



RESOLUTION 2017-70

RESOLUTION OF INTENTION TO CREATE THE APPLGATE MEADOWS RURAL IMPROVEMENT DISTRICT NO. 2017-10

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

WHEREAS, the Amended Plat of Lot A - Guettler Subdivision No. 2 (a.k.a. Applegate Meadows Subdivision) received preliminary approval from the Commission on August 2, 2005 with Condition No. 18 of that approval requiring the creation of a rural improvement district for maintenance of the internal roadways; and

WHEREAS, the Amended Plat of Lot A - Guettler Subdivision No. 2 received final approval from the Commission on May 13, 2008; and

WHEREAS, a rural improvement district was not created for maintenance of the internal road network following that final approval; and

WHEREAS, the County Public Works Department has determined that the internal road network for the Amended Plat of Lot A – Guettler Subdivision No. 2 does need ongoing maintenance; and

WHEREAS, the Commission has determined that it is in the best interest of the Amended Plat of Lot A – Guettler Subdivision No. 2 that an RID be created for the purpose of equitably funding maintenance of the internal road network; and

WHEREAS, all owners of property within the proposed District to be assessed for the cost of maintenance have waived their right to protest the creation of a rural improvement district 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 under Book M38, Page 3349 of the covenants for the Amended Plat of Lot A – Guettler Subdivision No. 2 located in the Lewis and Clark County Clerk and Recorder's Office; and

WHEREAS, all roadways within the proposed District boundaries are established and dedicated as public access and utility easements, as recorded in the Certificate of Survey No. 3153589 (Corrected Copy) for the Amended Plat of Lot A – Guettler Subdivision No. 2; and

WHEREAS, the designated items set forth in 7-12-2103(2), M.C.A. are as follows:

- (a) The proposed District is designated as the Applegate Meadows Rural Improvement District 2017-10;
- (b) The proposed District boundaries are attached as Exhibit "A;"
- (c) The general character of the authorized improvements and maintenance activities for

roadways within the proposed District include, but are not limited to:

1. snow plowing,
2. crack sealing,
3. culvert cleaning,
4. street sweeping,
5. savings toward a future chip-seal, and
6. miscellaneous work as needed to adequately maintain the roadways; and

- (d) The County Engineer, and/or his or her designee, is the engineer to have charge of the work. The estimated cost to fully fund said annual maintenance is \$14,329.83 or \$210.73 per benefitted property per year, as shown on Exhibit "B". Funds collected for the District will be spent solely on the specified maintenance within the proposed District; and
- (e) The costs shall be assessed equally, as described in 7-12-2151(d), MCA: "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

WHEREAS, pursuant to 7-12-2103(2), MCA, "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 7-12-2151(4)," MCA.

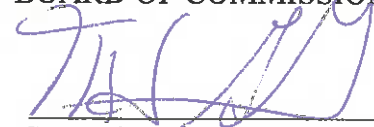
NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby establish an intention to create the Applegate Meadows Rural Improvement District No. 2017-10 for the purpose of equitably funding maintenance for roadways within the proposed District boundaries.

BE IT FURTHER RESOLVED that the Commission has determined pursuant to MCA 7-12-2108 that the contemplated work is of more than local or ordinary public benefit, and that the expense of such work is chargeable upon the lots and land fronting upon proposed improvements and upon other lots and lands not fronting on the proposed improvements, which are the property benefitted by said work and to be assessed to pay the cost and expense thereof.

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

DATED this 29 day of June, 2017.

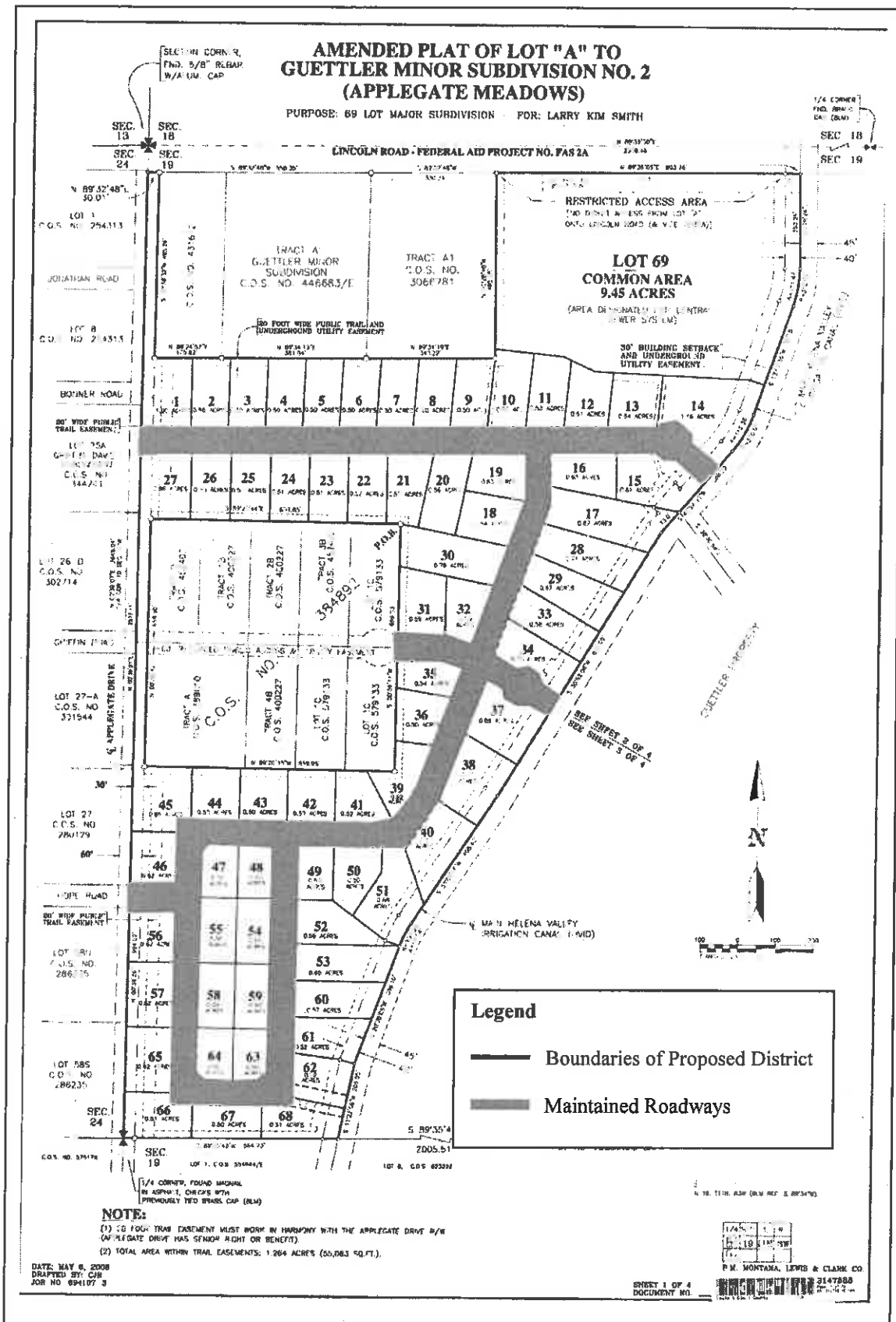
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Exhibit "A": Applegate Meadows Rural Improvement District Boundary and Maintained Roadways



AMENDED PLAT OF LOT "A" TO GUETTLER MINOR SUBDIVISION NO. 2 (APPLEGATE MEADOWS)

PURPOSE: 69 LOT MAJOR SUBDIVISION FOR: LARRY KIM SMITH

LINCOLN ROAD - FEDERAL AID PROJECT NO. FAS 2A

**LOT 69
COMMON AREA
9.45 ACRES**
(AREA DEMONSTRATED BY ENTRY
NUMBER 575 L.M.)

Legend

- Boundaries of Proposed District
- Maintained Roadways

NOTE:
 (1) 10 FOOT TRAIL EASEMENT MUST WORK IN HARMONY WITH THE APPLGATE DRIVE R/W (APPLGATE DRIVE HAS SENIOR RIGHT OR BENEFIT).
 (2) TOTAL AREA WITHIN TRAIL EASEMENTS: 1,264 ACRES (50,083 SQ.FT.).

DATE: MAY 8, 2008
 DRAFTED BY: CJR
 JOB NO: 094107.3

P.M. MONTANA, LEWIS & CLARK CO.
 SHEET 1 OF 4
 DOCUMENT NO. 2147558

