

RESOLUTION 2013- 18

RESOLUTION TO AMEND TIMBERWORKS ESTATES RURAL IMPROVEMENT DISTRICT NUMBER 2011-3

WHEREAS, the board of county commissioners properly created Rural Improvement District through Resolution 2011-164 on October 4, 2011 upon the receipt of a petition to create a special improvement district that contains the consent of all of the owners of property to be included in the district per MCA §7-12-2102(2); and

WHEREAS, the attached petition to amend the district, "Exhibit A", contains the signature of the sole owners of property included within the District; and

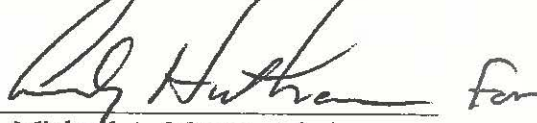
WHEREAS, the amendment to the designated items set forth in MCA §7-12-2103(2) shall include addition of maintenance of County parklands within the scope of service.

- (a) The general character of the maintenance includes, but is not limited to:
 - o Mowing and weed control.
- (b) Dowl HKM is the engineer to have charge of the work and the estimated cost for said maintenance is \$23,368.85 per year or \$222.56 per parcel per year (based upon preliminary subdivision approval of 105 privately owned lots).
- (c) 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 may be assessed an equal amount based upon the total cost of the improvement; and



NOW, THEREFORE LET IT BE RESOLVED, by the Lewis and Clark County Board of County Commissioners that it does hereby approve the amendment of the Timber Works Estates Rural Improvement District Number 2011-3.

DATED this 7th day of March, 2013.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY


Michael A. Murray, Chairman

ATTEST:



Paulette J. DeHart, Clerk of the Board
Attachment: Exhibit "A"



RECEIVED

FEB 27 2013

EXHIBIT A

February 25, 2013

LEWIS & CLARK COUNTY
Community Development & Planning

Board of County Commissioners
Lewis and Clark County
316 N. Park, Room 304
Helena MT 59623

Re: Petition to Amend Timberworks RID

Dear Lewis and Clark County Commissioners:

The Timberworks Estates RID #2011-3 was created by resolution 2011-164 recorded by document # 3210707 on October 5, 2011.

This petition is requested to fulfill conditions of approval as follows:

Phase I- Condition of Approval #11

In cooperation with the County, the Applicant shall create a Rural Improvement District(s) and/or a Special District(s), depending upon which one is applicable, for the maintenance, preservation, and repair of the following: internal access roads and sidewalks within Phase I of Timber Works Estates, the public access easement for the fire protection improvements for Timber Works Estates, and all common areas/improvements within Phase I of Timber Works Estates. (*Sections (7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H., XI.M., XI.N., XI.O., XI.R., XI.S., Appendix J and Appendix K, County Subdivision Regulations*)

Phase II- Condition of Approval #15

In cooperation with the County, the Applicant shall amend the Rural Improvement District(s) and/or the Special District(s), depending upon which one is applicable, for the maintenance, preservation, and repair of the following: internal access roads and sidewalks within Phase II of Timber Works Estates, the fire protection improvements for Timber Works Estates, and all common areas/improvements within Phase II of Timber Works Estates. (*Sections (7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H., XI.M., XI.N., XI.O., XI.R., XI.S., Appendix J and Appendix K, County Subdivision Regulations*)

Phase III- Condition of Approval #10

In cooperation with the County, the Applicant shall amend the Rural Improvement District(s) and/or the Special District(s), depending upon which one is applicable, for the maintenance, preservation, and repair of the following: internal access roads and sidewalks within Phase III of Timber Works Estates and all parkland within Timber Works Estates. (*Sections (7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H., XI.M., XI.N., XI.O., XI.R., XI.S., Appendix J and Appendix K, County Subdivision Regulations*)

Phase IV- Condition of Approval #11, Phase V- Condition of Approval #11, Phase VI- Condition of Approval #11, Phase VII- Condition of Approval #11, and Phase VIII- Condition of Approval #11

In cooperation with the County, the Applicant shall amend the Rural Improvement District(s) and/or the Special District(s), depending upon which one is applicable, for the maintenance, preservation, and repair of the following: internal access roads and sidewalks within Phases IV, V, VI, VII, and VIII of Timber Works Estates. (*Sections (7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H., XI.M., XI.N., XI.O., XI.R., XI.S., Appendix J and Appendix K, County Subdivision Regulations*)

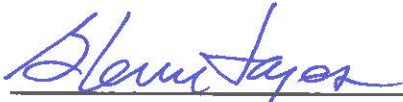
Specifically this petition seeks to include parklands within the scope of services of the Rural Improvement District 2011-3.

At this time, the petitioners do not wish include fire protection easements/improvements to be included into the scope of service, as the fire protection system is connected to a private water system. At a time when the fire protection easements and improvements are independent and public, the boundaries will be established separately from RID 2011-3 as the benefitting properties will be greater than those properties included within the Timberworks Estates Subdivision.

There are no improvements planned for the 1.45 acre dedicated parkland. Maintenance would include weed control and possibly mowing. Costs were estimated by contacting local service providers. The cost for weed control is estimated to be \$200 per year, which includes the chemical for white top and the chemical for other weeds including knapweed. The cost for mowing twice a month during the growing season is estimated to be \$800.00 per year. The total cost estimated for maintenance of the parkland is \$1000.00 per year.

Per the Conditions of Approval, the recorded County Restrictions for all phases II-VIII of Timberworks Estates will include by reference to Timberworks Estates Phase I recorded document #3211293 Restriction #13, the following verbiage: "Notice is hereby given that each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, waives the right to protest joining a Rural Improvement District and/or Special District for the maintenance, preservation, and repair of the following: access roads within or to Timber Works Estates, sidewalks for Timber Works Estates, parkland within Timber Works Estates, fire protection improvements for Timber Works Estates, the public access easement for the fire protection source for Timber Works Estates, community water and/or wastewater treatment systems for Timber Works Estates, and all common areas/improvements for Timber Works Estates. (*Section 76-3-102(4), 501, 504, and 621, MCA; Chapters I.C. and XI.R., County Subdivision Regulations; County Parks and Recreation Plan, 2009*)" Therefore future purchasers of lots will be unable to protest the amendment of RID 2011-3 and creation of any future Rural Improvement Districts pertaining to fire easement/improvements.

The Board of County Commissioners may order and create a special improvement district upon the receipt of a petition to create a RID that contains the consent of all of the owners of property to be included in the district. Currently there are two lots in RID 2011-3; Lot 2 owned by Frontier Builders, Inc. and Lot 1 owned by Big Sky Storage Center, LLC. §7-12-2102(2) is hereby satisfied with the signatures below.



Glen Hayes, President
Frontier Builders, Inc.



Matt Hayes, Vice President
Frontier Builders, Inc.



Chad Opitz, LLC Manager
Big Sky Storage Center, LLC



Angela Opitz, LLC Manager
Big Sky Storage Center, LLC



Laura Bennett, LLC Manager
Big Sky Storage Center, LLC



Mark Bennett, LLC Manager
Big Sky Storage Center, LLC

Carrie Severson
Special Districts Coordinator
(406) 447-8375 Office
(406) 447-8398 Fax



City/County Building, Room 222
316 North Park
Helena, Montana 59623
cseverson@co.lewis-clark.mt.us

Lewis and Clark County

Community Development and Planning Department

February 28, 2013

TO: Board of County Commissioners and Eric Bryson

FROM: Carrie Severson,  Special Districts Coordinator

RE: Timberworks RID #2011-3 Amendment

Timberworks RID #2011-3 was created on October 4, 2011 through Resolution 2011-164. The two properties established through Phase I of Timberworks Subdivision were levied and assessed on August 2, 2012 through Resolution 2012-107.

A petition to amend the District was received on February 27th 2013. The petition requests inclusion for maintenance of parkland into the scope of service of the district and is signed by all owners of property within the District.

The inclusion of maintenance is estimated to be \$1,000 per year for an estimated total of \$23,269 to maintain all public infrastructure within the District. It is anticipated that the subdivision will create 105 privately owned lots to fund the infrastructure, which requires each lot to provide \$221.61 per year.

Because all owners of property have signed the petition, notice subject to MCA §7-12-2105(4) has been fulfilled and a protest period per MCA §7-12-2109(2) is not required.

BoCC Actions:

- Consideration of the petition and draft Resolution to Amend the District
 - Approval requires signature of Resolution
 - Denial would require direction to staff
 - Further action requested?

Enclosed:
Resolution to Amend District
Petition