



July 30, 2024

TO: Fort Smith Water and Sewer District Members

FROM: Fort Smith Water and Sewer Board (FSWSB)

RE: Application and Petition for Annexation of a 22.891-acre parcel into the District

At its regularly scheduled Board meeting on July 26, 2024, the FSWSB voted to acknowledge and accept an application and petition submitted by Richard and Beth Allgood and Steve and JJ Hilbers (owners of the parcel) requesting annexation of this entire 22.891-acre parcel into the District as a single, residential, non-subdivided lot. The application and petition (required by the MCA code and the District's Policies and Procedures) were deemed complete. The Board's action **DOES NOT GRANT APPROVAL OF THE ANNEXATION REQUEST**. It simply allows the procedures for this annexation request to proceed.

The District has concluded by consultation with our engineers that an adequate water supply exists to meet the needs of these applicants for this one, single-family residence.

Enclosed please find the materials related to this request. Also enclosed in this mailing is the nine-step procedure (dictated by the Montana Code as well as the District's Policies and Procedures) that must be followed for the request to be ultimately approved. The applicants will be fully responsible for the costs of the following:

1. All materials and labor for obtaining a service tap onto the water main.
2. All materials and labor for providing service to the residential structure including the meter pit, meter, and piping from the meter to the residence.
3. A one-time fee of \$4005.00 which is the water impact fee.
4. An annual assessment for the sewer special assessment charged to each lot within the District. (Approximately \$600.00 annually).
5. A monthly fee for water usage (base rate and any overage from allotted gallons).
6. A District-wide election if this is required.

The Board has agreed to waive the requirement for sewer service to be present at this residence. The Allgood residence is on a septic system and so long as that system remains in good working order, the sewer requirement is waived. However, if their septic system is



[info@ftsmithws.com](mailto:info@ftsmithws.com)



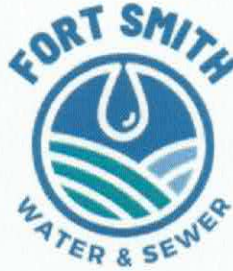
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PO Box 7596  
Fort Smith, MT 59035



406-666-2482



compromised or failing, the water service will be immediately terminated until their residence is connected to the FSWSB sewer system and is deemed to be in good working order. The installation and connection of sewer service shall be at the sole expense of the owner.

**IMPORTANT: IF IN THE FUTURE, THE APPLICANTS WISH TO SUBDIVIDE THE PROPERTY, WATER AND SEWER SERVICE WILL NOT BE PROVIDED UNTIL APPLICANTS SUBMIT A PLAT THAT HAS BEEN OFFICIALLY APPROVED BY THE APPROPRIATE COUNTY SUBDIVISION PROCESS. IF AND WHEN THIS COUNTY-CERTIFIED PLAT IS ACCEPTED, EVALUATED, AND APPROVED BY THE FSWSB, THEN WATER AND SEWER SERVICES CAN BE PROVIDED TO EACH LOT. THE APPLICANTS WILL BE FULLY RESPONSIBLE FOR ANY AND ALL COSTS RELATED TO OBTAINING THESE SERVICES AS WELL AS WATER AND SEWER SPECIAL ASSESSMENTS FOR EACH LOT.**

*As required by item # 5 in the enclosed Stepwise Procedures list, the Board will hold a special public hearing to hear and consider comments from the public on the proposed application for annexation. This will take place at 9:00 am on Friday, August 23, 2024, at the Baptist church in Fort Smith. Anyone with comments, opinions, or questions should attend this meeting. Alternatively, if you cannot attend, email me your comments and I will read them at the hearing.*

After the hearing, the District will follow steps 6-9 to complete the process of annexation.

Please feel free to reach out if you have any questions or concerns regarding this notification.

Alan Shaw, Fort Smith Water and Sewer Board President

406-995-2792

Email: [shaw195@aol.com](mailto:shaw195@aol.com)



[info@ftsmithws.com](mailto:info@ftsmithws.com)



[www.ftsmithws.com](http://www.ftsmithws.com)



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## **STEPWISE PROCEDURE TO FOLLOW FOR ANNEXATION**

### **Section 3.10.1.b. FSWSB Policies and Procedures**

**[District's Board makes determination versus District election (1. a)]**

- 1. Applicant submits an Application for Annexation with signature(s) of all property owners and files with the District an Annexation Petition.**
- 2. With the next monthly billing, the District will notify all members in the District of the receipt of a request. This should include the application and a narrative description of the particulars such as lot size, hook-ups, etc.**
- 3. Within 60 days from receipt of the application, the District shall review the application for completeness and also confirm if adequate sewer and water services exist to meet the applicant's needs.**
- 4. Once the District's review is complete, the District shall notify the applicant of its findings and include any additional questions/requirements.**
- 5. If the applicant wishes to continue the process, the District shall publish notice of the application. It shall hold a special public hearing to hear and consider comments from the public on the proposed application for annexation.**
- 6. After the hearing the Board may decide:**
  - a. To present the application to a full District-wide vote, or**
  - b. To adopt an ordinance approving the annexation**
- 7. If option b. is chosen, the Board shall vote to approve the ordinance which will contain any additional requirements for connection to the system.**
- 8. Notice of passage of the ordinance will be sent to all members in the next month's billing.**
- 9. The ordinance will be effective one month after the mailing (#8 above) unless 40% or more of the District members submit a petition requesting that a District-wide election be held regarding the annexation.**

**Additional points: The petitioner shall pay any costs incurred by the District to complete this process.**

## EXHIBIT A

### ANNEXATION PETITION

We, the undersigned registered voters residing in the area described in the attached Exhibit "A", and by this reference made a part hereof, hereby petition the Board of Directors of the Fort Smith Water and Sewer District, to annex that area shown and/or legally described on the attached Exhibit "A", to the said Fort Smith Water and Sewer District.

Therefore, pursuant to Title 7, Chapter 13, Parts 22 and 23, Montana Codes Annotated, the petitioners pray that the area described and set forth in the proposed boundaries, Exhibit "A", be annexed to the Fort Smith Water & Sewer District pursuant to Montana law.

Signature

Address

Printed Last Name

Richard Allgood  
Beth Allgood

316 YELLOWTAIL  
316 Yellowtail

ALLGOOD  
ALLGOOD

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## ANNEXATION PETITION

Therefore, pursuant to Title 7, Chapter 13, Parts 22 and 23, Montana Codes Annotated, the petitioners pray that the area described and set forth in the proposed boundaries, Exhibit "A", be annexed to the Fort Smith Water & Sewer District pursuant to Montana law.

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EXHIBIT B

FORT SMITH WATER AND SEWER DISTRICT  
APPLICATION FOR ANNEXATION

PLEASE PROVIDE ALL OF THE INFORMATION REQUESTED BELOW

1. APPLICANT: (Attach separate sheet if more than one.)

Print BETH ALLGOOD  
Name: RICHARD ALLGOOD  
Address: 316 YELLOWTAIL

Signature Beth Allgood  
Richard Allgood

CU Business Phone: 580-595-0219  
CU Residence Phone: 580-695-1442

2. DESCRIPTION OF PROPERTY TO BE ANNEXED (Attach a certificate of survey or plat if available):

Site, T06 S, R31 E, C05 752, Parcel TR 2A  
acres 22.891

3. SURVEYOR/ENGINEER (if hired):

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

4. IS THE APPLICANT THE SOLE OWNER OF THE LAND PROPOSED TO BE ANNEXED? YES \_\_\_ NO X. IF NO, PLEASE PROVIDE FULL NAME, ADDRESS AND PHONE NUMBER OF ALL OTHER OWNERS OF SUCH LAND.

5. IS THE PROPERTY TO BE ANNEXED CONTIGUOUS TO EXISTING DISTRICT LIMITS? Yes X No \_\_\_\_.

IF YES, DO YOU AND ALL PROPERTY OWNERS OF SUCH LAND WISH TO HAVE THE ANNEXATION ACCOMPLISHED WITHOUT A VOTE OF THE ELECTORS OF THE DISTRICT? YES X NO \_\_\_

6. IS THE PROPERTY TO BE ANNEXED PLATTED AND APPROVED AS A SUBDIVISION? Yes \_\_\_\_ No X  
IF SO ATTACH A COPY OF THE PLAT.

7. PRESENT USE OF PROPERTY:

SINGLE RESIDENCE

8. PROPOSED USE OF PROPERTY (commercial or residential or both)

RESIDENTIAL

9. PROPOSED NUMBER OF NEW WATER AND SEWER HOOKUPS PRESENTLY REQUESTED (one equivalent residential unit for each hookup):

1 WATER

10. PROVIDE A DRAWING INDICATING ESTIMATES OF:

- The anticipated point or points of connection to the district's existing water or sewer system.
- Location of all boundary streets and easements.
- North point.
- Location of existing water lines and wells or septic tank/ drainfields.
- Location of other utilities (such as phone, gas, power, etc.).
- Location of any anticipated lift stations for sewer lines.

11. ANNEXATION APPLICATION FEE OF \$ 125.00 ACCOMPANIES THIS APPLICATION.



EXHIBIT B

FORT SMITH WATER AND SEWER DISTRICT  
APPLICATION FOR ANNEXATION

PLEASE PROVIDE ALL OF THE INFORMATION REQUESTED BELOW

1. APPLICANT: (Attach separate sheet if more than one.)

Print J.J. Hilbers Signature [Signature]  
Name: Steve Hilbers  
Address: 73 2nd St East Box 7515  
Fort Smith MT  
Business Phone: 406-666-2375  
Residence Phone: 406-666-2422

2. DESCRIPTION OF PROPERTY TO BE ANNEXED (Attach a certificate of survey or plat if available):

S16, T46 S, R31 E, COS 752, Parcel TR 2A  
Acres 22.891

3. SURVEYOR/ENGINEER (if hired):

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

4. IS THE APPLICANT THE SOLE OWNER OF THE LAND PROPOSED TO BE ANNEXED? YES \_\_\_ NO X. IF NO, PLEASE PROVIDE FULL NAME, ADDRESS AND PHONE NUMBER OF ALL OTHER OWNERS OF SUCH LAND.



5. IS THE PROPERTY TO BE ANNEXED CONTIGUOUS TO EXISTING DISTRICT LIMITS? Yes X No \_\_\_\_\_.

IF YES, DO YOU AND ALL PROPERTY OWNERS OF SUCH LAND WISH TO HAVE THE ANNEXATION ACCOMPLISHED WITHOUT A VOTE OF THE ELECTORS OF THE DISTRICT? YES X NO \_\_\_\_

6. IS THE PROPERTY TO BE ANNEXED PLATTED AND APPROVED AS A SUBDIVISION? Yes \_\_\_\_\_ No X  
IF SO ATTACH A COPY OF THE PLAT.

7. PRESENT USE OF PROPERTY:

Single residence

8. PROPOSED USE OF PROPERTY (commercial or residential or both)

Residential

9. PROPOSED NUMBER OF NEW WATER AND SEWER HOOKUPS PRESENTLY REQUESTED (one equivalent residential unit for each hookup):

1 water

10. PROVIDE A DRAWING INDICATING ESTIMATES OF:

- The anticipated point or points of connection to the district's existing water or sewer system.
- Location of all boundary streets and easements.
- North point.
- Location of existing water lines and wells or septic tank/ drainfields.
- Location of other utilities (such as phone, gas, power, etc.).
- Location of any anticipated lift stations for sewer lines.

11. ANNEXATION APPLICATION FEE OF \$ 125 ACCOMPANIES THIS APPLICATION.

Tax Year: 2024

Scale: 1:7286.54 Basemap: Imagery Hybrid



## Summary

### Primary Information

Property Category: RP

Subcategory: Non-Qualified Ag

Geocode: 22-0458-16-4-01-03-0000

Assessment Code: 000K0249D0

#### Primary Owner:

ALLGOOD RICHARD J & BETH ANN &  
64 MIDDLE GATE RD  
MYRTLE BEACH, SC 29572-5646  
Note: See Owners section for all owners

#### Property Address:

316 YELLOWTAIL ST  
FT SMITH, MT 59035

Certificate of Survey: 752

Legal Description: S16, T06 S, R31 E, C.O.S. 752, PARCEL TR 2A, ACRES 22.891

Last Modified: 6/6/2024 13:46:10 PM

### General Property Information

Neighborhood: 222.002

Property Type: IMP\_U - Improved Property - Urban

Living Units: 0

Levy District: 22-1023-7H

Zoning:

Ownership: 100

LinkedProperty: No linked properties exist for this property

Exemptions: No exemptions exist for this property

Condo Ownership:  
General: 0

Limited: 0

### Property Factors

Topography: n/a

Fronting: n/a

Utilities: n/a

Parking Type: n/a

Access: n/a

Parking Quantity: n/a

Location: n/a

Parking Proximity: n/a