

RESOLUTION 2023-74

**A RESOLUTION TO AMEND THE OLIVET
RURAL IMPROVEMENT DISTRICT NO. 2021-2**

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

WHEREAS, the subdivision applicant for the Olivet Subdivision received preliminary approval from the Commission on August 30, 2018 with Condition of Approval No. 16 of that approval requiring the creation or joining of an RID for maintenance, preservation, and repair of the internal access road, stormwater improvements and detention ponds; and all common areas/public improvements within the Olivet Subdivision that will serve this Subdivision; and

WHEREAS, the subdivision applicant had requested the creation of a rural improvement district to satisfy Condition of Approval No. 16 of the Olivet Subdivision; and

WHEREAS, Lewis and Clark County Board of Commissioners (Board) authorized the creation of the Olivet Subdivision road rural improvement district (RID) on June 10, 2021; and

WHEREAS, the Department of Environmental Quality Certificate of Subdivision Plat Approval (E.Q.#19-1528) of the Olivet Subdivision requires the operation and maintenance of stormwater facilities shall be the responsibility of each lot owner; and

WHEREAS, the Amendment of the RID No. 2021-2, would allow for the removal of operation and Maintenance of the stormwater facilities listed in Exhibit B; and,

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

1. The designated number of the existing Olivet RID is 2021-2.
2. The boundaries of the RID are shown on Exhibit B, which encompass the boundaries of the Olivet Subdivision.
3. The general character of maintenance includes costs associated with the operation and repair of the internal access road; snow removal; and all common areas/public improvements, as detailed in Exhibit B.
4. The County Engineer, or his designee, is to have charge of the work. The estimated costs for funding said maintenance per year were provided by Tony Prothero, P.E. on September 21, 2020. The estimated costs for funding said maintenance will be \$550.00 per year, as shown on Exhibit "B". All maintenance funds collected for the RID will be spent solely on maintenance within the RID. (Note: Detention Pond Maintenance and Tea Rd. Snow Removal has been removed from this RID.)
5. 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]."
6. 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)."

WHEREAS, a resolution of intention to amend the Olivet Rural Improvement District was adopted by the Board on June 22nd, 2023 as Resolution No. 2023-46; and

WHEREAS, legal notice of the passage of Resolution 2023-46 was mailed to property owners and persons with interest in property within the proposed district, and published in the local newspaper in accordance with 7-12-2105, MCA and 7-1-2121, MCA; and

WHEREAS, on August 15, 2023, the Commission held a public hearing and proceeded to hear all protests, comments, and other matters relating to the district, and determined that the boundaries of the district and method of assessment were equitable; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners,

1. That it does hereby amend the Olivet Rural Improvement District No. 2021-2 for the purpose of equitably funding the maintenance, preservation, and repair of the internal access road; snow removal; and all common areas/public improvements within the Olivet Subdivision.
2. That the Board has determined pursuant to MCA 7-12-2108 that 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 in this resolution within the RID boundary as shown on Exhibit A.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 15th Day of August, 2023.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Tom Rolfe, Chair



ATTEST:



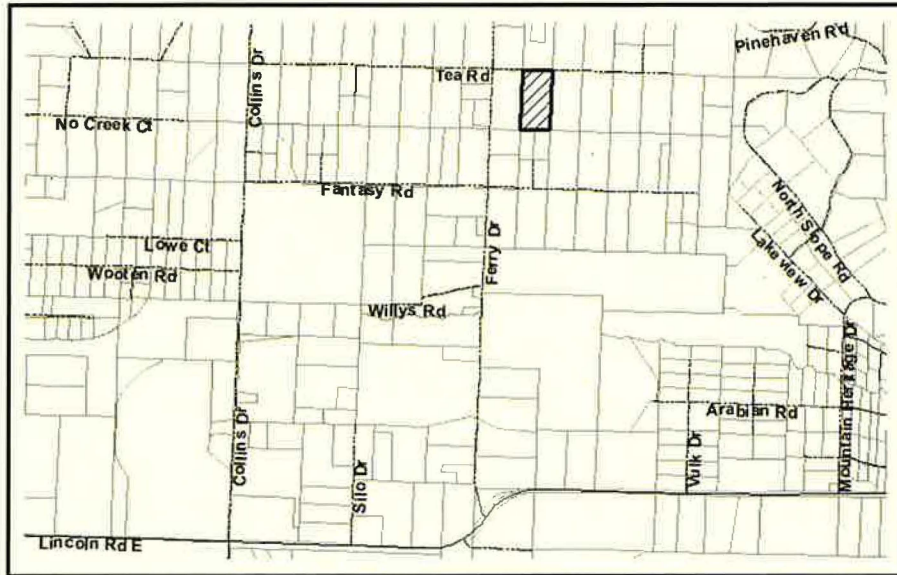
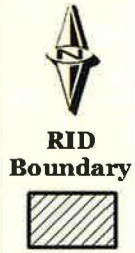
Amy Reeves, Clerk of the Board

Attachments: Exhibit - A (Boundaries)

Exhibit - B (Maintenance Costs)

EXHIBIT A

Vicinity Map Olivet RID Boundary



Lewis and Clark County
Community Development & Planning
June 7, 2021

EXHIBIT B



September 21, 2020

Greg McNally, Planner III
Community Development and Planning
Lewis and Clark County
316 N. Park Ave, Rm 230
Helena, MT 59623

**RE: Olivet Subdivision
Estimate of Maintenance Costs for RMD**

Dear Mr. McNally:

The purpose of this letter is to provide an engineer's estimate of maintenance costs for the internal infrastructure of Olivet Subdivision to assist in the creation of an RMD. This estimate also includes provisions for snow removal on Tea Road between Olivet Subdivision and the Saddle Rock Subdivision fill site.

The following is an estimate of maintenance costs associated with the Olivet Subdivision infrastructure:

Item	Estimated Cost	Frequency (years)	Cost/yr
1 Grader, Water Truck, Compactor	\$750	3	\$250
2 Imported Road Mix Gravel	\$300	6	\$50
3 Olivet Ct Snow Removal	\$250	1	\$250
4 Detention Pond Maintenance	\$300	6	\$50
5 Tea Rd Snow Removal	\$800	1	\$800
Annual Total			\$1400

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J BART ENGINEERS, LLC

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OLIVET SUBDIVISION
ESTIMATE OF MAINTENANCE COSTS FOR RMD

As such, the annual maintenance assessment for the Olivet Subdivision RMD, with four lots, is \$350 per lot.

Please feel free to contact me should you have questions or comments via email at tony@jbartengineers.com or telephone at (406) 449-1306. Thank you.

Sincerely,

J BART ENGINEERS, LLC



Tony J. Prothero, PE

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