

Northwest Montana Association of REALTORS®
Whitefish Jurisdiction & Critical Areas Ordinance
NOTICE & ACKNOWLEDGMENT
- LISTINGS WITHIN 2-MILE RADIUS OF WHITEFISH CITY LIMITS -

In reference to the _____ Agreement between
_____ (Seller) and
_____ (Broker/Salesperson) dated _____,
covering the following commonly described property as _____
and legally described as: _____

_____.

NOTICE & ACKNOWLEDGMENT

DISPUTED JURISDICTION OVER 2-MILE RADIUS OUTSIDE CITY LIMITS: The City of Whitefish and Flathead County dispute which governmental entity has jurisdiction over the 2-mile area that lies outside of the Whitefish City limits, commonly referred to as the “donut area.” As a result, what governmental entity has jurisdiction over the 2-mile area outside of the City limits is unknown.

By signing below, the Seller acknowledges and agrees to the following:

- (1) the Brokerage Firms, brokers and salespersons involved in the transaction anticipated by the Agreement set forth above do not warrant or make any representations concerning the jurisdiction of the City of Whitefish, Montana, or of Flathead County, Montana, over the real property identified above;
- (2) Seller has been advised by the Broker/salesperson to conduct an independent investigation and evaluation as to what governmental entity may have authority to regulate or control the real property; and
- (3) zoning, ordinances and regulations, of any kind and imposed by any entity, concerning the real property MAY or MAY NOT be valid.

REQUIRED REVIEW BY WHITEFISH PLANNING & BUILDING DEPT.: Property owners MUST have their property reviewed by the City of Whitefish Planning and Building Department to determine the property’s potential use.

By signing below, the Seller acknowledges and agrees to the following:

- (1) based on the City’s determination of the property’s potential use, the property’s value may be affected significantly;
- (2) that without such City review, the Broker(s)/Salesperson(s) cannot provide an accurate opinion of the property’s value, and Seller agrees to not rely upon any opinion of value rendered by said Broker(s) /Salesperson(s);
- (3) Seller shall conduct an independent review of the applicable City zoning regulations and City ordinances relating to property use (including but not limited to Ordinance Nos. 06-08 and 08-04) and does not rely on any representations by the Broker(s)/Salesperson(s) concerning potential uses of the property; and
- (4)) should Seller proceed to list property without obtaining a review by the City, Seller does so at Seller’s own risk, and Seller assumes all responsibility, liability and risk associated with establishing the sales price of the property and for any and all claims which may arise from the listing or sale of this property relative to the price or the potential uses of the property.

Seller: _____ Dated _____

Seller: _____ Dated _____

Broker/Salesperson: _____ Dated _____

A copy of Ordinance Nos. 06-08 and 08-04 and related documents are available by contacting the City of Whitefish Public Works Department, and online at www.whitefish.govoffice.com.

Last Updated: _____ Copyright information; FORM # _____