

RESOLUTION 2017-120

RESOLUTION TO RESCIND RESOLUTION NO. 2017-91

WHEREAS, Section 7-12-2161 MCA provides that the Board of County Commissioners (County Commission) may, before the first Monday in September of each year, adopt a resolution levying and assessing all the property within a district with an amount equal to the whole cost of maintaining, preserving, or repairing the improvements within the district; and

WHEREAS, pursuant to Section 7-12-2159 MCA, a notice, signed by the county clerk and stating that the resolution levying a special assessment to defray the cost of making the improvements for a rural improvement district is on file in the office of the county clerk and is subject to inspection, shall be:

- (a) published as provided in Section 7-1-2121 MCA;
- (b) mailed to the owner of each lot, tract, or parcel of land to be assessed (such lands must be identified and the mailing address determined from the last-completed assessment role for the state, county, and school district taxes; and
- (c) mailed to such other persons known to the clerk to have an ownership interest in the property; and
- (d) written with a statement of the time at and place in which objections to the final adoption of the resolution will be heard by the board of county commissioners; and

WHEREAS, pursuant to Section 7-12-2159 MCA, the time for the public hearing on a resolution levying a special assessment for a rural improvement district may not be less than 5 days after the second publication or less than 10 days after the mailing of the notice; and

WHEREAS, notice of a resolution levying and assessing a tax upon benefited property within the Big Valley Road Improvement District No. 93-5 was published on July 23, 2017, and July 30, 2017, and mailed to property owners and persons with interest in property on August 1, 2017; and

WHEREAS, the County Commission adopted Resolution 2017-91 Levying and Assessing a Tax Upon Benefited Property Within the Big Valley Road Improvement District No. 93-5 on August 10, 2017, recorded as Doc. No. 3309521; and

WHEREAS, notification requirements of the public hearing on the adoption of Resolution 2017-91 were not properly followed pursuant to Section 7-12-2159 MCA; and



NOW, THEREFORE, BE IT RESOLVED by the County Commission that Resolution 2017-91 is invalid due to improper notice procedures and is hereby rescinded.

BE IT FURTHER RESOLVED, the matter considered for the public hearing on Resolution 2017-91 will be reconsidered during a public hearing on Resolution 2017-121 on August 31, 2017, following the rescission of Resolution 2017-91.

DATED this 31 day of August, 2017.



LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Susan Good Geise, Chair

ATTEST:



Paulette DeHart, Clerk of the Board

Attachment: Exhibit "A"