest of annexation as a condition of approving Owner's site plan review application.

Accordingly,

IT IS HEREBY AGREED between the City and Owner as follows:

1. Owner hereby consents to annexation of the above real property to the City of Miles City, Montana, and Owner waives protest of any future annexation of such real property by the City of Miles City.
2. Owner's consent and waiver herein constitute a covenant running with the land and is binding upon the Owner and the heirs, personal representatives, successors and assigns of the Owner.

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173581 Fee: \$31.00

Custer County Recorded 10/30/2019 At 10:53 AM

Linda Corbett, Clk & Rcdr By Lisa Wagner

Return to: City Clerk P.O. Box 910

MILES CITY MT 59301

RETURN TO:

City Clerk

P.O. Box 910

Miles City, MT 59301



WAIVER OF PROTEST AND CONSENT TO ANNEXATION

City of Miles City, Montana

17 South 8th Street, P.O. Box 910

Miles City, MT 59301-0910

J.R. Bean

(Name of owner or entity)

Of 3402 Brisbin, Miles City, MT 59301

(Address)

(hereinafter "*Owner*," *whether one or more*) is the record owner of certain real property outside the City limits of the City of Miles City, Montana, more particularly described as follows:

Section 35, Township 08N, Range 47E, Tract 2A Amended, Envelope 573A Commonly
addressed as 3200 Comstock, Miles City, MT

Owner desires to utilize the above described real property for commercial purposes. Owner has requested that the City of Miles City, Montana, a Montana municipal corporation, (*hereinafter "the City"*) provide municipal ☒water ☒sewer service to the above real property.

Pursuant to §7-13-4314 MCA, the City requires as a condition precedent to initiate and continue such requested utility service, that Owner consent to annexation of the above real property to the City of

Exhibit C - Page 10

Miles City, and that Owner waive protest of any future annexation of such property by the City of Miles City.

Accordingly,

IT IS HEREBY AGREED between the City and Owner as follows:

1. The City agrees to initiate ☒ water ☒ sewer service to the above real property. Such utility service may be provided through the City's contract with the Custer County Water and Sewer District.
2. Owner hereby consents to annexation of the above real property to the City of Miles City, Montana, and Owner waives protest of any future annexation of such real property by the City of Miles City.
3. Owner's consent and waiver herein constitute a covenant running with the land and is binding upon the Owner and the heirs, personal representatives, successors and assigns of the Owner.
4. If Owner is not the record owner of the above real property, or this consent and waiver is otherwise invalid, the City reserves the right to discontinue the utility service to this property.

DATED this 25 day of October, 2019



CITY OF MILES CITY

By: [Signature]

Mayor

OWNER:

X [Signature]

By: J R Bean

Title: Member / owner

173581 Fee: \$31.00

Custer County Recorded 10/30/2019 At 10:53 AM

INDIVIDUAL OWNER ACKNOWLEDGEMENT

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RETURN TO:
City Clerk
P.O. Box 910
Miles City, MT 59301



WAIVER OF PROTEST AND CONSENT TO ANNEXATION

City of Miles City, Montana
17 South 8th Street, P.O. Box 910
Miles City, MT 59301-0910

Montana Dakota Utilities

(Name of owner or entity)

Of

814 Bridge St Miles City Mt

(Address)

(hereinafter "*Owner,*" *whether one or more*) is the record owner of certain real property outside the City limits of the City of Miles City, Montana, more particularly described as follows:

Steel Minor Subdivision, S 02, T 02N, R 47E, Lot 3

Steel Minor Subdivision, S02, T 07 N, R 47 E, Lot 4

Steek Minor Subdivision S 02, T 07N, R 47 E, Lot 5

Owner desires to utilize the above-described real property for commercial purposes. Owner has requested that the City of Miles City, Montana, a Montana municipal corporation, (*hereinafter "the City"*) provide municipal ☒water ☒sewer service to the above real property.

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Pursuant to §7-13-4314 MCA, the City requires as a condition precedent to initiate and continue such requested utility service, that Owner consent to annexation of the above real property to the City of Miles City, and that Owner waive protest of any future annexation of such property by the City of Miles City.

Accordingly,

IT IS HEREBY AGREED between the City and Owner as follows:

1. The City agrees to initiate ☒ water ☒ sewer service to the above real property. Such utility service may be provided through the City's contract with the Custer County Water and Sewer District.
2. Owner hereby consents to annexation of the above real property to the City of Miles City, Montana, and Owner waives protest of any future annexation of such real property by the City of Miles City.
3. Owner's consent and waiver herein constitute a covenant running with the land and is binding upon the Owner and the heirs, personal representatives, successors and assigns of the Owner.
4. If Owner is not the record owner of the above real property, or this consent and waiver is otherwise invalid, the City reserves the right to discontinue the utility service to this property.

DATED this 31 day of August, 2026.

CITY OF MILES CITY

By: C. A. Sheng
Mayor

OWNER:

Montana Dakota Utilities

By: Ron Nu
Title: Operations Supervisor

INDIVIDUAL OWNER ACKNOWLEDGEMENT

Affix seal/stamp as close to signature as possible.


Notary Signature
**[Montana notaries must complete the following, if not part of
the stamp.]**

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Printed Name: Chad Notbohm

Notary Public for the state of Montana

Residing at Miles City Montana

My Commission expires: May -11, 2028

Affix seal/stamp as close to signature as possible.

INSTRUCTIONS FOR CONSENT TO ANNEXATION AND WAIVER OF PROTEST

NOTE: Use black ink for all filled-in data. If you use any color of ink other than black ink, the City will be charged an additional fee by the Clerk and Recorder to record the document.

- 1. Owner Name:** Check the real estate record to make sure that you have the full legal name of each owner. If there is more than one owner, include all names. The Montana Cadastral Mapping Program internet site may be helpful in determining the correct owner's name.
- 2. Owner Address:** Include the full mailing address of each owner.
- 3. Property Description:** Include the full legal description [not a street address], including Custer County, Montana in the description. The best source of the legal description is the deed by which the Owner obtained the property.
- 4. Type of Service:** Check the appropriate boxes for type of service, either water or sewer or both. Have each Owner initial by the check marks.
- 5. Dates:** Fill in the day, month and year.
- 6. Signatures:** Individual Owners. Have each owner sign.
Entity Owner: If the owner is an entity, such as a corporation, limited liability company, partnership, limited partnership or trust, print the name of the entity and have an authorized person sign for the entity, filling in his or her title.
- 7. Acknowledgments:** All parties must sign before a Notary Public. If the owners are individuals, fill in his or her names on the Individual Acknowledgments. If the owner is an entity, fill in the name of the person signing on behalf of the entity, his or her title, the name of the entity, the State in which the entity is formed, and type of entity.

Examples:

Corporation:

This instrument was acknowledged before me on the 31 day of August, 2006, by William Gates in the capacity of President of Microsoft Corporation, a Washington corporation.

Limited Liability Company:

This instrument was acknowledged before me on the ____ day of June, 2006, by William Johnson in the capacity of Managing Member of XYZ, LLC, a Montana limited liability company.

Partnership:

This instrument was acknowledged before me on the ____ day of June, 2006, by William Johnson in the capacity of Partner of Johnson Auto Sales, a Montana general partnership.

Trust:

This instrument was acknowledged before me on the ____ day of June, 2006, by William Johnson in the capacity of Trustee of The William Johnson Revocable Trust dated April 1, 2001, a Montana trust.

Estate:

This instrument was acknowledged before me on the ____ day of June, 2006, by William Johnson in the capacity of Personal Representative of the Estate of Mildred Johnson, deceased.