

RESOLUTION 2015-43

**RESOLUTION OF INTENTION TO CREATE BIG VALLEY-CABIN ROAD RURAL
IMPROVEMENT DISTRICT NO. 2015-2**

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

WHEREAS, a petition has been received from the landowners in the proposed area, requesting that the County Commissioners create a Rural Improvement District for the purpose of maintaining public access and County road easements named as East Cabin Road and West Cabin Road in addition to the portion of Diamond Springs Drive within the proposed district boundaries, as shown on the attached Exhibit "A" and Exhibit "A-1"; and

WHEREAS, the petition included a description of the boundaries of the proposed district and benefiting lots, descriptions and cost estimates for the proposed maintenance, descriptions of the proposed methods of assessment for and administration of maintenance, and was signed by 71.4% of the affected property owners; and

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

- (a) The designated number of the district is 2015-2.
- (b) The boundaries are shown on Exhibit "A" and Exhibit "A-1" and legal descriptions of affected properties are listed on Exhibit "B."
- (c) The general character of maintenance includes, but is not limited to:
 - 1. Snow plowing, grading, and culvert cleaning for 2,523 feet of Diamond Springs Road, terminating at the north bus turnaround.
 - 2. Snow plowing, grading, and culvert cleaning for 1,013 feet of East Cabin Road, terminating at the intersection of Diamond Springs Road.
 - 3. Snow plowing, grading, and culvert cleaning for 4,450 feet of West Cabin Road, terminating at the intersection of Diamond Springs Road.
- (d) DOWL HKM is the engineer to have charge of the work. The estimated cost for said maintenance is \$6,473.51 per year or \$184.96 per parcel per year, as shown on Exhibit "C". All maintenance funds collected for the district will be spent solely on road maintenance within the proposed district.
- (e) The general character of improvements includes, but is not limited to:
 - 1. 6" select base, 3" base aggregate, and installation of cross drain culverts for 2,423 feet of Diamond Springs Road, terminating at the north bus turnaround.



2. Culvert extension on West Cabin Road.

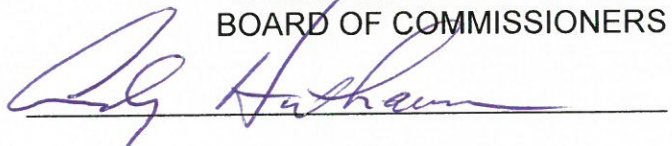
- (f) DOWL HKM is the engineer to have charge for the work. The estimated cost for said improvements is \$59,420.52, to be funded by a debt service assessment of \$242.53 per parcel per year levied for a period of seven (7) years, as shown on Exhibit "C". All improvement funds collected for the district will be spent solely on road improvements within the proposed district.
- (g) 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 improvement [and maintenance]."
- (h) 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 7-12-2151(4)."

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of Commissioners that it does hereby establish its intention to create the Big Valley-Cabin Road Rural Improvement District No. 2015-2 for the purpose of equitably funding road maintenance and improvements.

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

DATED this 12th day of March, 2015.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



ATTEST



Paulette J. DeHart, Clerk of Board

Attachments: Exhibit "A" (Part of petition)
Exhibit "B" (Part of petition)
Exhibit "C": Cost estimates

**PETITION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR IMPROVEMENTS AND MAINTENANCE FOR BIG VALLEY-CABIN ROAD**

Petition Circulation Date: September 12th, 2014

We the undersigned, owners of real property within the proposed Big Valley Cabin Road Rural Improvement District (the "District"), located in Lewis and Clark County, do hereby petition the Board of County Commissioners to create a Rural Improvement District for the purpose of improving and maintaining Public Access and County Road Easements named as East Cabin Road and West Cabin Road in addition to the portion of Diamond Springs Drive within the proposed district boundaries, as authorized by MCA §7-12-2101, et. Seq. The boundaries of the proposed district are shown on the attached Exhibit A, and a property owner list requiring at least 60% of the listed owners' signatures is attached as Exhibit B.

The estimated annual cost for the debt service assessment of improvements is \$8,488.65 for a period of seven years. The general character of such improvements can be describe as, but is not limited to, installation of base aggregate layers, cross drain culverts, and culvert extensions. The debt service assessment estimate was calculated based on a loan period of seven (7) years. Different options may be available at the time of District creation, resulting in a higher or lower annual assessment over a shorter or longer payoff period. The estimated annual cost for maintenance is estimated to be \$6,475.00 per year. The general character of such maintenance can be described as, but is not limited to, snow plowing, road grading, and culvert cleaning. In addition to being assessed for the proposed District, if created, benefiting properties will continue to be assessed for Big Valley RID No. 1993-5.

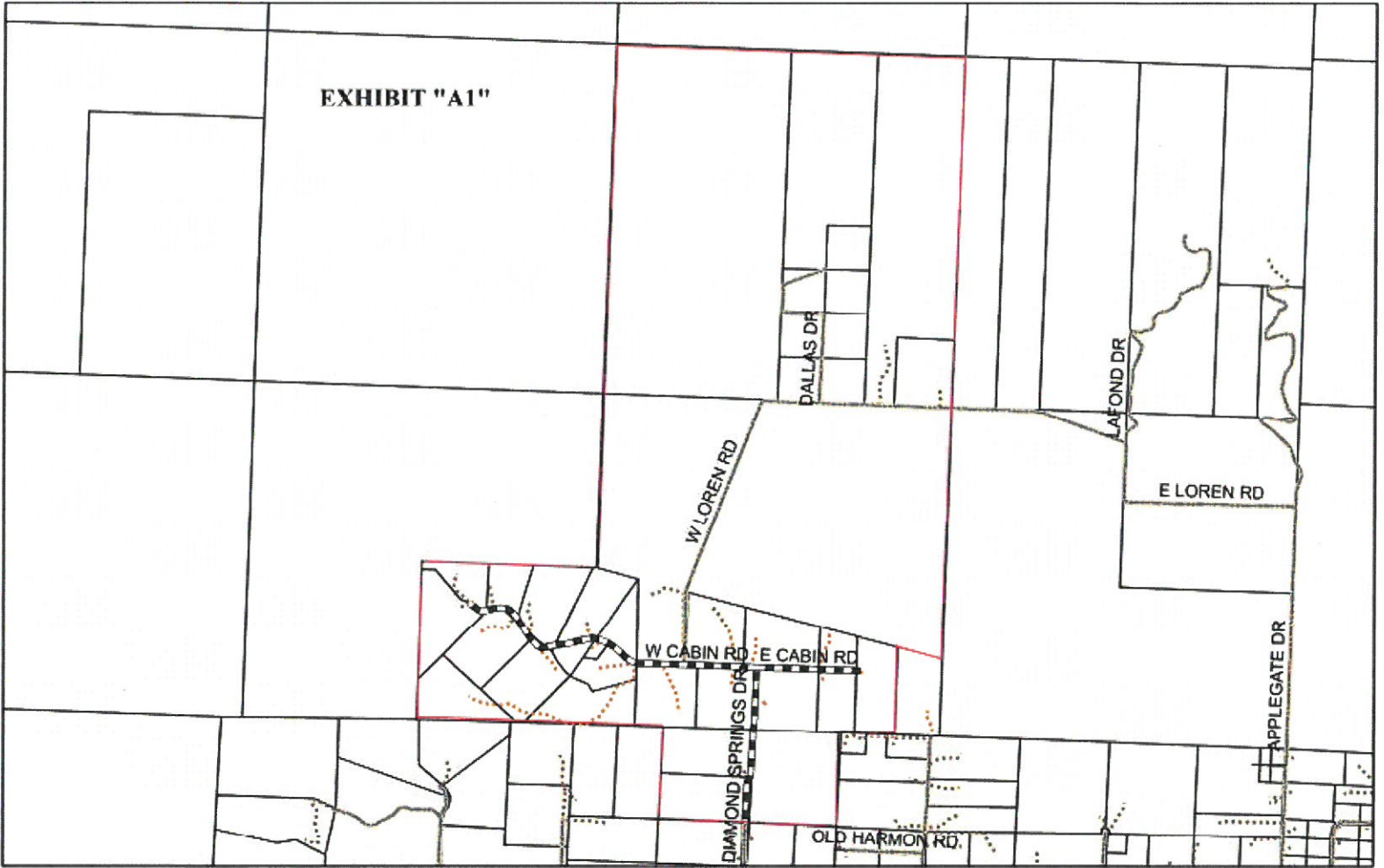
All parcels within the proposed District would benefit and would be assessed using MCA §7-12-2151(1)(d):

Each lot, tract, or parcel of land in the district may be assessed an equal amount based upon the total cost of the improvement.

The County will serve only to coordinate the necessary work, collect the assessments, and disburse payments for the district. It is anticipated that a private contractor would perform the improvements and maintenance.

This petition is being circulated in accordance with the Lewis and Clark County Rural Improvement District (RIDs) Policies and Procedures manual which is on file and available for inspection at the Lewis & Clark County Board of County Commissioners. Because of aggregation and subdivision of parcels, the actual number of parcels stated in the petition may change between the time the petition is circulated and the time the board considers the resolution of intention to create the RID, and therefore, the actual assessment per parcel may be greater than or less than the amount stated in the petition and the number of lots to be assessed will be set as of the date of the resolution of intention to create the RID.

EXHIBIT "A1"



Legend

- Improvement/Maintenance_Roads
- Proposed District Boundary
- Paved Roads
- Unpaved Roads
- Driveway



0 0.5 1 2 Miles

Lewis & Clark County
Community Development and Planning
316 N Park Ave
Helena, Montana
406-447-8375





**PETITION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR IMPROVEMENTS AND MAINTENANCE FOR BIG VALLEY CABIN ROAD
EXHIBIT "B"**

Assessment Code	Geocode	Site Address	Owner Name(s)	Legal Description	Estimated Debt Service Assessment	Estimated Maintenance Assessment	Owner Signature(s) & Date
9371	05199402101400000	8648 DIAMOND SPRINGS DR	NORCROSS, JOE E SR & LINDA	S02, T11 N, R04 W, TR IN GOVT LT 2 FLEETWOOD 24X60 1979 TITLE #G566560 SERIAL #2A90641371A	\$242.53	\$185.00	
9391	05199402201450000	8656 DIAMOND SPRINGS DR	RATCLIFF RUSSELL W & KENDALL A	S02, T11 N, R04 W, C.O.S. 372513, PT GOVT LT 3 TR 52NEW AKA 119-S	\$242.53	\$185.00	
22876	05199402201500000	8656 DIAMOND SPRINGS DR	OLSON WARD J & VANESSA L	S02, T11 N, R04 W, C.O.S. 372513, TR 119 N IN GOVT LT 3	\$242.53	\$185.00	
40119	05211026101010000	62 W LOREN RD	CURTISS GLEN R & KENNETH W	S26, T12 N, R04 W, C.O.S. 3137172, TR A IN E2E2	\$242.53	\$185.00	
44141	05211026102010000	9292 DALLAS DR	SMITH LARRY KIM	S26, T12 N, R04 W, C.O.S. 3123055, TR A IN W2E2	\$242.53	\$185.00	<i>Sony Kim Smith</i>
39035	05211026403010000	9136 DALLAS DR	SMITH LARRY KIM TRUSTEE & LARRY KIM SMITH FAMILY TRUST	S26, T12 N, R04 W, C.O.S. 3123055, PARCEL TR H	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44145	05211026403050000	9178 DALLAS DR	BENEFIT OF KRISTOPHER LOREN SMITH LARRY KIM	S26, T12 N, R04 W, C.O.S. 3123055, TR E IN W2E2	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44144	05211026403100000	9239 DALLAS DR	BENEFIT OF ANDREW MARCUS SMITH LARRY KIM	S26, T12 N, R04 W, C.O.S. 3123055, TR D IN W2E2	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44142	05211026403150000	9289 DALLAS DR	LARRY KIM TRUSTEE FOR DALLAS JAMES SMITH	S26, T12 N, R04 W, C.O.S. 3123055, TR B IN W2E2	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44143	05211026403200000	9213 DALLAS DR	BENEFIT OF BRADLEY JAMES SMITH LARRY KIM	S26, T12 N, R04 W, C.O.S. 3123055, TR C IN W2E2	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44146	05211026403250000	9177 DALLAS DR	BENEFIT OF JENA MARIE SMITH LARRY KIM SMITH	S26, T12 N, R04 W, C.O.S. 3123055, TR F	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44147	05211026403300000	9137 DALLAS DR	SMITH LARRY KIM	S26, T12 N, R04 W, C.O.S. 3133055, TR G	\$242.53	\$185.00	<i>Sony Kim Smith</i>
44140	05211026404010000	24 W LOREN RD	CURTISS JUDY	S26, T12 N, R04 W, C.O.S. 3137172, TR B	\$242.53	\$185.00	<i>Debra Dyle by Syntec Date Pass 9/10/14</i>
27766	05211034401010000	400 W CABIN RD	DAHL, PHILLIP & LINDA	S34, T12 N, R04 W, C.O.S. 5111251E, TR 6	\$242.53	\$185.00	<i>Phillip Dahl 7-29-14</i>
27757	05211034401100000	496 W CABIN RD	MARSHALL, TODD & SHANELL	S34, T12 N, R04 W, C.O.S. 5111251E, MAKE HOMARK, MODEL UNKNOWN, TR 5 IN SE 28X48 1994	\$242.53	\$185.00	<i>Marshall Todd 9/10/14</i>
27406	05211034401200000	548 W CABIN RD	BETCHIE ALBERT B & BARBARA	S34, T12 N, R04 W, C.O.S. 609820F, MAKE ROLLOHOME, MODEL ROOK, TR 2B IN N2SE4 30X76 2003	\$242.53	\$185.00	<i>Betchie Albert 9/10/14</i>
36309	05211034401250000	574 W CABIN RD	HEDDEN MICHAEL L & CRISTIE J	FRMT, MODEL, WESTRN CLASSIC, TR 2A 42X60 1999	\$242.53	\$185.00	<i>Michael Hedden 9/10/14</i>
27754	05211034401300000	573 W CABIN RD	KOSNIK JANET	S34, T12 N, R04 W, C.O.S. 5111251E, TR 1	\$242.53	\$185.00	<i>Janet Kosnik 9-18-14</i>
27755	05211034401400000	521 W CABIN RD	OHLIN TORBJORN L & KARIN B	S34, T12 N, R04 W, C.O.S. 5111251E, TR 3	\$242.53	\$185.00	<i>Torbjorn Ohlin 9/10/14</i>
27756	05211034401500000	467 W CABIN RD	FRASER DOUGLAS J	S34, T12 N, R04 W, C.O.S. 5111251E, TR 4	\$242.53	\$185.00	<i>Douglas Fraser 9/10/14</i>
20233	05211034401600000	357 W CABIN RD	LOOMIS JODY & JENNIFER	S34, T12 N, R04 W, C.O.S. 530534T, TR A IN S2SE	\$242.53	\$185.00	<i>Jody Loomis 9/10/14</i>

EXHIBIT "C" Proposed Big Valley Cabin Road Intercep Worksheet

(Option 2)

Construction		\$43,200.00
Construction Contingency (10%)		4,320.00
		47,520.00
Mobilization, Insurance & Bonding (8%)		\$0.00
Traffic Control (4%)		\$0.00
		47,520.00
Design & Construction Engineering (18%)		0.00
Total Estimated Construction Cost		\$47,520.00
RID Reserve (5%) MCA 7-12-2181 & 7-12-2182		2,501.05
Total Estimated Loan Amount		\$50,021.05

Value of Loan	\$50,021.05		
Period (years)	7	Total Int	\$9,399.47
Payments per Period	1	Total Princ	\$50,021.05
Interest Rate (7-12-2176)	4.50%	Total	<u>\$59,420.52</u>
Number of Assessments	35		

ANNUAL ESTIMATED IMPROVEMENT ASSESSMENT **\$242.53**

Payment Number	Interest Payment	Principal Payment	Total Payment	Amount Remaining
				50,021.05
1	2,250.95	6,237.70	8,488.65	43,783.35
2	1,970.25	6,518.40	8,488.65	37,264.96
3	1,676.92	6,811.72	8,488.65	30,453.24
4	1,370.40	7,118.25	8,488.65	23,334.99
5	1,050.07	7,438.57	8,488.65	15,896.41
6	715.34	7,773.31	8,488.65	8,123.11
7	365.54	8,123.11	8,488.65	0.00
8	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00
13	0.00	0.00	0.00	0.00
14	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
Total	<u>\$9,399.47</u>	<u>\$50,021.05</u>	<u>\$59,420.52</u>	