

**RESOLUTION 2019-104**

**A RESOLUTION TO CREATE A FLOOD CONTROL DETENTION POND  
RURAL IMPROVEMENT DISTRICT NO. 2019-07**

**WHEREAS**, the Board of County Commissioners may order and create a rural improvement district upon the receipt of a petition to create a rural improvement district that contains the consent of all of the property to be included in the District, as per MCA 7-12-2102(2); and

**WHEREAS**, the attached letter, Exhibit "A", serving as the petition to create a rural improvement district, contains the signature of both owners of property to be included within the District; and

**WHEREAS**, the applicant has requested the creation of a rural improvement district to satisfy a requirement of the Floodplain Development Permit approval for Case No. FLDP2019-016; and

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

1. The designated number of the District is 2019-07.
2. The boundaries of the District are shown on Exhibit "B", which encompass the boundaries of the Red Fox Meadows Subdivision and Tract 3A-1A-1 of Certificate of Survey No. 3339439.
3. Maintenance:
  - a. The general character of maintenance includes maintenance of the flood control pond, outlet structure, and drainage ditch, as detailed on Exhibit "C."
  - b. Maintenance of these improvements is within the scope of service for the Flood Control Detention Pond RID No. 2019-07.
4. The County Engineer, or his designee, is to have charge of the work. The estimated cost per year for funding said maintenance is \$3,150.00 per year, as shown on Exhibit "C". All maintenance funds collected for the District will be spent solely on maintenance within the District.
5. The method by which the costs 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 of improvements]."
6. 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 7-21-2151(4)."

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners,

1. That it does hereby create the Flood Control Detention Pond Rural Improvement District No. 2019-07 for the purpose of equitably funding maintenance of the flood control detention pond.
2. That the Board of County Commissioners have 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



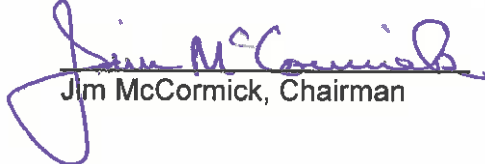
proposed improvements and upon other lots and lands not fronting on the proposed improvements, which are the property benefited by said work and to be assessed to pay the cost and expense thereof.

3. That the Lewis and Clark County Public Works Department is authorized and responsible for coordinating maintenance as described on Exhibit "C" within the District boundary as shown on Exhibit "B".

**INTRODUCED** at a Regular meeting of the Board of County Commissioners on October 31, 2019 by Commissioner \_\_\_\_\_


**PASSED AND APPROVED** BY THE BOARD OF COUNTY COMMISSIONERS on this 31 Day of October 2019.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Jim McCormick, Chairman

ATTEST:



Paulette DeHart, Clerk of the Board

Attachments:      Exhibit "A" (Petition), "B", AND "C"  
                            Exhibit "B" (Boundaries)  
                            Exhibit "C" (General Character of Maintenance)

Exhibit "A" to RESOLUTION 2019-104



Professional Plaza Building Suite A-6  
90 N Montana Avenue • Helena, MT 59601  
(406)443-1340 office • (406)443-7666 fax  
Website: hamlinconstruction.com  
Email: jerry@hamlinconstruction.com

8-28-19

Lewis and Clark County Planning  
316 North park Avenue  
Helena, Montana 59601

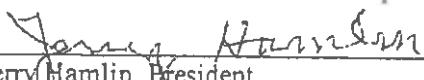
Attn: Lindsay Morgan-Planner III

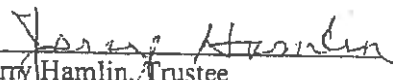
Re: Red Fox Meadows Final Plat RID Request Letter

To whom it may concern:

Hamlin Construction & Development Company, Inc., the owner of the tract of land known as the Red Fox Meadows Subdivision, and the Hamlin Family Trust who is the owner of Tract 3A-1A-1 of COS 339439 hereby petition the Lewis and Clark County Commissioners create a Rural Improvement District for the purposes of maintenance, preservation and repair of the following: internal access roads, annual trail and fence maintenance, annual storm water maintenance including all detention ponds, flood control pond and outlet structure and their upkeep, annual fire protection maintenance including maintaining and repairing all pumping apparatus, maintenance, fire hydrants, etc to keep the fire protection system in good working order and all public areas/improvements within the subdivision and related lines to and from the subdivision.

Sincerely,

  
\_\_\_\_\_  
Jerry Hamlin, President  
Hamlin construction & Dev. Co., Inc.  
900 N. Mt. Ave. – Suite A6  
Helena, Montana 59601  
Cell Phone-406-459-8071

  
\_\_\_\_\_  
Jerry Hamlin, Trustee  
Hamlin Family Revocable Living Trust  
900 N. Mt. Ave. – Suite A6  
Helena, Montana 59601  
Cell Phone-406-459-8071

# BOUNDARIES OF FLOOD CONTROL DETENTION POND RURAL IMPROVEMENT DISTRICT

Exhibit "B" to RESOLUTION 2019-104

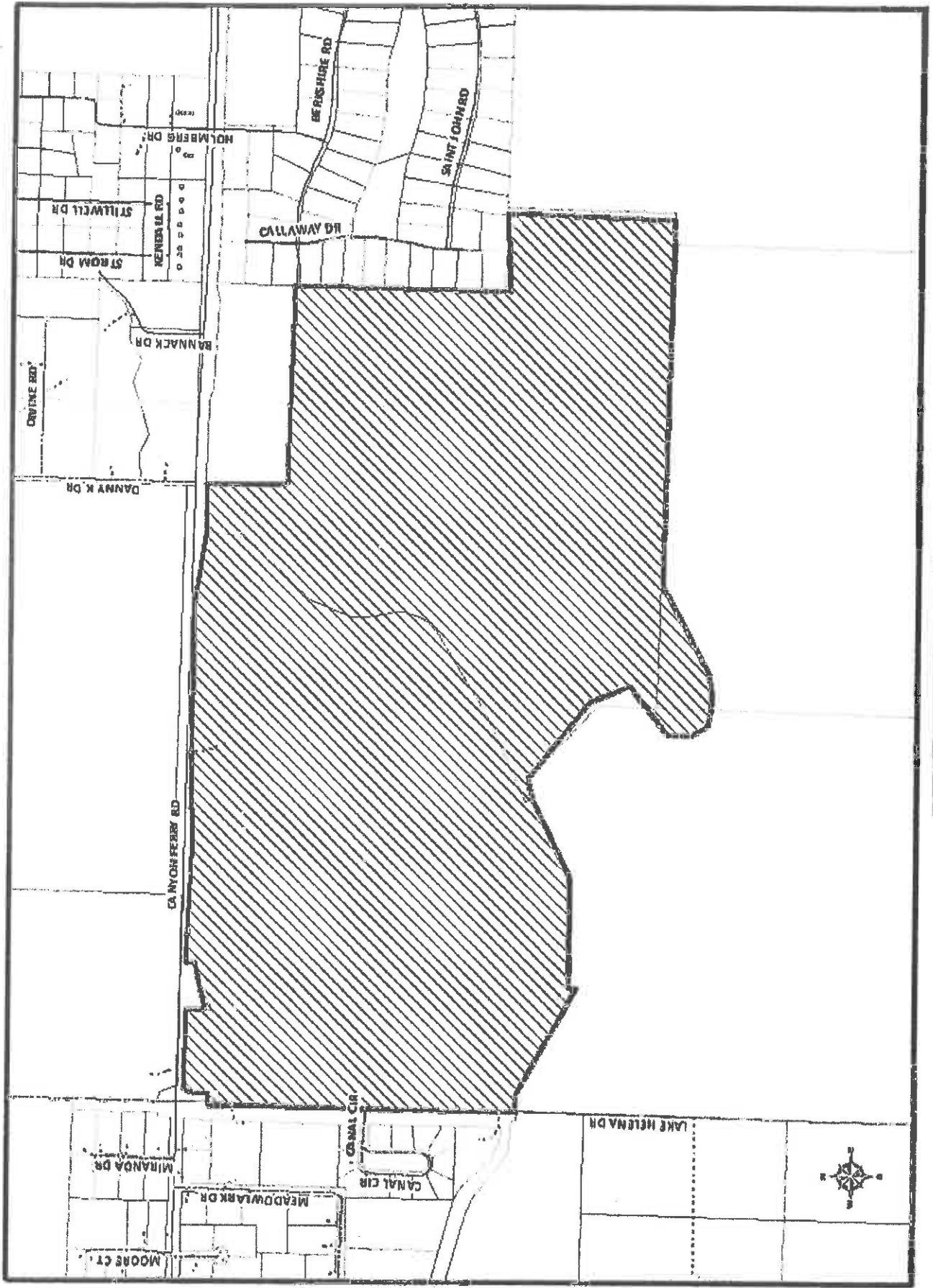


Exhibit "C" to RESOLUTION 2019-104

**RED FOX MEADOWS SUBDIVISION  
ANNUAL FLOOD CONTROL POND MAINTENANCE**

ENGINEER'S ESTIMATE

Prepared By: WWC Engineering

Date: July 25, 2019

Item #	Limits	Total Area (Acres)
1	Flood Control Pond, Outlet Structure, and Drainage Ditch South of the Canal	20,000
<b>TOTALS</b>		20,000
Pond Maintenance 20,000 ACRES @ 100.00		2,000.00
Weed Maintenance 20,000 ACRES @ 50.00		1,000.00
Flood Control Pond Maintenance Subtotal		3,000.00
Administration Fee 5%		150.00
<b>Flood Control Pond Maintenance TOTAL</b>		<b>\$3,150.00</b>