

RESOLUTION 2018 - 54

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY TO AMEND THE SOUTH FORESTVALE RURAL IMPROVEMENT DISTRICT NO. 2015-07 TO LEVY AND ASSESS A TAX UPON BENEFITED PROPERTIES

WHEREAS, the South Forestvale Rural Improvement District No. 2015-7 (the District) was created July 14, 2015, through the adoption of Resolution 2015-98, for the purpose of funding maintenance of roadways within the South Forestvale No. 2 Subdivision; and

WHEREAS, a petition to amend the District for the purpose of improving roadways within the South Forestvale No. 2 Subdivision was received by the Community Development and Planning Department, and the petition was signed by 70% of owners of benefited lots within the District boundary; and

WHEREAS, it is the policy of the Lewis and Clark County Commission to follow the public process for creating a RID when a petition has been received to amend the scope of service of the RID; and

WHEREAS, the Lewis and Clark County Board of Commissioners (Commission) adopted Resolution 2018-18 to Amend the South Forestvale Rural Improvement District No. 2015-7; and

WHEREAS, the Commission adopted Resolution 2018-31 to Create the South Forestvale Rural Improvement District No. 2015-7 on May 29th, 2018; and

WHEREAS, the resolution provides an equitable method for assessing benefited properties in the district based upon the benefits received; and

WHEREAS, Section 7-12-2161 MCA provides that the 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 equal amount to the whole cost of maintaining, preserving, or repairing the improvements within the district; and

WHEREAS, property owners and persons with property interests within the South Forestvale Rural Improvement District were notified of the public hearing, through publication and mail, pursuant to Section 7-12-2159 MCA; and

WHEREAS, the maintenance assessment is necessary to cover the costs of maintaining, preserving, or repairing the improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Commission, that the following shall be levied and assessed upon all benefited properties within the boundaries of the South Forestvale Rural Improvement District.

WHEREAS, no letters of protest have been received by the County, and it was determined that there was not sufficient protest to bar proceedings as per 7-12-2112, MCA; and

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

- (a) The designated number of the District remains as 2015-7.
- (b) The roads to be improved and maintained within the unchanged boundary of the District are shown on Exhibit "A".



- (c) The amended general character of improvements includes, but is not limited to, the construction of 3" asphalt pavement, chip seal surfacing and crushed base course, as detailed on Exhibit "B."

The amended general character of maintenance includes, but is not limited to, snow plowing, crack sealing, street sweeping, saving for a future chip seal, and miscellaneous expenses, as detailed on Exhibit "C".

- (d) The County Engineer or a designee is the engineer to have charge of the work. The estimated construction cost to finance said improvements is \$133,460.14, and the estimated annual cost of said maintenance is \$2,994.04. To defray the costs of improvements and maintenance, each benefited lot is to be levied a 10-year debt service assessment of \$887.71 and an ongoing maintenance assessment of \$149.70 per year until modified by resolution, as detailed on Exhibit "D".
- (e) Costs shall be assessed equally, as described in Section 7-12-2151(d), MCA: "each lot, tract, or parcel of land in the district may be assessed an equal amount based upon the total cost of the improvements [and maintenance]"
- (f) Pursuant to Section 7-12-2103(2), MCA, "if an increase occurs in the number of benefitted lots, tracts, or parcels within the boundaries of the [amended] 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 [Section] 7-12-2151(4)", MCA.

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby amend the South Forestvale Rural Improvement District No. 2015-7 for the purpose of equitably funding improvements and maintenance for roadways within the South Forestvale No. 2 Subdivision.

BE IT FURTHER RESOLVED that the Lewis and Clark County Department of Public Works is authorized and responsible for coordinating improvements detailed on Exhibit "B" and maintenance detailed on Exhibit "C" for roadways within the district as shown on Exhibit "A".

DATED this 10 day of July, 2018.



LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

A handwritten signature in blue ink, which appears to read "Andy Hunthausen", is written over a horizontal line.

Andy Hunthausen, Chairman

ATTEST:

A handwritten signature in blue ink, which appears to read "Paulette J. DeHart", is written over a horizontal line.

Paulette J. DeHart, Clerk to the Board

Attachments:

- Exhibit "A"
- Exhibit "B"
- Exhibit "C"
- Exhibit "D"

Exhibit "A": South Forestvale Rural Improvement District Boundaries and Serviced Roads



Legend

-  Roads Serviced by RID
-  Unpaved
-  Paved
-  Driveway
-  RID Boundary
-  Parcel Boundaries

0 150 300 600 Feet

Map Created: 4/11/18
Community Development and Planning
Lewis and Clark County, Montana



Exhibit "D": Estimated Assessments, South Forestvale RID Amendment

| | |
|--|---------------------|
| Construction | \$101,928.60 |
| Construction Contingency (10%) | 10,192.86 |
| | <u>112,121.46</u> |
| Mobilization, Insurance & Bonding (4%) | \$4,484.86 |
| Traffic Control | \$1,500.00 |
| | <u>118,106.32</u> |
| Design & Construction Engineering (13%) | 15,353.82 |
| Total Estimated Construction Cost | \$133,460.14 |
| RID Reserve (5%) MCA 7-12-2181 & 7-12-2182 | 7,024.22 |
| Total Estimated Loan Amount | \$140,484.36 |

| | | | |
|---------------------------|---------------------|-------------|---------------------|
| Value of Loan | \$140,484.36 | | |
| Period (years) | 10 | Total Int | \$37,058.12 |
| Payments per Period | 1 | Total Princ | \$140,484.36 |
| Interest Rate (7-12-2176) | 4.50% | Total | <u>\$177,542.48</u> |
| Number of Assessments | 20 | | |

ANNUAL ESTIMATED IMPROVEMENT ASSESSMENT **\$887.71**

| Payment Number | Interest Payment | Principal Payment | Total Payment | Amount Remaining |
|----------------|--------------------|---------------------|---------------------|------------------|
| | | | | 140,484.36 |
| 1 | 6,321.80 | 11,432.45 | 17,754.25 | 129,051.91 |
| 2 | 5,807.34 | 11,946.91 | 17,754.25 | 117,104.99 |
| 3 | 5,269.72 | 12,484.52 | 17,754.25 | 104,620.47 |
| 4 | 4,707.92 | 13,046.33 | 17,754.25 | 91,574.15 |
| 5 | 4,120.84 | 13,633.41 | 17,754.25 | 77,940.73 |
| 6 | 3,507.33 | 14,246.91 | 17,754.25 | 63,693.82 |
| 7 | 2,866.22 | 14,888.03 | 17,754.25 | 48,805.79 |
| 8 | 2,196.26 | 15,557.99 | 17,754.25 | 33,247.81 |
| 9 | 1,496.15 | 16,258.10 | 17,754.25 | 16,989.71 |
| 10 | 764.54 | 16,989.71 | 17,754.25 | 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 | \$37,058.12 | \$140,484.36 | \$177,542.48 | |

ANNUAL MAINTENANCE

| | |
|--|-------------------|
| Snow Plowing | \$437.94 |
| Chip Seal Savings (7 years) | \$1,633.59 |
| Crack Seal | \$342.00 |
| Street Sweeping | \$194.64 |
| Misc. | \$243.30 |
| Sub Total | \$2,851.47 |
| 5% Admin. Fee (not to exceed \$500) | \$142.57 |
| Total Annual Maintenance Fee | \$2,994.04 |
| ANNUAL ESTIMATED MAINTENANCE ASSESSMENT | \$149.70 |

TOTAL ANNUAL ESTIMATED ASSESSMENT **\$1,037.41**