

**RESOLUTION 2014 - 58**

**A RESOLUTION CALLING FOR AN ELECTION AND ESTABLISHING THE ELECTION DATE ON THE QUESTION OF INCORPORATION OF THE TEN MILE/PLEASANT VALLEY COUNTY SEWER DISTRICT AS THE TEN MILE/PLEASANT VALLEY COUNTY WATER AND SEWER DISTRICT**

WHEREAS, the Board of County Commissioners of Lewis and Clark County have received a petition containing the signatures of at least 10% of the registered voters of the territory within the Ten Mile/Pleasant Valley County Sewer District to be included within the proposed district per § 7-13-2204, MCA; and

WHEREAS, petitioners within the Ten Mile/Pleasant Valley County Sewer District wish to establish authority to conduct business related to water facilities within the District; and

WHEREAS, the petition is attached to and recorded with this resolution as "Petition Exhibit"; and

WHEREAS, the Board of County Commissioners have noticed a public hearing as required by § 7-13-2205, MCA; and

WHEREAS, the Board of County Commissioners have held a public hearing on the petition per § 7-13-2206, MCA, to consider the petition and those appearing thereon, together with such written protests as have been filed with the County Clerk and Recorder prior to the hearing by or on behalf of owners of taxable property situated within the boundaries of the proposed district, for a period not exceeding 4 weeks in all; and

WHEREAS, the Board of County Commissioners have, upon the final hearing, made any changes in the proposed boundaries within the county that are considered advisable and defined and established the boundaries as provided in § 7-13-2208, MCA; and

WHEREAS, the Board of County Commissioners has reviewed the boundaries and found a necessity to include three additional properties which were erroneously excluded from Resolution 2007-26 establishing the District, but were included in the election, are connected to the water and wastewater infrastructure and have assisted with the purchase of the new infrastructure; and

WHEREAS, "Staff Exhibit C" describes and "Staff Exhibit D" shows the boundaries upon which the election shall be held. "Staff Exhibit C" and "Staff Exhibit D" reflect properties incorporated within the Ten Mile/Pleasant Valley County Sewer District through Lewis and Clark County Resolution 2007-26 and Ten Mile/Pleasant Valley County Sewer District Ordinance 1, both having been filed with the Secretary of State's Office and properties erroneously excluded; and

WHEREAS the Commission has requested the election to be conducted through a mail ballot election; and



WHEREAS the District is currently governed by an elected board of directors, consisting of five members.

NOW, THEREFORE, BE IT RESOLVED pursuant to Title 7, Chapter 13, Part 22 and Part 23, MCA. As follows:


1. The Commission has determined that the petition complies with the requirements of the provisions of § 7-13-2204, MCA.
2. The boundaries of the proposed district shall include the properties as identified through "Staff Exhibit C" and "Staff Exhibit D" attached to this Resolution.
3. The Commission now calls for an election to be held in the proposed district for the purpose of determining whether the district is to be incorporated through §7-13-22 & §7-13-23, MCA.
4. The Commission has requested the election to be conducted through a mail ballot election as provided for in §7-13-2208(2), MCA.



BE IT FURTHER RESOLVED pursuant to 7-13-2208, MCA, the Board of County Commissioners of Lewis and Clark County effectively establish the date, August 26, 2014, for an election to be held for the purpose of determining whether the district is to be incorporated, combined with the election of the directors; through mail ballot election.

BE IT FURTHER RESOLVED that an individual who is the owner of the real property described in 7-13-2212, subsection (1), need not possess the qualifications required of an elector in 13-1-111(1)(c), provided that the elector is qualified if registered to vote in any state of the United States and files proof of registration with the election administrator at least 40 days prior, being July 17, 2014, to the election in which the individual intends to vote.

Dated this 27 day of May, 2014.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

  
\_\_\_\_\_  
Susan Good Geise, Chair

ATTEST  
  
  
\_\_\_\_\_  
Paulette J. DeHart, Clerk of Board

J R 2 5 2014

## PETITION

PERMIT OFFICE

## PETITION TO RECREATE THE TEN MILE CREEK ESTATES/PLEASANT VALLEY SEWER DISTRICT AS A WATER AND SEWER DISTRICT

We, the undersigned registered voters residing in the area described in the attached Exhibit "A", and by this reference made a part hereof, hereby petition the Board of County Commissioners, Lewis and Clark County, Montana to recreate the Ten Mile Creek Estates/Pleasant Valley Sewer District (the "Sewer District") as a County Water and Sewer District for the area described on the attached Exhibit "A." The purpose of recreating the Sewer District into a County Water and Sewer District is to consolidate the operations and assets of the Sewer District and the water system owned by the Ten Mile-Pleasant Valley Water User's Association, both of which generally serve the same area, into one entity, a County Water and Sewer District.

Therefore, pursuant to Title 7, Chapter 13, Parts 22 and 23, Montana Code Annotated, the petitioners request that the area described and set forth in Exhibit "A" be incorporated as a County Water and Sewer District.

Signature	Address	Printed Name
<u>Kim Feld</u>	<u>1435 Lexington Rd</u>	<u>Kris M Schmitz</u>
<u>Leslee Thennis</u>	<u>3875 Kiki Dr.</u>	<u>Leslee Thennis</u>
<u>Bonnie Rutherford</u>	<u>1599 Valley Forge Rd.</u>	<u>Bonnie Rutherford</u>
<u>Ami Pillatzke</u>	<u>4810 INDEPENDENCE DR</u>	<u>AMI PILLATZKE</u>
<u>George Dupree</u>	<u>1425 Concord Rd</u>	<u>George Dupree</u>
<u>Mona Dupree</u>	<u>1425 Concord Rd</u>	<u>MONA DUPREE</u>
<u>Deborah E Oliver</u>	<u>1438 Concord Rd</u>	<u>Deborah E Oliver</u>
<u>Thomas C Lehman</u>	<u>1451 Concord Rd</u>	<u>Thomas C Lehman</u>
<u>Angelina Haller</u>	<u>1475 Concord Rd</u>	<u>Angelina Haller</u>
<u>Marjorie E. Eicher</u>	<u>1466 Concord Rd</u>	<u>Marjorie E. Eicher</u>
<u>Anthony &amp; Soner</u>	<u>1495 Concord Rd</u>	<u>Anthony &amp; Soner</u>
<u>Shana Scott</u>	<u>1505 Concord</u>	<u>Shana Scott</u>

**PETITION TO RECREATE THE TEN MILE CREEK ESTATES/PLEASANT VALLEY SEWER DISTRICT AS A WATER AND SEWER DISTRICT**

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Signature	Address	Printed Name
<u>[Signature]</u>	<u>1450 Williamsburg</u>	<u>JEREMY BARDEN</u>
<u>Judith L. James</u>	<u>1470 Williamsburg</u>	<u>Judith L. James</u>
<u>[Signature]</u>	<u>1470 Williamsburg Rd</u>	<u>CARL D. JAMES</u>
<u>Casey Kellogg</u>	<u>1475 Williamsburg</u>	<u>Casey Kellogg</u>
<u>[Signature]</u>	<u>1525 Williamsburg Rd.</u>	<u>James C Schwarz</u>
<u>[Signature]</u>	<u>1540 Williamsburg Rd</u>	<u>Sary Bourquin</u>
<u>Russell W. Robb</u>	<u>1545 Williamsburg Rd</u>	<u>Russell W. Robb</u>
<u>Joyette R. Robb</u>	<u>1545 Williamsburg Rd</u>	<u>Joyette Robb</u>
<u>[Signature]</u>	<u>1560 WILLIAMSBURG RD.</u>	<u>STEPHEN ZABRISKIE</u>
<u>Kathy Knoll</u>	<u>1585 Williamsburg</u>	<u>Kathy L Knoll</u>
<u>Paul Bushnell</u>	<u>1580 Williamsburg</u>	<u>Paul Bushnell</u>
<u>Kathy Bushnell</u>	<u>1580 Williamsburg</u>	<u>Kathy Bushnell</u>

**PETITION TO RECREATE THE TEN MILE CREEK ESTATES/PLEASANT VALLEY SEWER DISTRICT AS A WATER AND SEWER DISTRICT**

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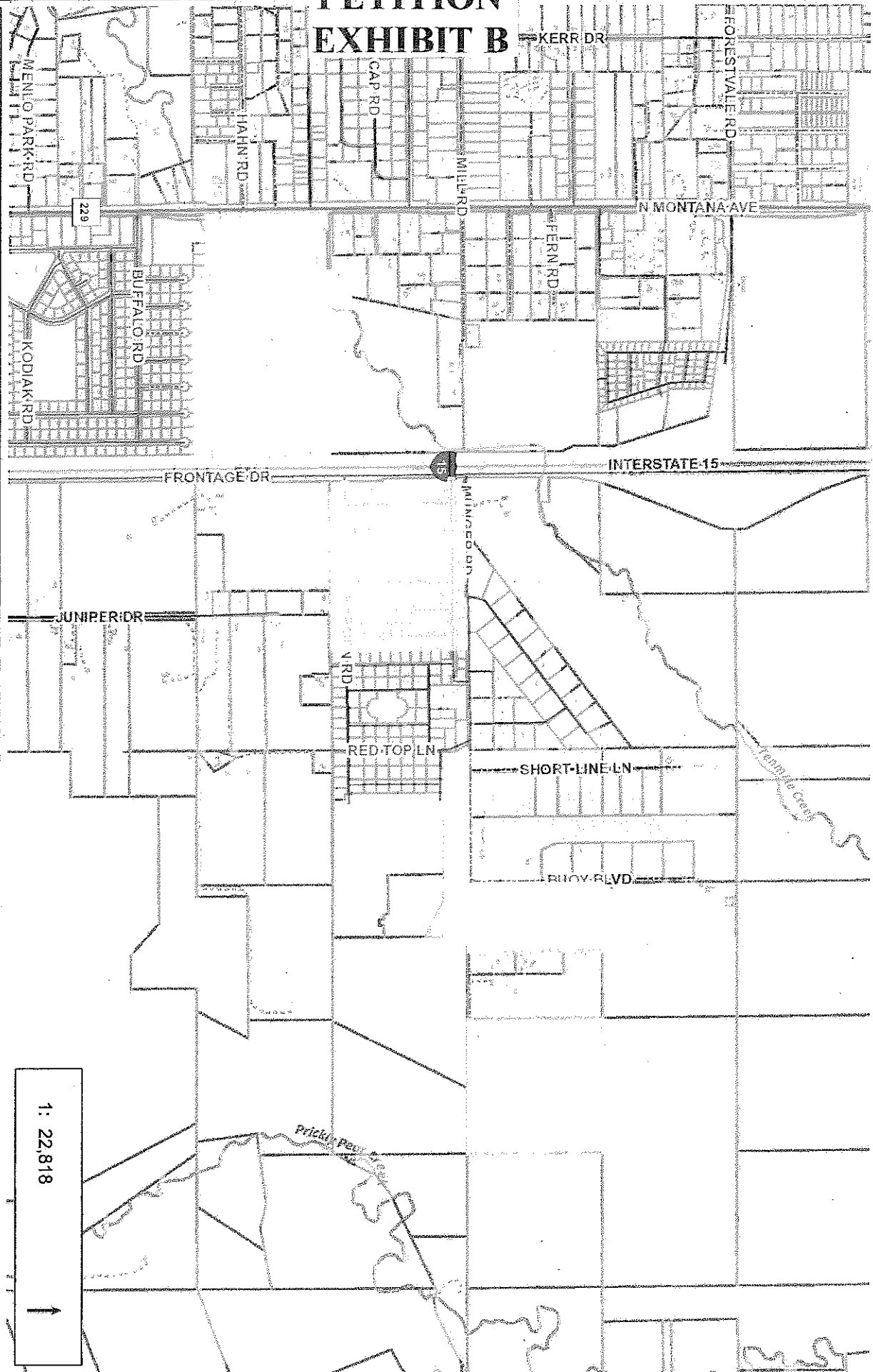
Signature	Address	Printed Name
<u>Carol McKeaton</u>	<u>1595 Wetmoreway</u>	<u>Carol McKeaton</u>
<u>Patricia B. Galt</u>	<u>4655 Liberty Dr</u>	<u>Patricia B. Galt</u>
<u>Stephen J. LaPrain</u>	<u>4635 Liberty Drive</u>	<u>Stephen J. LaPrain</u>
<u>Holly Homewood</u>	<u>4630 LIBERTY DR</u>	<u>HOLLY HOMEMWOOD</u>
<u>Bridgett Tielking</u>	<u>4595 Liberty Dr</u>	<u>Bridgett Tielking</u>
<u>DAVID A. GALT</u>	<u>4575 Liberty Dr</u>	<u>DAVID A. GALT</u>
<u>Vicky R. Galt</u>	<u>4575 Liberty Dr</u>	<u>Vicky R. Galt</u>
<u>Michelle Anderson</u>	<u>1594 Valley Forge Rd</u>	<u>MICHELLE ANDERSON</u>
<u>DeAnna Anderson</u>	<u>1594 Valley Forge Rd.</u>	<u>DeAnna Anderson</u>
<u>George Rehben</u>	<u>1540 Valley Forge</u>	<u>George Rehben</u>
<u>Charles Rehben</u>	<u>1540 Valley Forge</u>	<u>Charles Rehben</u>
<u>John Rehben</u>	<u>1540 Valley Forge</u>	<u>JOHN REHBEIN</u>



# PETITION EXHIBIT B

LEWIS & CLARK COUNTY  
CITY OF PRINCETON

Interactive Mapping Service



Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 22,818

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## STAFF EXHIBIT C

Boundaries as established during the creation of the District (Lewis & Clark County Resolution 2007-26)

A tract of land known as "Ten Mile Creek Estates" and located in the SW1/4NW1/4 Section 8, Township, 10 North, Range 3 West, P.M.M., Lewis and Clark County, Montana, and more particularly described by:

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block 1;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 in Block 2;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block 3

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 4;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Block 5;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 6;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 in Block 7;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 8;

Lot 1, 2, 3, 4, 5, 6, 7 and 8 in Block 9;

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 10;

AND

A tract of land known as Pleasant Valley Subdivision located in the NE1/4 of Section 8, Township 10 North, Range 3 West, P.M.M., Lewis and Clark County, Montana, and more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150.

Also included: Tracts A and B In the NE 1/4 shown on Certificate of Survey #626719/B; A Tract in the NE 1/4 shown on Certificate of Survey #296711; A Tract In the NE 1/4 NE 1/4 AKA TR C; A Tract in the NE 1/4 NW 1/4 NE 1/4 AKA TR "A" Certificate of Survey 397081; A Tract in the NE 1/4 NW 1/4 NE 1/4 AKA TR "B" shown on Certificate of Survey #397081; and Tract B in the NE 1/4 SE 1/4 NE 1/4 shown on Certificate of Survey #3085759.

AND

Parcels annexed into the District boundaries per (Ten Mile Pleasant Valley County Sewer District Ordinance #1)

Tract B, C.O.S. 551958/F

Tract B, C.O.S. 448281/B

Tract B-1A-2, C.O.S. 3218765

Parcel A1A, C.O.S. 626719/B

Tract 13, S04, T10N, R03W

Tract 15 IN W2SWSE TR 16 E2SWSE C.O.S. 440713/E

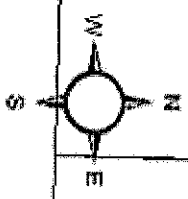
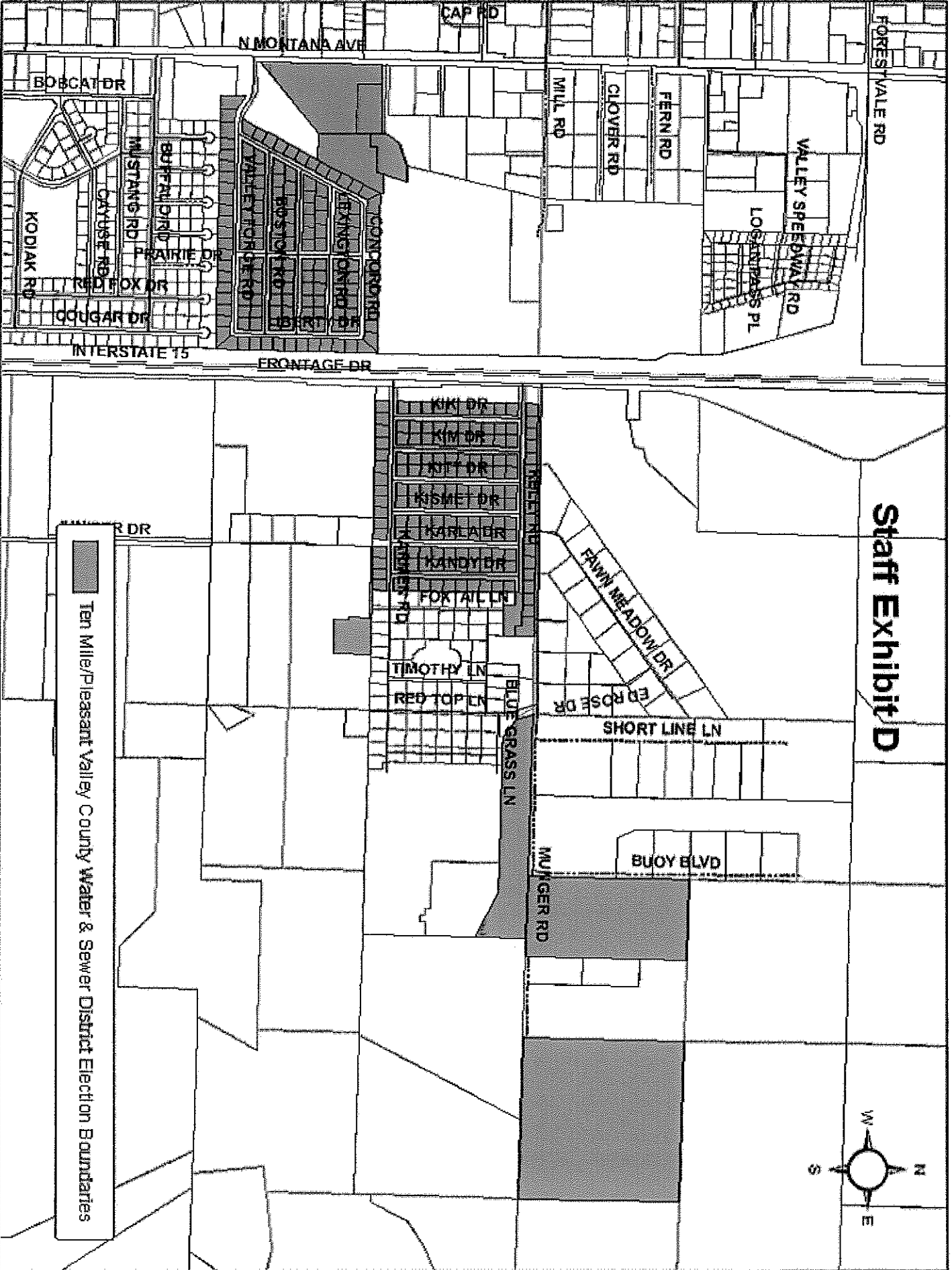
AND

Parcels erroneously excluded from Lewis & Clark Resolution 2007-26, but are connected to, participated in the election of the creation of the original District and have participated in the funding of the District infrastructure.

Amended Ten Mile Creek Estates (Certificate of Survey 522326) Block 11, Lots 1, 2 and 3



# Staff Exhibit D



Ten Mile/Pleasant Valley County Water & Sewer District Election Boundaries