

RESOLUTION 2015-17

RESOLUTION OF INTENTION TO CREATE FOX TROT ESTATES RURAL IMPROVEMENT DISTRICT 2015-1

WHEREAS, the Lewis and Clark County Board of County Commissioners is authorized to establish intention to create a rural improvement district whenever the public interest or convenience may require, as per MCA §7-12-2103; and

WHEREAS, the Fox Trot Estates Major Subdivision Certificate of Final Plat was filed on May 25, 2005 (COS #3084775); and

WHEREAS, the subdivision applicant has preliminary subdivision approval to create twelve lots known as the Fox Trot Estates II Major Subdivision; and

WHEREAS, the subdivision applicant has requested the creation of a Rural Improvement District to satisfy the Fox Trot Estates II Major Subdivision conditions of approval; and

WHEREAS, on June 16, 2008, the Subdivision Restrictions for the Fox Trot Estates Major Subdivision were filed stating in item 6.D that "each lot owner waives the right to protest the creation of an RID for the purpose of improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs"; and

WHEREAS, the designated items set forth in MCA §7-12-2103(2) are as follows:

- (a) The designated number of the district is 2015-1.
- (b) The boundaries are shown on "Exhibit A" and are described as (1) Fox Trot I COS #3084775, a tract of land located in the NE 1/4 of Section 30, Township 11 North, Range 2 West, P.M. Montana, Lewis & Clark County, and (2) Fox Trot II, a tract of land located in the NE ¼ of Section 30, Township 11 North, Range 2 West, P.M. Montana, Lewis and Clark County.
- (c) The general character of maintenance of Fox Trot Drive includes, but is not limited to:
 1. Grading (3 times annually), dust control (3 times annually), surface compaction (3 times annually), snow removal (4 times annually), gravel road repair (1 time annually), mowing/weed control (2 times annually), and culvert cleaning/signage/miscellaneous repair (1 time annually).
- (d) DOWL HKM is the engineer to have charge of the work. The estimated cost for said maintenance is \$9,196.95 per year or \$399.87 per parcel per year, as shown on Exhibit "B." All maintenance funds collected for the district will be spent solely on road maintenance within the proposed district.



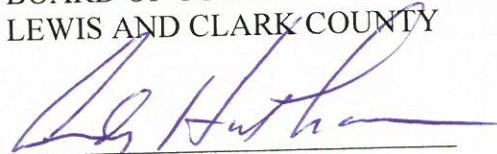
- (e) The method by which the cost shall be assessed is described in MCA §7-12-2151(d): “each lot, tract, or parcel of land in the district [will] be assessed an equal amount based upon the total cost of the maintenance;” and
- (f) Pursuant to MCA §7-12-2103(2)(f), “if an increase occurs in the number of benefitted lots, tracts, or parcels within the boundaries of the proposed district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in MCA §7-12-2151(4).”

NOW, THEREFORE LET IT BE RESOLVED, by the Lewis and Clark County Board of County Commissioners that it does hereby establish its intention to creation the Fox Trot Estates Rural Improvement District Number 2015-1.

BE IT FURTHER RESOLVED that written protests will be received from persons owning real property within the district for thirty (30) days after the first publication of notice and that said protest must contain the printed landowner name and address as it appears on the last assessment roll.

DATED this 8 day of January, 2015.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY


Andy Hunthausen, Chair

ATTEST:

Paulette J. DeHart, Clerk of the Board



Attachments: Exhibit "A"
Exhibit "B"