

## RESOLUTION 2015-128

### RESOLUTION TO CREATE THE HERON CREEK RURAL IMPROVEMENT DISTRICT NO. 2015-9

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 petition, Exhibit "A", contains the signature of the sole owner of property to be included within the district; and

WHEREAS, the subdivision applicant for the proposed Amended Plat of Lot A-1A, H.W. Smith Minor Subdivision (A.K.A. Heron creek Subdivision) was granted preliminary approval on September 18, 2007; and

WHEREAS, the subdivision applicant has requested the creation of a Rural Improvement District to satisfy the Amended Plat of Lot A-1A, H.W. Smith Minor Subdivision (A.K.A. Heron creek Subdivision) conditions of approval; and

WHEREAS, owners of property within the proposed district to be assessed for over 50% of the cost of the proposed program as determined by the method of assessment described in this resolution of intention have waived the right to protest the creation of a Rural Improvement District for the purpose of improving and/or maintaining the roads that access the proposed district including related right-of-way, drainage structures, and traffic control signs; and

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

- (a) The designated number of the district is 2015-9.
- (b) The boundaries of the district are shown on Exhibit "B".
- (c) The general character of maintenance of public access easements and public trail easements within the boundaries of the district includes, but is not limited to: snow plowing, street sweeping, culvert cleaning, mailbox maintenance, contributions toward a future chip seal, crack sealing, miscellaneous work as needed, parkland maintenance, and trail maintenance.
- (d) DOWL is the engineer to have charge of the work. The estimated cost for funding said maintenance in Phases 1, 2, and 3 is \$13,259.58 per year, or \$181.64 per parcel per year, as shown on Exhibit "C". The estimated cost for funding said maintenance in Phases 4, 5, and 6, cumulatively, is \$7,666.84, as shown on Exhibit "D", to be reviewed upon final plat of one or more of Phases 4, 5, or 6. All



maintenance funds collected for the district will be spent solely on road maintenance within the proposed district.

- (e) 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]."
- (f) 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 Lewis and Clark County Board of Commissioners, that it does hereby create the Heron Creek Rural Improvement District No. 2015-9 for the purpose of equitably funding road maintenance.

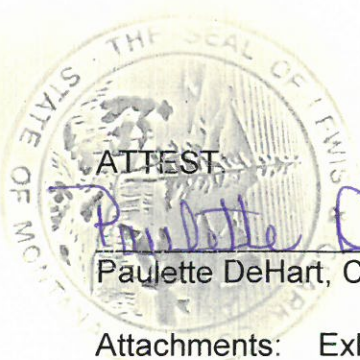
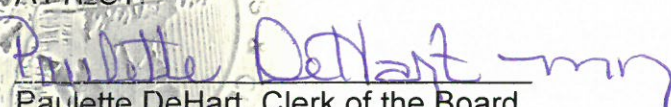
BE IT FURTHER RESOLVED that the Lewis and Clark County Public Works Department is authorized and responsible for coordinating maintenance as described on Exhibit "C" and Exhibit "D" within the district boundary as shown on Exhibit "B".

DATED this 10 day of September, 2015.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Andy Hunthausen, Chairman

ATTEST

  
  
Paulette DeHart, Clerk of the Board

Attachments: Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D"



Exhibit "A"

December 30, 2014

Matt Heimel, Special Districts Planner  
Lewis & Clark County Planning Dept.  
PO Box 1725  
Helena, MT 59624

LEWIS & CLARK COUNTY

JAN 07 2015

PERMIT OFFICE


Re: Heron Creek Subdivision, Final Plat Requirements  
Petition to create Rural Improvement District (RID) (revised to include  
stormwater and mail boxes features and delete fire protection system)

Dear Matt:

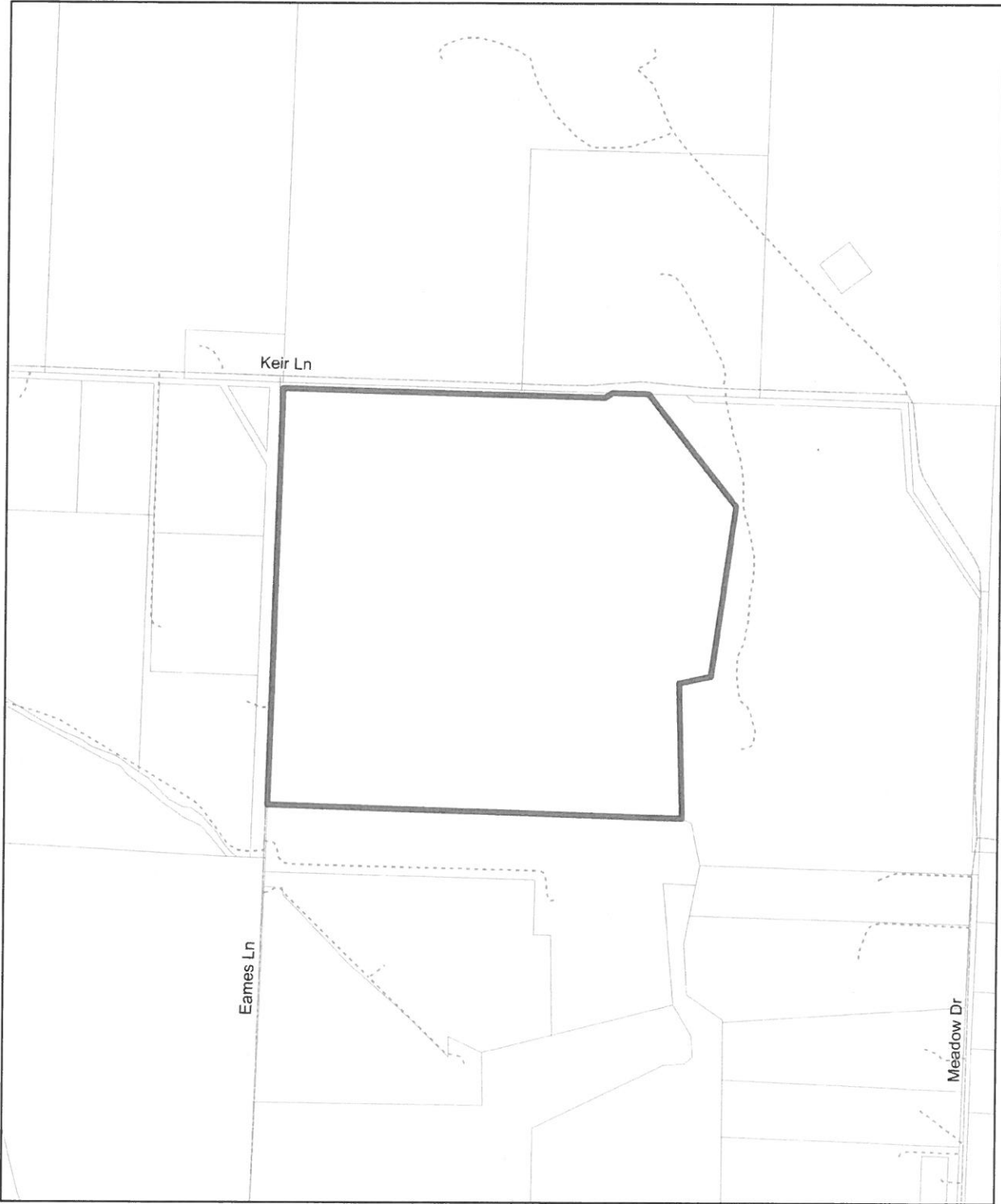
According to the Lewis and Clark County GIS maps, Heron Creek Subdivision currently lies outside any RID or SID boundaries nor within any zoning areas. Condition of Approval #17 for Phase I, Condition of Approval #15 for Phase II and Condition of Approval #11 Phase III states *"In cooperation with the County, the Applicant shall create or amend an existing 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, wastewater treatment system, parks, common areas and on-site improvements, and any fire protection improvements. (Sections 76-3-102(1, 3 and 4), 501(1), 504(1)(f)(i), and 608(3)(a, b, and d), MCA: Sections XI.H. and Appendix K, County Subdivision Regulations).* Upon meeting with the Planning Staff on November 21, 2013; I hereby request that the RID be created for the maintenance, preservation and repair of the internal access roads, dedicated public parkland and trails contained in or used for access to the dedicated public parkland, stormwater systems and mail box features. Maintenance of the wastewater treatment system will be provided for by the HOA, the owner or creation of a wastewater district.

Therefore for purposes of maintenance of the proposed listed in the conditions above, I hereby petition Lewis and Clark County to create a Rural Improvement District in accordance with MCA Title 7, Chapter 12, Part 21.

County policy requires signatures of 60% of the owners to form an RID or SID. Ron Bartsch is the sole owner of Sussex Development, Inc., the property owner, therefore satisfying this requirement with my signature hereto.

  
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Ron Bartsch  
Owner, Heron Creek Subdivision  
Sussex Development, Inc.






# Exhibit "B": Heron Creek RID Boundary and Vicinity Map



0 0.175 0.35 0.7 Miles



### Legend

-  RID Boundary
-  Parcel Boundaries
-  PAVED
-  UNPAVED
-  DRIVEWAY



