

RESOLUTION 2015-90

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR ROAD
IMPROVEMENTS ON APPLGATE DRIVE
(LOCATED BETWEEN LINCOLN ROAD AND JEANNE ROAD)**

WHEREAS, on September 19, 2006, the Lewis and Clark County Board of Commissioners (Commission) granted preliminary approval to the Amended Plat of Lots 11B2A-3, 4, and 5 – Big Valley Subdivision (Subdivision) subject to twenty-four (24) conditions of approval; and

WHEREAS, Condition of Approval No. 11 required the Applicant to improve Applegate Drive to a Typical Road Section No. 2 from Lincoln Road to the north end of the approach for Jeanne Road; and

WHEREAS, a Typical Road Section No. 2 is more specifically defined in Appendix K of the 2005 Lewis and Clark County Subdivision Regulations (2005 Regulations); and

WHEREAS, on November 10, 2010, Lewis and Clark County (County) received (1) a request for a variance from the 2005 Regulations and (2) a proposed modification to Condition of Approval No. 11; and

WHEREAS, on December 21, 2010, the Commission held a public hearing on whether to grant or deny the requested variance and modification; and

WHEREAS, the Commission considered the Staff report, and public testimony given at the public hearing and subsequent meetings; and

WHEREAS, on February 17, 2011, the Commission voted to conditionally approve the variance and modify the Subdivision's conditions of approval, requiring the Applicant, Larry Kim Smith, to contribute a fee for the Subdivision's percentage of impact on Applegate Drive, for future safety improvements to Applegate Drive, between Lincoln Road and Jeanne Road; and

WHEREAS, on January 31, 2013, the Commission granted final plat approval of the Subdivision; and

WHEREAS, the Applicant submitted a check to the County in the amount of \$12,230.00, the amount of which was determined by the Subdivision's percentage of impact on Applegate Drive; and

WHEREAS, the County created a restricted cash account to hold the money; and

WHEREAS, in September of 2013, the Lewis and Clark County Public Works Department (Public Works) completed improvements on Applegate Drive between Lincoln Road and Jeanne Road, in the amount of \$8,110.41; and

WHEREAS, Public Works requested the Commission transfer money from this account (Account No. 2530000102.77-01) to Public Works for the completed improvements; and

WHEREAS, on June 26, 2014, the Commission approved of the transfer of money in the amount of \$8110.41; and

WHEREAS, after the transfer of these funds, \$4,119.59 remains in this account; and

WHEREAS, the Lewis and Clark County Public Works Department (Public Works) plans to complete improvements on Applegate Drive between Lincoln Road and Jeanne Road, in the amount of \$4,119.59 prior to January 1, 2016; and

WHEREAS, Public Works requests the Commission transfer the remaining money from this account (Account No. 2530000102.77-01) to Public Works for the proposed improvements; and

WHEREAS, any expenditure of funds from this account requires the approval of the Commission.

NOW, THEREFORE, the Commission finds the improvements qualify as safety improvements contemplated by the variance approval and modification of condition; and

THEREFORE, BE IT RESOLVED, the Commission authorizes the transfer of funds from this account (Account No. 2530000102.77-01), to Public Works, for the safety improvements to Applegate Drive as shown on Exhibit "A."

DATED this 30th day of June, 2015

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chairman

ATTEST:


Paulette J. DeHart, Clerk of Board

Attachments: Exhibit "A"

Exhibit "A"

Amended Plat of Lots 11B2A-3, 4, and 5 – Big Valley Subdivision

Improvements to be completed on Applegate Drive, between Lincoln Road and Jeanne Road, prior to January 1, 2016:

<u>Item</u>	<u>Total</u>
Signage	\$1,340.00
Gravel	<u>\$2779.59</u>
Total	\$4119.59