

RESOLUTION 2024 - 71

**A RESOLUTION TO CREATE SCENIC VISTAS ROAD RURAL IMPROVEMENT DISTRICT
NO. 2024-03**

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

WHEREAS, the subdivision applicant for Scenic Vistas received preliminary approval from the Commission on July 18, 2023 with Condition of Approval No. 20 of that approval requiring the creation or joining of an RID for maintenance, preservation, and repair of the internal access roads within Scenic Vistas Subdivision that will serve this Subdivision; and

WHEREAS, the subdivision applicant has requested the creation of a rural improvement district to satisfy Condition of Approval No. 20 of Scenic Vistas Subdivision, and

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

1. The designated number of the Scenic Vistas Subdivision, RID is 2024-03.
2. The boundaries of the RID are shown on Exhibit B, which encompass the boundaries of the Scenic Vistas Subdivision.
3. The general character of maintenance includes costs associated with the operation and repair of the internal access road; snow removal, grading, stormwater pond #4, culverts as detailed in Exhibit C.
4. The County Engineer, or his designee, is to have charge of the work. The estimated costs for funding said maintenance per year of the internal access road; snow removal; stormwater detention pond #4, grading, and culverts were provided by Drew Pearson, PE, on February 29, 2024. The estimated costs for funding said maintenance will be commensurate with the improvements of the Subdivision, as shown on Exhibit C and will also include a five percent (5%) administrative fee. All maintenance funds collected for the RID will be spent solely on maintenance within the 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)."

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

1. That it does hereby create the Scenic Vistas Rural Improvement District No. 2024-03 for the



purpose of equitably funding the maintenance, preservation, and repair of the internal access roads; snow removal; stormwater detention pond #4, grading, culverts within the Scenic Vistas 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 C.

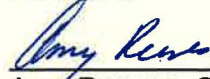
PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 16 Day of July, 2024.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair

ATTEST:



Amy Reeves, Clerk of the Board

Attachments: Exhibit – A (Petition)
Exhibit – B (Boundaries)
Exhibit – C (Maintenance Costs)

