

Please return to:
Kalispell City Clerk
201 First Avenue East
Kalispell, MT 59901

**WAIVER OF PROTEST TO FORMATION AND
PARTICIPATION IN A SPECIAL IMPROVEMENT DISTRICT
MCA 7-12-4110**

The undersigned _____ (*owner or company name*) hereinafter referred to as OWNER has requested and received the consideration and approval of the City of Kalispell to develop improvements within the City, on private real property as the legally described as follows:

The City has approved the requisite stormwater facilities to be constructed upon the real property owned by the OWNER upon the conditions that 1) the OWNER shall adequately maintain the stormwater facilities pursuant to City standards and the applicable Stormwater Maintenance Permit and that 2) OWNER shall waive for itself and all future owners, the statutory right the OWNER has to protest a future special improvement district as afforded by MCA 7-12-4110 for the maintenance or the reconstruction of the stormwater facilities serving the property in the event the OWNER fails in its maintenance obligation.

The OWNER, therefore, in consideration for the City's approval of its requisite stormwater facility design, hereby waives right to protest the formation by the City of Kalispell of a special improvement district pursuant to Title 7 Chapter 12 of Montana Code Annotated which the OWNER may have or may hereafter acquire, and waive any and all right to protest any attempt or proceedings made by or on behalf of the City of Kalispell to form such special improvement district.

The OWNER further agrees that this Waiver to Protest to the formation of a Special Improvement District is a covenant upon the above described real property which shall run to, with, and be binding upon the title of the said real property, and shall be binding upon any heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the above described real property.

Dated this ____ day of _____, 20__

OWNER (if owned jointly or as cotenants, each owner must sign or if signing for a corporation, LLC, or other legal entity must provide the source of the authority to bind the company)_____

STATE OF MONTANA)
 : ss
County of Flathead)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year in this certificate first above written.

Notary Public, State of Montana
Printed Name: _____
Residing at _____
My Commission expires: _____