



Lewis & Clark County

COUNTY

RESOLUTION 2008-91-A
CORRECTED

**A RESOLUTION OF INTENTION TO CREATE
RURAL IMPROVEMENT DISTRICT 2008-7 FOR AUTUMN WIND COURT**

WHEREAS, Lewis and Clark County has developed a functional classification system for the road system within the jurisdiction; and

WHEREAS, revenues generated by the tax levy for roads are not sufficient to adequately maintain the entire road system without adversely affecting other County services; and

WHEREAS, the Board of County Commissioners has prioritized the maintenance and improvement expenditures on those portions of the road system that serve the general public and which facilitate economic activity, being those roads that are classified as arterial or collector in function; and

WHEREAS, ~~the roads serving the Schmidville Subdivisions are functionally classified as local roads; and the road is functionally classified as a local road; and~~

WHEREAS, the Board of County Commissioners has the authority to propose Rural Improvement Districts for the purpose of funding road improvements and/or maintenance, pursuant to Section 7-12-2101, et. seq., MCA.

WHEREAS, the Board of County Commissioners has received a petition signed by more than 60% of the property owners of the proposed district.

NOW, THEREFORE, BE IT RESOLVED ^{Autumn Wind Court} by the Lewis and Clark County Board of County Commissioners that it does hereby establish its intention to create the ~~Schmidville~~ Rural Improvement District No. 2008-7 for the purpose of equitably funding road improvements and maintenance within said district.

BE IT FURTHER RESOLVED that the district shall include lots as identified on Petition Exhibit "A", attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the engineer for the improvements is Stahly Engineering and Associates.

BE IT FURTHER RESOLVED that the improvements for Autumn Wind Court include construction of a paved road with an asphalt mat, surface preparation, the application of an asphalt mat surface, and a single application (single shot) of chipseal surfacing.

BE IT FURTHER RESOLVED that the estimated annual costs for said improvements are \$4,388.39 for a period of fifteen (15) years. All funds collected for the improvement district shall be spent solely for the road improvements within the proposed district.

BE IT FURTHER RESOLVED that all properties within the district would benefit equally and would be assessed a flat fee for the improvements. Each parcel of record shall be assessed a flat fee of approximately \$438.84 per year for a period of fifteen (15) years.

BE IT FURTHER RESOLVED that a district for maintenance of the improvements shall be established, and that the boundaries of said maintenance district and the method of assessment for such maintenance shall be the same as the previously described improvement district.

BE IT FURTHER RESOLVED that the initial maintenance of the improvements may include pavement patching, crack sealing, sanding, street sweeping, snow plowing, drainage control, dust control, and signage. Additional maintenance activities could include resurfacing, and other maintenance and repair as necessary to preserve the road surfaces.



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7/29/08 - Re-recorded to correct scribner's error.

BE IT FURTHER RESOLVED that the estimated annual costs for said initial maintenance are \$1,540.80. Each parcel shall be assessed approximately \$154.08 for said maintenance. This assessment will provide for an adequate reserve for future chip seal applications or other maintenance. All funds collected for the maintenance district shall be spent solely for the road maintenance activities within the proposed district.

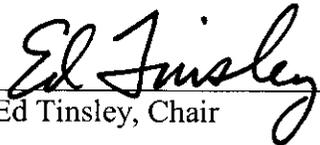
BE IT FURTHER RESOLVED that each parcel shall be assessed a total annual fee of \$592.92, as shown on Petition Exhibit "B", attached hereto and made a part thereof, for a period of fifteen (15) years and shall be assessed maintenance of \$154.08 annually thereafter.

BE IT FURTHER RESOLVED that the districts shall remain in effect in perpetuity or until such action by the Board of County Commissioners otherwise dissolves the districts.

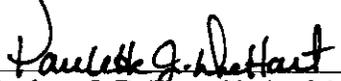
BE IT FURTHER RESOLVED that any owner of property within the proposed districts may make protest against the creation of the districts, pursuant to Section 7-12-2109, MCA.

DATED this 24th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY


Ed Tinsley, Chair

ATTEST:


Paulette J. DeMart, Clerk of the Board

Attachments: Exhibit "A"
Exhibit "B"

AutumnWindRIDtent.Doc


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LEWIS AND CLARK COUNTY PLANNING DEPARTMENT
316 North Park Avenue, Room 404
Helena, MT 59623; Phone: 406.447.8375

MEMORANDUM

DATE: December 6, 2007
FILE: AutumnWindInteBoCCMemo

TO: Board of County Commissioners

FROM: Carrie Severson, Special Districts Coordinator

SUBJECT: **Autumn Wind Court RID Rate Hearing**

The residents of Autumn Wind Court have submitted a petition requesting the BoCC to create an RID. Signatures of the owners of 70% (7 of 10 parcels) of the parcels in the proposed district have signed the petition in accordance with the County's RID Policies and Procedures.

The attached resolution of intent contains the signed petition and exhibits that were presented to the property owners.

After this resolution has been passed, notice will be given to all property owners within the district and a 30 day protest period will ensue. Upon completion of the protest period, a public hearing will commence. Unless protest dictates failure of the district, after the public hearing the BoCC can choose to approve/deny the creation of the district.

Two of the ten property owners have expressed protest to the creation of the district and we have been working with them to answer their questions regarding the process and procedure for making protest.

**PETITION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR MAINTENANCE OF SPRUCE DRIVE**

We the undersigned, owners of real property within the Autumn Wind area, located in Sections 23 and Section 26 of T9N, R5W, P.M.M., of Lewis and Clark County, do hereby petition the Board of County Commissioners to create the Autumn Wind Rural Improvement District for the purpose of improving and maintaining Autumn Wind Court (from its intersection with York Road to the end of the Cul-de-sac), as authorized by Section 7-12-2101, et. Seq., MCA. The boundaries of the proposed district are shown on the attached Exhibit "A". The proposed maintenance activities could include paving, chip sealing, crack sealing, snow plowing, sweeping, culver cleaning, and other maintenance and repair as necessary to preserve the road surfaces. The estimated annual cost for said maintenance is \$5929.20 for a period of fifteen years, then would reduce annual estimated maintenance of \$1540.80.

All parcels would benefit and would be assessed a flat fee for the maintenance of the road. The assessment per parcel per year would be \$592.92 for the first fifteen years and would reduce to an annual estimated maintenance of \$154.08. Attached as Exhibit "B" is a list of lots within the proposed RID which shows the geocode, address, owner, legal description, and the estimated annual assessment for each lot. All funds collected for the district shall be spent solely for the road maintenance activities within the proposed district. Exhibit "B" also shows the signatures of the property owners petitioning for the creation of the district.

It is anticipated that the District would be administered by the County, unless an agreement is entered into between the County and a representative body of the landowners within the District. The County will serve only to coordinate the necessary work, collect the assessments, and disburse payments for the district. It is anticipated that a private contractor would perform the maintenance.

This petition is being circulated in accordance with the Lewis and Clark County Rural Improvement District (RIDs) and Rural Maintenance Districts (RMDs) Policies and Procedures manual which is on file and available for inspection at the Lewis & Clark County Board of County Commissioners. Because of aggregation and subdivision of parcels, the actual number of parcels state in the petition may change between the time the petition is circulated and the time the board considers the resolution of intention to create the RID or RMD, and therefore, the actual assessment per parcel may be greater than or less than the amount stated in the petition and the number of lots to be assessed will be set as of the date of the resolution of intention to create the RID or RMD.



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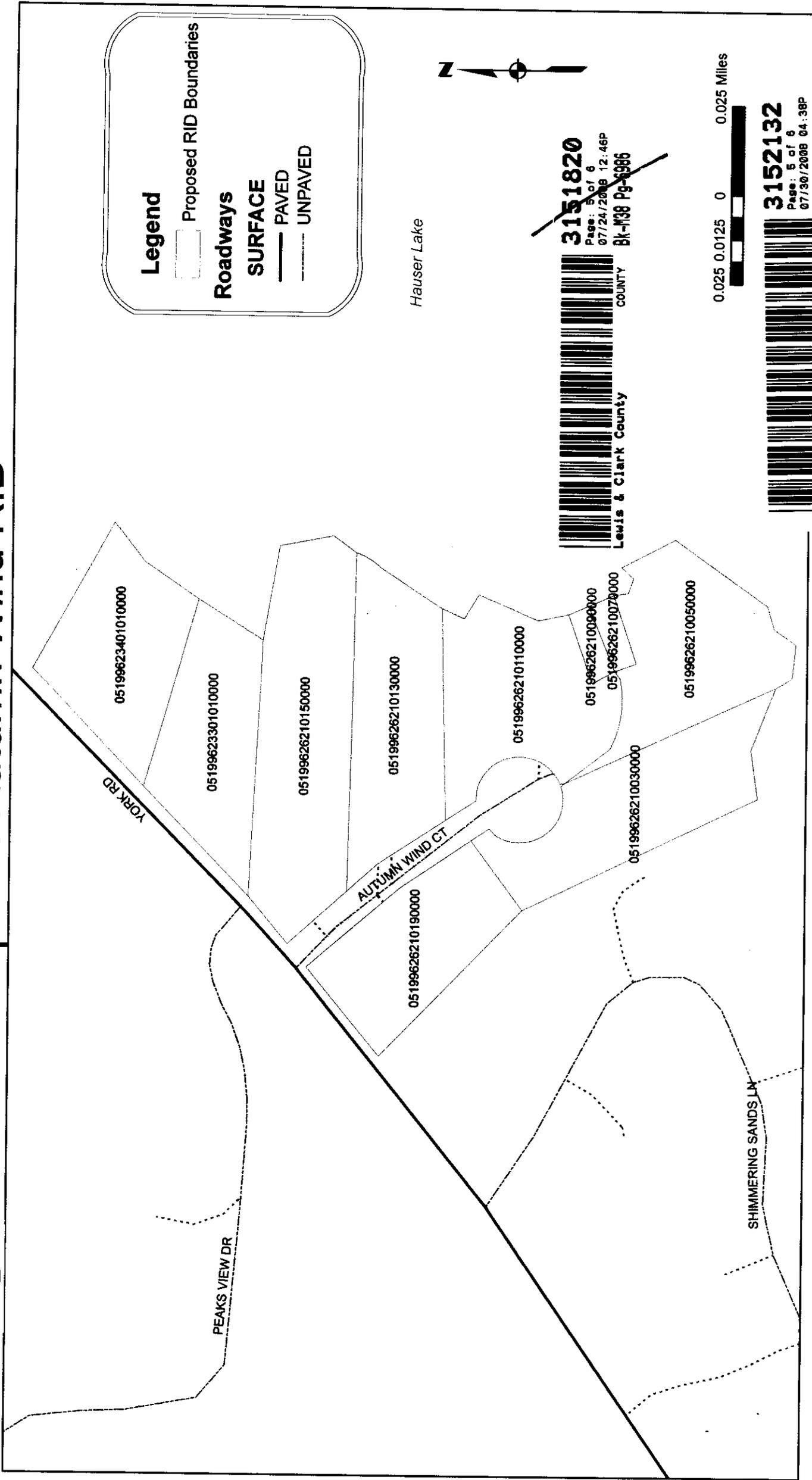
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EXHIBIT 'A'

Proposed Autumn Wind RID

Map Created 5/2/08



Legend

- Proposed RID Boundaries

Roadways

SURFACE

- PAVED
- UNPAVED

Hauser Lake

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LEWIS & CLARK COUNTY

EXHIBIT 'B'

Proposed Autumn Wind RID

GeoCode	Owner Name	Property Address	Legal Description	Annual Estimated Assessment	Property Owner Signature
199623401010000	DODGE KENT A & REBECCA A	5700 YORK RD HELENA 59602	TR SWSWSE OF SEC 23 & NWNWNE OF	\$592.92	
199623301010000	ALLEN JOHN D & MARCIA J	5675 YORK RD HELENA 59602	TR IN SW SEC 23-11-2W	\$592.92	
199626210150000	WET CO	5595 AUTUMN WIND CT HELENA 59601	LT 6 1.565 AC	\$592.92	
199626210190000	COWDREY TRACY	5590 AUTUMN WIND CT HELENA 59601	GOLDEN SHORES SUBD LT 7	\$592.92	
199626210130000	GEORGE JAMES E & MARY M	5589 AUTUMN WIND CT HELENA 59601	GOLDEN SHORES SUBD LT 5 COS #429840/B	\$592.92	
199626210110000	BARBER DWIGHT J & LADENE R	5583 AUTUMN WIND CT HELENA 59601	GOLDEN SHORES SUBD LT 4 COS 401400	\$592.92	
199626210030000	JOHNSON MARK A & ALANA R	5580 AUTUMN WIND CT HELENA 59601	GOLDEN SHORES LOT 2 1.177 AC	\$592.92	
199626210050000	HUBER LEE EDWARD & AMY OMANG HUBER	5575 AUTUMN WIND CT HELENA 59601	GOLDEN SHORES SUBD LT 3 1.040 AC	\$592.92	
199626210090000	COWDREY TRACY	0 UNKNOWN HELENA 59601	GOLDEN SHORES SUBD LT 7A	\$592.92	
199626210070000	HOFFMAN RORY T & DEANNA L	0 UNKNOWN HELENA 59601	GOLDEN SHORES LT 8A, COS #429840/B	\$592.92	

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