

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the Town of Circle, Montana (the "Town"), hereby certify that the attached Ordinance is a true copy of "Ordinance 05-13-24-02 An Ordinance amending Section 1-2-1 – BOUNDARIES of the Circle Municipal code and adopting revised metes and bounds description of the corporate limits of the Town of Circle", on file in the original records of the Town in my legal custody; that the Ordinance was duly adopted by the Town Council of the Town at a regular meeting on May 13, 2024 - first reading and June 10, 2024 – second reading and effective July 10, 2024; and that the meetings were duly held by the Town Council and were 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notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.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 Ordinance at said meetings, the following Council Members voted in favor thereof: Michael Hale; Diane Black and Jaymes Breitbach; voted against the same: None and abstained from voting thereon: none; or were absent: Clint Haynie

WITNESS my hand officially this 11<sup>th</sup> day of June 2024.

Kelly Doan

Town Clerk-Treasurer



**TOWN OF CIRCLE**

**ORDINANCE NO. 05-13-24-02**

An Ordinance amending Section 1-2-1 – BOUNDARIES of the Circle Municipal Code, and adopting a revised metes and bounds description of the corporate limits of the Town of Circle.

WHEREAS, the Town of Circle adopted Section 1-2-2 (Boundaries) of the Circle Municipal Code on June 12, 2006, and updated the description of the corporate boundaries in May, 2020; and

WHEREAS, the existing description of the corporate boundaries of the Town has become outdated as the Town has annexed additional property;

WHEREAS, the Town of Circle has the duty to accurately describe the physical limits of the Town pursuant to Sections 7-2-4101 and 7-2-4111, MCA,

WHEREAS the Town of Circle has obtained a new description accurately reflecting the corporate boundary of the Town as of April, 2024;

NOW, THEREFORE, be it ordained by the Town of Circle, that Title 1, Chapter 2, Section 1-2-2 (Boundaries) of the Town Municipal Code is hereby amended as follows:

**Section 1-2-1 – BOUNDARIES**

The boundaries of the Town of Circle, Montana, shall be that part of McCone, County, Montana, bounded and described as:

Lands situate in Sections 9, 10 and 15, Township 19 North, Range 48 East, Principal Meridian Montana; McCone County; State of Montana; being more particularly described as follows:

Beginning at a Point being the quarter corner for said Sections 9 and 10; thence along the cast-west midsection line of said Section 10 N89°53'E, 2356.4 feet; to the westerly boundary of McCugh's Addition to the Town of Circle according to the Plat thereof; thence along said westerly boundary N27°45'30"E, 418.9 feet; and N62°14'30"W, 100.0 feet; and N27°45'30"E, 374.2 feet; to the north-south midsection line for said Section 10; thence N00°02'30"W, 1887.7 feet to the north quarter corner for said Section 10; thence along the north line of said Section 10 S89°56'E, 1905.6 feet; thence S00°02'30"E, 1402.5 feet; thence S89°56'E, 743.0 feet to the east line of said Section 10; thence S00°04'W, 1224.7 feet to the east quarter corner for said Section 10; thence S00°04'W, 1315.6 feet to the south sixteenth (S1/16) corner for Sections 10 and 11 of said Township and Range; thence along the south line of the northeast quarter of the southeast quarter (NE1/4SE1/4) of said Section 10 S89°45'W, 1321.4 feet; thence along the east line of the southwest quarter of the southeast quarter (SW1/4SE1/4) of said Section 10 S00°00'E, 990.0 feet;

thence S89°45'W, 991.0 feet; thence S00°00'W, 330.0 feet to the south line of said Section 10; thence along said south line S89°45'E, 331.35 feet; thence S00°05'W, 1318.69 feet to the south line of the north half of the north half (N1/2N1/2) of said Section 15; thence along said south line S89°56'W, 1589.2 feet to the easterly boundary of the BNSF Railroad Right-of-Way; thence along said Right-of-Way S27°45'30"W, 373.12 feet; thence S89°55'19"W, 870.08 feet to the southwest corner of Lot 2AP according to the Amended Plat of Wolff Minor Subdivision, Lots 2 and 3; thence along the west line of said Lot 2AP N00°01'41"W, 168.63 feet; and N30°14'54"E, 162.24 feet; and N17°22'20"E, 279.72 feet to the southwest corner of Hilstad Heights Subdivision Phase 2 according to the Final Plat thereof; thence along the westerly boundary of said Hilstad Heights Subdivision Phase 2 and the westerly boundary of Hilstad Heights Subdivision Phase 1 N10°11'14"E, 240.03 feet; and N17°20'26"W, 480.07 feet; and S72°38'26"W, 69.24 feet; and N00°27'42"W, 400.05 feet; to the south line of said Section 10; thence along said south line S89°49'W, 72.7 feet; thence N00°00'E, 382.2 feet; thence N89°52'E, 224.5 feet; thence S00°11'W, 50.0 feet; thence S89°52'E, 75.2 feet; thence N00°01'W, 619.1 feet to the south boundary of the Kalberg Addition to the Town of Circle according to the Plat thereof; thence along said south line N89°57'W, 367.3 feet; thence N89°47'W, 520.9 feet to the west line of said Section 10; thence N00°00'E, 276.5 feet to the southeast corner of the Schwartz Addition to the Town of Circle according to the Plat thereof; thence along the boundary of said Schwartz Addition N90°00'W, 491.0 feet and N00°00'E, 308.6 feet; and S90°00'E, 491.0 feet to the west line of said Section 10; thence N00°00'E, 110.0' to the boundary of Certificate of Survey No. 89; thence along said boundary N90°00'W, 49.5 feet; N00°03'E, 110.0' feet; 49.7 feet along the arc of a curve to the left having a delta angle of 1°27'40", a radius of 1950.0', the chord of which bears S84°07'E, 49.7 feet; thence N00°00'E, 860.0' to the Point of Beginning; containing 481 acres, more or less.

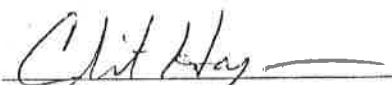
All ordinances and amendments of the Town of Circle Municipal Code inconsistent with this provision are hereby amended as specified herein.

This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

Presented to the Town Council for First Reading May 13, 2024.

Presented to the Town Council for Second Reading June 10, 2024.

PASSED AND ADOPTED by the Town Council of the Town of Circle, approved by the Mayor, at a regular session held on the 10th day of June, 2024.

  
Garry Johnson, Mayor  
Clint Haynie, Chairman

Attest:   
Kelly Doan, Town Clerk



**AFFIDAVIT OF POSTING**

I HEREBY CERTIFY that I posted true and exact copies of the foregoing ORDINANCE on the 14th day of May, 2024, in three public places in the Town of Circle, McCone County, Montana, as follows:

1. Bulletin Board in Grasslands Federal Credit Union in Circle, Montana
2. Bulletin Board in the Circle Country Market in Circle, Montana
3. Bulletin Board in the Town Hall in Circle, Montana

*Kelly Doan*

Kelly Doan, Town Clerk



# Boundary Map of the Territories of the incorporated

# TOWN OF CIRCLE Montana

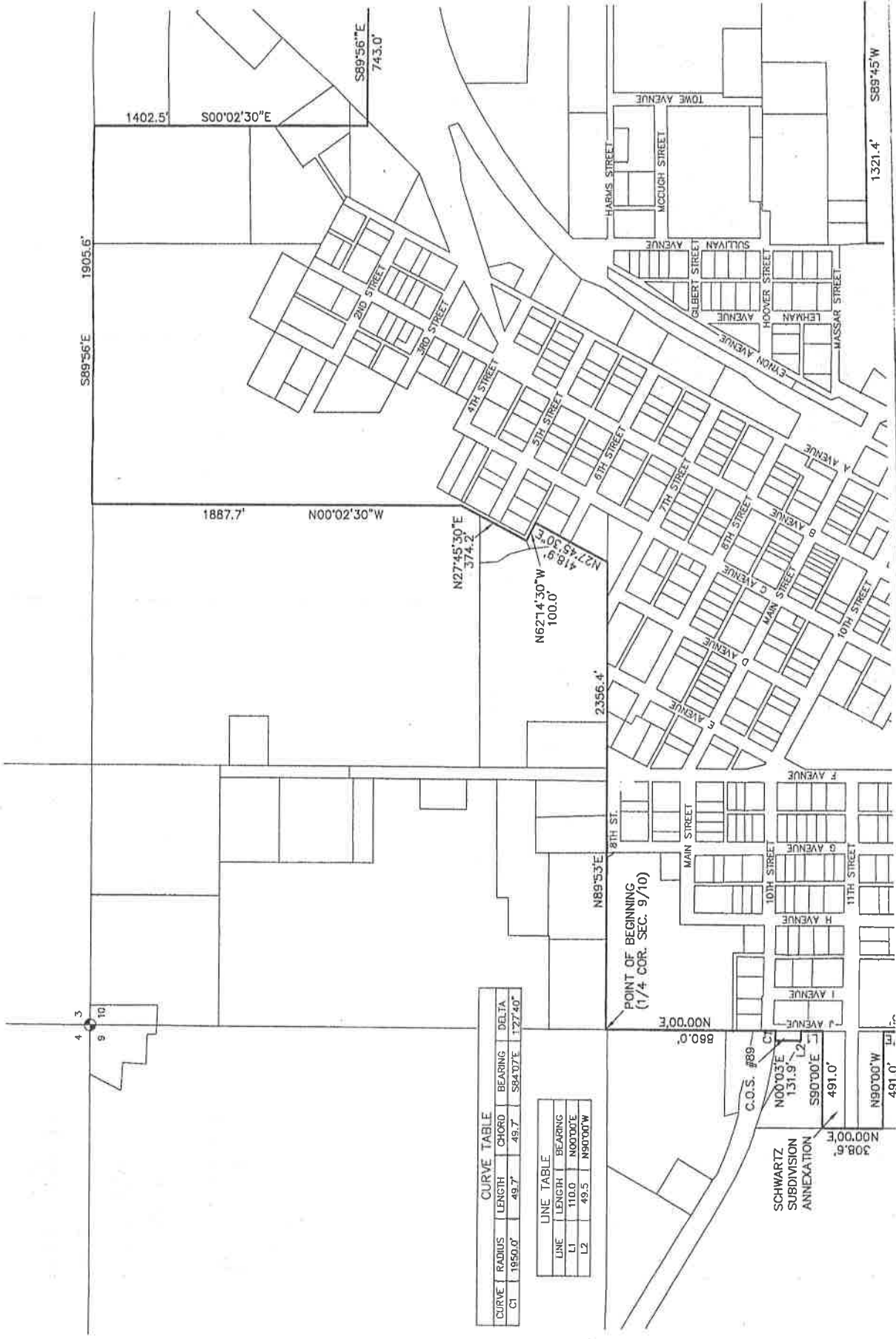
Situate in Portions of Sections 9, 10 and 15  
Township 19 North, Range 48 East  
Principal Meridian Montana  
McCone County, State of Montana

## HISTORY OF TOWN BOUNDARY

- 1929 - Original Circle Montana Map, Surveyed and Platted by Noel R. Banks, Dated May 27, 1929.
- 1975 - Park Annexation, (3-18-75-3)
- 1980 - Schwartz Subdivision Annexation, (12-9-80)
- 2018 - Rosseland Exclusion (4-9-18-1)
- 2018 - Curtiss Exclusion (5-07-18-5)
- 2024 - DRWA COS 89 (02-20-24-01)

We, the Town Council of Circle, Montana, having reviewed this Boundary Map, hereby





CURVE TABLE			
CURVE	RADIUS	LENGTH	CHORD
C1	1950.0'	49.7'	49.7'
			BEARING
			584°07'E
			DELTA
			127°40'

LINE TABLE		
LINE	LENGTH	BEARING
L1	110.0'	N00°00'E
L2	49.5'	N90°00'W

4 3  
9 10

1402.5' S00°02'30"E

S89°56"E  
743.0'

S89°56'E 1905.6'

1887.7' N00°02'30"W

N27°45'30"E  
374.2'

N62°14'30"W  
100.0'

2356.4'

N89°53'E

POINT OF BEGINNING  
(1/4 COR. SEC. 9/10)

N00°00'E

860.0'

C.O.S. #89

N00°03'E

131.9'

S90°00'E

491.0'

SCHWARTZ  
SUBDIVISION  
ANNEXATION

308.6'

N00°00'E

N90°00'W

491.0'

S89°45'W  
1321.4'

HARMS STREET

MCCOUGH STREET

TOWNE AVENUE

SULLIVAN AVENUE

GILBERT STREET

HOOPER STREET

LEHMAN AVENUE

MASSAR STREET

ELYON AVENUE

4TH STREET

3RD STREET

2ND STREET

1ST AVENUE

2ND AVENUE

3RD AVENUE

4TH AVENUE

5TH AVENUE

6TH AVENUE

7TH AVENUE

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28TH AVENUE

29TH AVENUE

30TH AVENUE

31ST AVENUE

32ND AVENUE

33RD AVENUE

34TH AVENUE

35TH AVENUE

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38TH AVENUE

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40TH AVENUE

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43RD AVENUE

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80TH AVENUE

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82ND AVENUE

83RD AVENUE

84TH AVENUE

85TH AVENUE

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88TH AVENUE

89TH AVENUE

90TH AVENUE

91ST AVENUE

92ND AVENUE

93RD AVENUE

94TH AVENUE

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96TH AVENUE

97TH AVENUE

98TH AVENUE

99TH AVENUE

100TH AVENUE



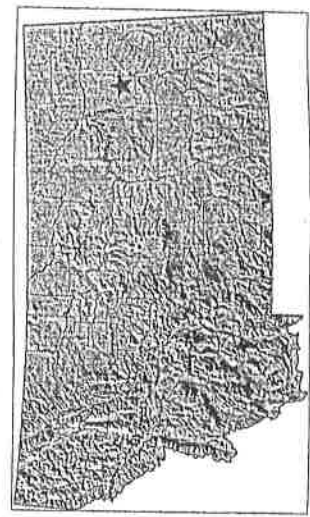
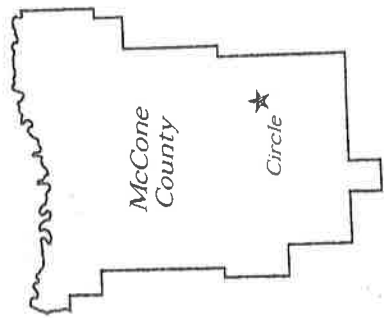
We, the Town Council of Circle, Montana, having reviewed this Boundary Map, hereby approve it as the Official Map of the Territory Boundary of the incorporated Town of Circle, McCone County, State of Montana for filing with the Office of the Clerk and Recorder for McCone County, Montana:

This 24 Day of March, 2024.



ATTEST:  
*Kelly Doan*  
 Clerk

*Shirley J. [Signature]*  
 Mayor



AREA RESERVED FOR CLERK AND RECORDER

198607 BK: MISC-120 Pg: 397-397  
 State of Montana  
 McCONE COUNTY Recorder  
 Fee: \$30.00  
 CHS & BUSH  
 Registered Professional Surveyor  
 Registered in MONTANA  
*Shirley J. Bush*



Montana Land  
 And Aerial Surveys

PO Box 176  
 Lambert, Montana 59243  
 (406) 774-3390  
 surveyor@midrivers.com

1/4	SEC	T	R
	9	19N	48E
	10	19N	48E
	15	19N	48E

PRINCIPAL MERIDIAN OF MONTANA

Boundary Map  
**TOWN OF CIRCLE**  
 McCone County, State of Montana

DATE: APRIL-10-2024  
 JOB NO.: 24005  
 DRAWING: RE/17/19N/48E  
 SHEET 1 of 1



Return to: Town of Circle  
PO Box 140  
Circle, MT 59215

198332 Bk: MISC-120 Pg: 273-276

State of Montana  
McCONE COUNTY Recorded 2/27/2024 at 9:10 AM  
Fee: \$42.00  
Sherry Kluth, Clk & Rcdr  
Return To: TOWN OF CIRCLE P.O. BOX 140  
CIRCLE MT 59215

*Sherry Kluth*

**RESOLUTION 02-20-24-01  
RESOLUTION TO ANNEX AND INCORPORATE WITHIN THE  
BOUNDARIES OF THE TOWN OF CIRCLE, MONTANA AND TO AMEND  
THE TOWN OF CIRCLE ZONING MAP**

WHEREAS, Dry Redwater Regional Water Authority ("DRWA"), is the listed owner of a tract of certain real property listed on Montana Cadastral, hereinafter referred to as "COS #89, Parcel 00, TR .147 Acres" situated adjacent to the Town of Circle ("Town") in McCone County, Montana, and more particularly described as follows:

**S09, T19 N, R48 E, COS #89, Parcel 00, TR .147 Acres**

WHEREAS, DRWA has filed a Petition for Annexation to the Town of Circle and a request for zoning map amendment with the Town of Circle Town Council containing the signatures of more than 50% of the resident electors owning real property or the owners of real property representing 50% or more of the total area to be annexed; and

WHEREAS, COS #89, Parcel 00, TR .147 Acres is not within the corporate limits of the Town or other municipality but is contiguous to the Town and may therefore be annexed to the Town in accordance with the provisions of this Agreement and §7-2-4601, MCA; and

WHEREAS, all parties recognize that the annexation of COS #89, Parcel 00, TR .147 Acres pursuant to §7-2-4601, MCA, will entitle the said property to Town services, including, fire protection, municipal water and sewer service, as available; and

WHEREAS, the Town advertised a Public Notice of Circle Town Council Hearing for Annexation and Zoning Map Amendment in The Circle Banner on January 31, 2024, February 7, 2024 and February 14, 2024; and

WHEREAS, the Town Council held a public hearing on February 20, 2024 beginning at 5:30 p.m. to hear objections to the adoption in the Town Hall, 105 Main Street, Circle, Montana; and no objections were presented to the Council.

WHEREAS, the Town Council having reviewed the Petition for Annexation to the Town, the Town Council now makes the following findings:

1. The DRWA is the owner of the entire territory described in the Petition for Annexation to City.
2. As the DRWA owns the entire parcel to be annexed into the City it is not necessary to submit the question of annexation to the electors pursuant to Section 7-2-

4601(3)(a)(ii), MCA, and the Town Council can approve or disapprove the Petition on its merits.

3. The territory proposed to be annexed into the Town is contiguous to the limits of the Town of Circle.

WHEREAS, in the judgment of the Town of Circle Town Council it is deemed in the best interest of the Town of Circle, the inhabitants thereof and the current and future inhabitants of the property described above, which sought annexation and amendment to the Town of Circle zoning map, that the boundaries of the Town of Circle be extended to include the property within the Town limits and the zoning map be amended; and

WHEREAS, COS #89, Parcel 00, TR .147 Acres be zoned as Residential Class "A" with the contingent zoning of Commercial Class "C" while the property is owned by DRWA.

NOW THEREFORE BE IT RESOLVED that the Town of Circle Town Council annexes, incorporates and amends the zoning map to include following land into the boundaries of the Town of Circle:

**S09, T19 N, R48 E, COS #89, Parcel 00, TR .147 Acres**

FURTHER RESOLVED that COS #89, Parcel 00, TR .147 Acres be zoned as Residential Class "A" with the contingent zoning of Commercial Class "C" while the property is owned by DRWA.

IT IS FURTHER RESOLVED that as of the time that the proposed petition was submitted to the Town Council no part of the territory to be annexed is used in whole or in part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose or for any purpose incident to those purposes as provided by Section 7-2-4608(2), MCA.

IT IS FURTHER RESOLVED that a copy of this Resolution shall be certified under seal and entered in the Minutes of the Town of Circle. The Resolution shall further be filed in the Office of the McCone County Clerk and Recorder. From and after the date of filing with the county clerk and recorder the annexation of the described territory shall be complete and the territory shall be a part of the municipal corporation as provided by Section 7-2-4607, MCA.

Passed and adopted this 20th day of February, 2024 by a motion from councilperson Diane Black and seconded by councilperson James Breitbach.

Aye Votes:

Clint Haynie

Diane Black

Jaymes Breitbach

Michael Hale

Nay Votes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town of Circle:

Garry Johnson  
Garry Johnson, Mayor

Attested:

Kelly Doan  
Kelly Doan, Clerk/Treasurer



**CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE**

I, the undersigned, being the duly qualified and acting recording officer of the Town of Circle, Montana (the "Town"), hereby certify that the attached resolution is a true copy of a Resolution entitled: **"RESOLUTION 02-20-24-01, RESOLUTION TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE TOWN OF CIRCLE, MONTANA AND TO AMEND THE TOWN OF CIRCLE ZONING MAP"** (the "Resolution"), on file in the original records of the Town in my legal custody; that the Resolution was duly adopted by the Town Council of the Town at a special meeting held on February 20, 2024, and that the meeting was duly held by the Town Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution 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 Council Members voted in favor thereof: Clint Haynie, Jaymes Breitbart, Diane Black and Michale Hale; voted against the same: none; abstained from voting thereon: none; or were absent: none.

WITNESS my hand officially this 20th day of February 2024.



*Kelly Doan*  
\_\_\_\_\_  
Kelly Doan Clerk-Treasurer