

RESOLUTION No. 2009 - 16

Upon passage, the Resolution shall constitute the approved process for the certification of "Part One" zoning petitions in Carbon County, Montana, submitted pursuant to §76-2-101, Mont. Code Ann.

A. The Petition must be clearly stated on each signature page. A map prepared by a certified land surveyor indicating the boundaries of the area of land to be included in the district must be attached to the petition that will be circulated for signatures. The names of landowners shall be marked clearly on the map. A map must be attached to each signature page of the petition that is circulated.

Only affected real property owners within the proposed district may sign the Petition. See Section E, below, for guidance.

B. Signatures Pages must include the following:

1. Petition;
2. Separate line for each signature and date when signed;
3. Separate line for signator's printed name;
4. Line for signator's mailing address; and
6. Legal description of the signator's affected real property.

C. The following additional items must be submitted with the petition signature pages:

1. Obtain and attach an Ownership Report from a Title company for all legal descriptions. The ownership report must include owner names, deed reference, mailing address, and tax codes. Petition signatures must match ownership titles exactly. This includes corporations, partnerships, etc. Note: Any signatures that differ in any way from the land title will be voided from the petition.

Certificate of Title - ownership report:

A statement of opinion prepared by a title company, licensed abstracter, or an attorney on the status of a title to a parcel of real property, based on an

examination of specified public records. This certificate of title should not be confused with the certificate of title that is issued to a title holder of land registered under the Torrens system, or with a title insurance policy.

A certificate of title does not guarantee title, but does certify the condition of the title as of the date the certificate is issued, on the basis of an examination of the public records maintained by the recorder of deeds, the county clerk, the county treasurer, the city clerk and collector, and clerks of various court records.

2. Affidavit by person or persons circulating petition signature pages must be attached to the signature pages they circulated attesting that they collected those signatures or each signature must be notarized.

D. Procedure by Clerk and Recorder's Office after submission.

1. Petition will be noted with the date, time and initials of person accepting petition.

2. Additional petition signature pages or withdrawal statement will be accepted for 45 business days after petition is submitted.

3. The Clerk and Recorder will transmit to the Board of County Commissioners stating the number of affected owners of real property within the boundaries of the district, the number of valid signatures, and verification of the percentage of freeholders within the boundaries that signed the petition after it has been reviewed by the county attorney.

E. Guidance for Signatures:

1. If property was acquired in different names, i.e. S. Daniel Jones, Sam Daniel Jones, and Daniel Jones, an affidavit must be attached to signature page stating they are one and the same person.

2. Each affected real property owner is counted in the total number of such owners within the boundaries of the district and can sign the petition. If property is held jointly, or as tenants in common, each joint tenant or each tenant is counted as such a property owner and may sign the petition.

3. A trust is counted as one petitioner. The trustee of the trust must sign the petition as trustee of the S. Daniel Jones living trust and provide the copy of the first page of the trust, the signature page of the trust and the page showing that the person signing on behalf of the trust is a current trustee.

4. A corporation is counted as one petitioner. Standard bylaws usually require both the president and secretary sign as president of Jones, Inc., and secretary of Jones, Inc. If bylaws provide otherwise, a copy of the relevant page of the bylaws and the first page of the bylaws must be attached to the signature page.

5. A partnership is counted as one petitioner. All partners must sign or the non-signing partners must authorize one partner to sign for the partnership and a copy of that authorization must be attached to the signature page.

6. A limited partnership is counted as one petitioner. All partners must sign or the general partner may sign if authorized by all the limited partners to sign for the partnership. A copy of the authorization must be attached to the signature page. The partners must sign as either a general partner or a limited partner.

7. A limited liability company is counted as one petitioner. Depending on what is authorized by the articles of organization or operating agreement, one member or the manager may sign. A copy of the relevant page of the articles of organization or operating agreement and the first page of the articles of organization or operating agreement must be attached to the signature page. The member must sign as a member or the manager must sign as a manager.

8. A limited liability partnership is counted as one petitioner. All partners must sign or the non-signing partners must authorize one partner to sign for the partnership and a copy of that authorization must be attached to the signature page.

Resolved this 30th day of November, 2009.

John E. Pinski
Chairman, Board of County Commissioners

ATTEST: Linda M. Sadock
Clerk and Recorder