

Bond Case Briefs

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ANNEXATION - MONTANA

Houston Lakeshore Tract Owners Against Annexation, Inc. v. City of Whitefish

Supreme Court of Montana - March 21, 2017 - P.3d - 2017 WL 1058616 - 2017 MT 62

Entity formed by property owners filed complaint seeking declaratory judgment that city lacked the lawful ability to annex area.

Parties filed cross-motions for summary judgment. The District Court granted the city's motion. Entity appealed.

The Supreme Court of Montana held that:

- A city may annex multiple tracts or parcels if city territory wholly surrounds the area to be annexed; and
- Area city sought to annex was wholly surrounded by the city, as required to support annexation without property owners' consent.

A city may annex multiple tracts or parcels if city territory wholly surrounds the area to be annexed, because the wholly surrounded method of annexation is triggered by the geographic relationship between the freehold territory and the city, and not by the number of tracts or parcels a city seeks to annex.

Area city sought to annex was wholly surrounded by the city, as required to support annexation without property owners' consent; area was landlocked by the city because, as to the three sides bordered by land, it was bounded by the city, lake that bordered one side of the area did not affect the wholly-surrounded analysis, and, in order to access the area by road, property owners had to cross city territory, even when traveling within their own development.