

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION PRESENTING THE QUESTION OF CREATING THE GARDINER RESORT AREA DISTRICT TO ELECTORS RESIDING IN THE GARDINER RESORT TAX AREA**

**WHEREAS**, Section 7-6-1532, MCA, provides that electors residing within the boundaries of a resort area may create a resort area district by presenting a written petition to the board of county commissioners of the county in which the area is located;

**WHEREAS**, Section 7-6-1533, MCA, states that the petition must be signed by at least ten percent (10%) of the electors residing in the resort tax area. Additionally, the petition must include a description or map of the existing resort area boundaries;

**WHEREAS**, a petition was presented to the Park County Commission to establish the Gardiner Resort Area District, as described in Exhibit A, on December 2, 2014;

**WHEREAS**, the Park County Clerk and Recorder certified that in accordance with Section 7-6-1533, MCA, that at least ten percent (10%) of the electors residing in the proposed resort area district signed the petition;

**WHEREAS**, the Park County Commission held a hearing on the Gardiner Resort Area District petition on December 18, 2014. Notice of the public hearing was published in the Livingston Enterprise on December 5, 12, and 16, 2014, and in the Gardiner newsletter;

**WHEREAS**, the Park County Commission at the December 18, 2014, public hearing took public comments in support of and in opposition to the petition. The Park County Commission at the public hearing determined the Gardiner Resort Tax Area District petition complied with the requirements of Sections 7-6-1531 through 7-6-1550, MCA;

**WHEREAS**, Section 7-6-1536, MCA, authorizes the governing body to call for the question of whether the Gardiner Resort Tax Area District should be created at either a regular or primary election;

**WHEREAS**, a school board election will be held on May 5, 2015, which meets the requirements of Section 7-6-1536, MCA;

**WHEREAS**, the Park County Commission will provide notice as set forth in Section 13-1-108, MCA; and

**WHEREAS**, the purpose of the Gardiner Resort Tax Area District is to provide for the local governance of the Gardiner Resort Area and provide for the local collection, appropriation, expenditure, enforcement and other administration of resort tax revenue collected within the Gardiner Resort Area.

**NOW THEREFORE, BE IT RESOLVED:**

1. Pursuant to Sections 7-6-1536 and 7-6-1537, MCA, the Park County Commission will present to the electors residing in the proposed Gardiner Resort Area District the question of the creation of a resort area district in accordance with the petition presented to the Park County Commission;

2. Pursuant to Section 7-6-1536, MCA, before the resort tax area district question is submitted to the electors of the proposed resort tax area district, the Park County Commission shall publish notice of the purpose of the proposed resort area district and the name of the proposed resort tax area district as set forth in the statute;

3. The election shall be held on May 5, 2015, and shall be conducted as a special election by mail ballot as authorized by Sections 7-6-1537 and Section 13-19-104, MCA; and

4. The question to be presented to the electors at the ballot issue shall be in the form specified in Exhibit B attached to this resolution.

Dated this \_\_\_\_\_ day of February 2015.

PARK COUNTY COMMISSION

\_\_\_\_\_  
Clint Tinsley, Chair

\_\_\_\_\_  
Steve Caldwell

\_\_\_\_\_  
Marty Malone

ATTEST:

\_\_\_\_\_  
Denise Nelson  
Park County Clerk & Recorder/Surveyor

APPROVED AS TO FORM:

\_\_\_\_\_  
Park County Attorney's Office

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE PROPOSED “GARDINER RESORT AREA DISTRICT”**

The boundaries of the proposed “Gardiner Resort Area District” are contained within the contiguous portion of Section 23 Township 9 South, Range 8 East P.M.M. and Tract A of Certificate of Survey 839 being a tract of land in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 15 and government lots 1 and 4 and the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 22, Township 9 South, Range 8 East, P.M.M. Park County, Montana and being further described as follows:

The point of beginning is the north 1/16 corner on the east line of Section 23, T9S, R8E (ref. Park County Certificate of Survey No. 1378).

Thence southerly along the east line of Section 23 to a point on the north line Yellowstone National Park.

Thence westerly along the north line of Yellowstone National Park to angle point No. 0.595M.

Thence northerly along the boundary of Yellowstone National Park to boundary point 0.822M.

Thence continuing northerly on a projection of the Yellowstone National Park Boundary to the right bank of the Yellowstone River.

Thence following the right bank of the Yellowstone River in a northwesterly direction to a point on the west line of Section 23.

Thence continuing northwesterly along the right bank of the Yellowstone River across Section 22 and Section 15 to a point on the west line of Section 15.

Thence continuing northwesterly along the right bank of the Yellowstone River in Section 16 to a point on the east 1/16 line of Section 16.

Thence northerly along said 1/16 line to a point on the northeasterly right-of-way of U.S. Highway 89.

Thence following the northeasterly right-of-way line of U.S. Highway 89 in a southeasterly direction within Sections 16, 15, and 22 to a point on the northwesterly boundary of Tract B (Rodeo Grounds) of Park County Certificate of Survey No. 839.

Thence following the north boundary of said Tract B through the following courses of record:

N46 degrees 56.3'E; 504.06 feet

S65 degrees 15.4'E; 668.34 feet

N82 degrees 58.2'E; 392.86 feet to a point on the west line of Section 23.

Thence following the west line of Section 23 in a southerly direction, to the north 1/16 corner on the west line of Section 23.

Thence easterly along the north 1/16 line of Section 23 to the point of beginning.

## EXHIBIT B

OFFICIAL GARDINER RESORT AREA DISTRICT ELECTION BALLOT  
GARDINER, PARK COUNTY, MONTANA  
MAY 5, 2015

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### INSTRUCTIONS TO VOTERS

1. **TO VOTE, BLACKEN (●) THE OVAL COMPLETELY.** An oval blackened completely to the left of "FOR the creation of the Gardiner Resort Area District" indicates a vote for the creation of the Gardiner Resort Area District; an oval blackened completely to the left of "AGAINST the creation of the Gardiner Resort Area District" indicates a vote against the creation of the Gardiner Resort Area District.
  2. **DO NOT CROSS OUT.** If you make a mistake or change your mind, exchange your ballot for a new one by contacting the county election office.
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Shall a "Gardiner Resort Area District" be created to provide for the local administration of the resort tax including the collection, appropriation, expenditure and enforcement of the resort taxes collected within the Gardiner Resort Tax Area?

(●) **FOR** creating the Gardiner Resort Area District

(○) **AGAINST** creating the Gardiner Resort Area District