

RESOLUTION 2019-83

**A RESOLUTION TO CREATE THE HARVEST ACRES MINOR
FIRE RURAL IMPROVEMENT DISTRICT NO. 2019-02**

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 letter, Exhibit "A", serving as the petition to create a rural improvement district, contains the signature of the sole owners of property to be included within the District; and

WHEREAS, the subdivision applicant for the proposed Harvest Acres Minor Subdivision was granted preliminary approval on August 3, 2017; and

WHEREAS, the subdivision applicant has requested the creation of a rural improvement district to satisfy Condition of Approval No. 9 for the Harvest Acres Minor Subdivision; and

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

- (a) The designated number of the District is 2019-02.
- (b) The boundaries of the District are shown on Exhibit "B", which encompass the boundaries of the Harvest Acres Minor Subdivision.
- (c) Maintenance.
 - i. The general character of maintenance of a fire protection system includes, but is not limited to testing and maintaining the fire protection system, as detailed on Exhibit "C."
 - ii. Maintenance of the fire protection system for the preliminarily approved Harvest Acres Minor Subdivision are within the scope of service for the Harvest Acres Minor RID No. 2019-02.
- (d) The County Engineer, or his designee, is to have charge of the work. The estimated cost for funding said maintenance is \$262.50 per year, as shown on Exhibit "C", or \$52.50 per parcel per year. All maintenance funds collected for the District will be spent solely on maintenance of the fire protection system within the 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 of improvements]."
- (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 Board of County Commissioners,

1. That the Harvest Acres Minor Fire Rural Improvement District No. 2019-02 is hereby created for the purpose of equitably funding maintenance of a fire protection system.
2. That pursuant to MCA 7-12-2108, the contemplated work is of more than local or ordinary public benefit, and that the expense of such work is chargeable upon the lots and land fronting upon proposed improvements and upon other lots and lands not fronting on the proposed improvements, which are the property benefited by said work and to be assessed to pay the cost and expense thereof.
3. That the Lewis and Clark County Public Works Department is authorized and responsible for coordinating maintenance as described on Exhibit "C" within the District boundary as shown on Exhibit "B".

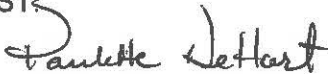
INTRODUCED at a Regular meeting of the Board of County Commissioners on August 22, 2019 by Commission Member Susan Good Geise

PASSED AND APPROVED BY LEWIS AND CLARK Board of County Commissioners on this 22 Day of August, 2019.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

 for
Jim McCormick, Chair

ATTEST:



Paulette DeHart, Clerk of the Board

Attachment: Exhibits "A", "B", AND "C"



Exhibit "A": RID Request Letter/Petition

October 4, 2017

Matt Heindel, Special Districts Coordinator
Lewis and Clark County Board of County Commissioners
316 N. Park Avenue, Room 345
Helena, MT 59623

Re: Harvest Acres Subdivision, Final Plat Requirements
Petition to create Rural Improvement District (RID)

Dear Matt:

According to the Lewis and Clark County GIS maps, Harvest Acres currently does not lie within any Special Improvement Districts. Condition of Approval #14 states: *"in cooperation with the County, the Applicant shall create/join a Rural Improvement District(s) and/or Special District(s) to address the maintenance, preservation, and repair of the following: access road across Tract 8-1-B (Doc. No. 3138446); internal access road within the Harvest Acres Subdivision; the fire protection improvements and maintenance for the Harvest Acres Subdivision; stormwater improvements and detention ponds for the Harvest Acres Subdivision; and all common areas/improvements within the Harvest Acres Subdivision."*

We hereby petition Lewis and Clark County to create a Rural Improvement District for Harvest Acres including Lot 8-1-B COS #3138446 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. We, Shawn and Cathy Toney are sole owners of the Harvest Acres Estates Subdivision property and Lot 8-1-B COS #3138446, therefore satisfying this requirement with our signatures hereto

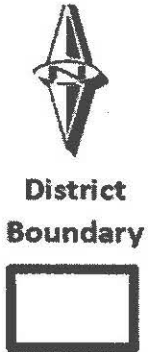
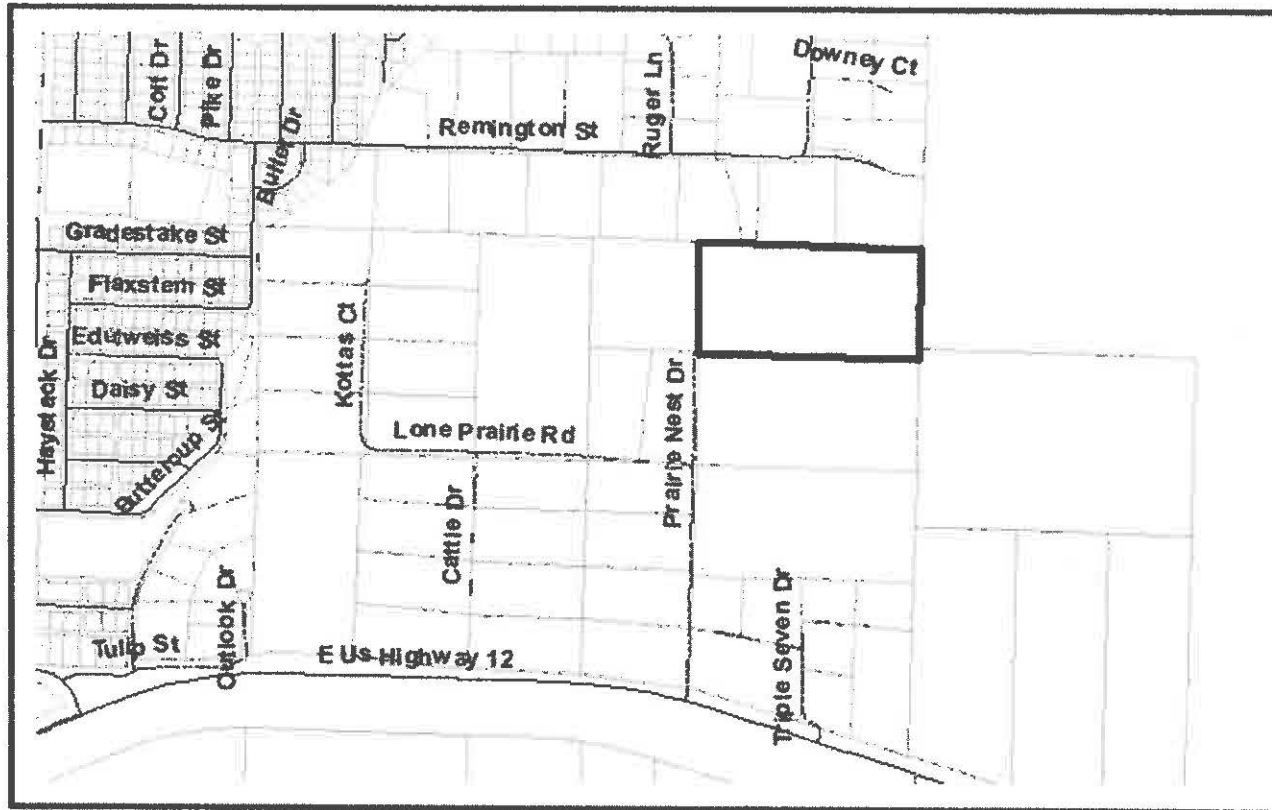


Shawn Toney
Owner



Cathy Toney
Owner

Harvest Acres Minor Fire Rural Improvement District Boundary



Lewis and Clark County
Community Development & Planning
August 15, 2019

**HARVEST ACRES SUBDIVISION
FIRE PROTECTION - MAINTENANCE**

ENGINEER'S ESTIMATE of R/D Costs
Casae and Associates, Inc.

Date: **August 12, 2019**

Limits	WIDTH (ft)	LENGTH (ft)	AREA (sf)	AREA (sy)					
Fire Protection System		Entire Subdivision						1	see below
TOTALS			0	0					

A. Asphalt Pavement
G. Gravel

Maintenance Frequency
Test and Maintain Fire System once per year

Maintenance Item	Qty	Unit	Times per Year	Cost/Unit	Ext. Cost
Fire Protection System		EA	1.000	263.00	\$263.00
SUBTOTAL					\$263.00
E's Administration Fee					2%
PROJECT TOTAL YEARLY COST*					\$268.66
Cost per Lot per Year	5	lots			\$53.73
Cost per Lot per MONTH	5	lots			\$4.31

* Areas of roadway, easements and turnouts to be maintained were supplied by Casae and Associates.

Exhibit "C"