

RESOLUTION 2024 - 98

RESOLUTION OF INTENTION TO CREATE THE OLEO ACRES RURAL IMPROVEMENT DISTRICT, NO. 2024-8

WHEREAS, the Lewis and Clark County Board of Commissioners (Board) may order and create a Rural Improvement District (RID) whenever the public interest or convenience may require, Section 7-12-2102, MCA; and

WHEREAS, it is the policy of the Board to follow public process for creating an RID when a petition has been received to create an RID; and

WHEREAS, a petition for the Oleo Acres Rural Improvement District, No. 2024-8 (the District), was submitted August 13, 2024, for the purpose of funding improvements and maintenance on Birkland Drive; and

WHEREAS, the petition was signed by 40% of owners of benefited lots within the District boundary; and

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

- (a) The designated number of the District is 2024-8.
- (b) The benefited properties to be included in the District are listed in the petition, Exhibit "A". The roads proposed for improvement and the boundary of the District are shown on Exhibit "B".
- (c) The County Engineer or a designer will have charge of the work. The general character of improvements includes the addition of approximately 1,214 cubic yards of gravel surfacing and watering, grading, and compaction or the new material along the full extent of Birkland Drive. The estimated cost for improvements total \$49,705.00 and will be paid for with a fifteen (15) year debt service, with \$171.00 assessed annually to each benefited property. Improvement costs are detailed in Exhibit "C".
- (d) The general character of maintenance includes, but is not limited to, snow plowing and sanding, grading, gravel maintenance, culvert and drainage maintenance, signage, and other maintenance as necessary to preserve the road improvements. Funding of annual maintenance is estimated to total \$4,500.00. Each benefited property is estimated to be assessed \$150.00, annually. Maintenance costs are detailed in Exhibit "D".
- (e) Loan information for the fifteen (15) year debt service as well as a summary of estimated annual costs are detailed in Exhibit "E".
- (f) Costs shall be assessed equally, as described in Section 7-12-2151(1)(d), MCA.
- (g) Pursuant to Section 7-12-2103(2)(f), MCA, if an increase in the number of benefited lots, tracts, or parcels within the boundaries of the District occurs during the term of bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners does hereby establish its intention to create the Oleo Acres Rural Improvement District, No. 2024-8, for the



purpose of equitably funding improvements and maintenance on Birkland Drive.

BE IT FURTHER RESOLVED that the Lewis and Clark County Public Works Department is authorized and responsible for coordinating proposed improvements and maintenance for roadways within the District.

BE IT FURTHER RESOLVED that written protests will be received from persons owning real property within the proposed district for thirty (30) days after the first publication of notice, and that said protests must contain the printed landowner's name and address as it appears on the last assessment roll.

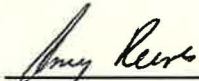
DATED this 3 day of September, 2024.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair

ATTEST:



Amy Reeves, Clerk of the Board

Attachments:

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



Exhibit "A": Property Owners

PETITION TO CREATE THE OLEO ACRES RURAL IMPROVEMENT DISTRICT

Petition Circulation Date: June 28, 2024

We, the undersigned, owners of real property within the proposed Oleo Acres Rural Improvement District (the "Proposed District"), located in Lewis and Clark County, Montana, do hereby petition the Board of County Commissioners to create the Proposed District for the purpose of improving and maintaining the full extent of Birkland Drive (including the cut-across section) as authorized by MCA §7-12-2101, et. seq., and acknowledge that the above road has been in common and undisputed use by the public for a period of not less than five years.

A property owner list requiring at least 20% of the listed owners' signatures is attached as Exhibit "A", and the boundaries of the Proposed District are shown on the attached Exhibit "B".

Improvements to be funded by the Proposed District include the addition of approximately 1,214 cubic yards of crushed top surfacing and watering, grading, and compaction of the new material. Financing of improvements is estimated to total \$49,705 and each benefited property is proposed to be levied a 15-year debt service assessment of \$171.00, annually. Maintenance activities funded by the Proposed District include snow plowing, sanding, grading, gravel maintenance, drainage maintenance, and other items as needed to preserve the road improvements. Funding of annual maintenance is estimated to total \$4,500, and each benefited property is proposed to be levied an ongoing maintenance assessment of \$150.00, annually. This annual maintenance assessment will be evaluated each year and adjusted for inflation or maintenance needs as necessary. Any change in the assessment rate will result in written legal notice and the opportunity for comment during public hearing. The combined annual improvement and maintenance assessment estimate for each benefited property is \$321. Once the improvement debt service is paid, the annual assessment will drop to the maintenance cost only. Costs for improvements and maintenance are detailed in the attached Exhibits "C" and "D", respectively. Estimated annual assessments and loan information are detailed in the attached Exhibit "E".

This petition is being circulated in accordance with the Lewis and Clark County Rural Improvement District Policies and Procedures manual which is available for inspection at the Public Works Department, 3402 Cooney Drive, Helena, Montana. Details, boundaries of the district, and benefited properties are ultimately the decision of the Board of County Commissioners. The details, boundaries, and benefited properties on this petition may be changed when resolutions establishing the district are considered, also resulting in increased or decreased estimated assessments. The final special assessment per lot may change due to a review of assessable lots by the Lewis and Clark County Property Tax Department.

It is anticipated the Proposed District will be administered by the County and the County will serve to coordinate the necessary work, collect the assessments, and disburse payments for the district. It is anticipated a private contractor would perform the improvements and maintenance. Lewis and Clark County, by action of the Board in creating the Proposed District, does not assume financial responsibility for the maintenance or improvement financed by the Proposed District.

Exhibit "A": Property Owners

If the County Commission adopts a resolution of intention to create the district upon receipt of this petition, affected property owners will receive mailed notification prior to a public hearing on a resolution to create the district, with sufficient time to provide comments in support or in protest.

No.	Geocode	Annual Improvement Estimate (15 years)	Annual RID Maintenance Estimate	Address, City, State, Zip	Printed Name	Signature	Date of Signing
1	05-1888-14-2-02-45-0000	\$171.00	\$150.00	3505 Birkland Dr. Helena, MT 59602	Rochelle Brower	Rochelle Brower	7/27/24 ✓
2	05-1888-14-2-03-01-0000	\$171.00	\$150.00	3463 Birkland Dr. Helena, MT. 59602	SANDRA M. Jacke	Sandra M. Jacke	7/27/24 ✓
3	05-1888-14-2-02-15-0000	\$171.00	\$150.00	3460 BIRKLAND HELENA, MT. 59601	DENNIS WHEELER	Dennis Wheeler	7/27/24 ✓
4	05-1888-14-2-03-11-0000	\$171.00	\$150.00	3475 Birkland Dr. Helena, MT 59602	Sandra D. Carlson	Sandra D. Carlson	7/27/24 ✓
5	05-1888-14-2-03-19-0000	\$171.00	\$150.00	3485 Birkland Helena, MT 59602	Sean Fennema	Sean Fennema	7/27/24 ✓
6	05-1888-10-4-02-07-0000	\$171.00	\$150.00	3526 Birkland Helena MT 59602	DENNIS MAYERNIK	Dennis Mayernik	7-27-24 ✓
7	05-1888-10-4-02-05-0000	\$171.00	\$150.00	3515 Birkland Helena, MT 59602	Erin Weisgerber	Erin Weisgerber	7-27-24 ✓
8	05-1888-14-2-02-20-0000	\$171.00	\$150.00	3470 BIRKLAND HELENA, MT.	JOEL MARSHIK	Joel Marshik	7/28/24 ✓
9	05-1888-14-2-02-36-0000	\$171.00	\$150.00	3401 Birkland Dr Helena, MT	Heather Countryman	Heather Countryman	7/28/24 ✓
10	05-1888-14-2-03-09-0000	\$171.00	\$150.00	3471 Birkland Helena	David Koch	David Koch	8-3-24 ✓
11	05-1888-14-2-03-15-0000	\$171.00	\$150.00	3401 Birkland Helena	Todd Schmitt	Todd Schmitt	8-3-24 ✓

Exhibit "A": Property Owners

No.	Geocode	Annual Improvement Estimate (15 years)	Annual RID Maintenance Estimate	Address, City, State, Zip	Printed Name	Signature	Date of Signing
12	05-1888-14- 2-02-10-0000	\$171.00	\$150.00	3420 Birkland Dr. Helena, MT 59602	Daniel Richardson	<i>Daniel Richardson</i>	8/3/2024
13		\$171.00	\$150.00				
14		\$171.00	\$150.00				
15		\$171.00	\$150.00				
16		\$171.00	\$150.00				
17		\$171.00	\$150.00				
18		\$171.00	\$150.00				
19		\$171.00	\$150.00				
20		\$171.00	\$150.00				
21		\$171.00	\$150.00				
22		\$171.00	\$150.00				



-  Proposed Oleo Acres Boundary
-  Road to be Improved and Maintained
-  Proposed Oleo Acres Benefiting Properties

Proposed Oleo Acres Rural Improvement District Exhibit "B"

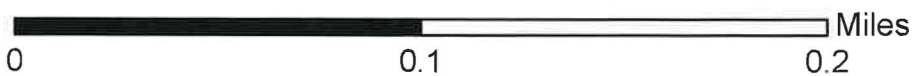


Exhibit "C"

**LEWIS AND CLARK COUNTY
PUBLIC WORKS DEPARTMENT ESTIMATE**

PROJECT: Oleo Acres
PROJECT DESCRIPTION: Gravel Improvement
PREPARED BY: Calob Marquis
DATE: 4/2/2024

Road Name	Description of Limits	Width (ft)	Length (ft)	Area (sq ft)	Area (sq yd)	Crushed Top Surfacing 3-4" (cu yd)	Locate Utilities	Pit Run (cu yd)	Drainage (ft)	Culvert Installation (ft)
Birkland Dr	Old Tizer Rd through cut across and York Rd	22	2,494	54,868	6,096		813	0	0	0
Birkland Dr	South Loop	22	1,640	36,080	4,009		401			
TOTALS			4,134	90,948	10,105		1,214	0	0	0

Item	Total	Unit	Cost/Unit	Total Cost
Crushed Top Surfacing	1,214	cu yd	\$ 34.00	\$ 41,276.00
CONSTRUCTION TOTAL				\$ 41,276.00
Contingency			10%	\$ 4,127.60
Subtotal				\$ 45,403.60
Traffic Analysis				\$ -
Mobilization, Bonding & Insurance			4%	\$ 1,816.14
Traffic Control			0%	\$ -
Subtotal				\$ 47,219.74
Design & Construction Engineering			18%	\$ -
PROJECT TOTAL				\$47,219.74

**LEWIS AND CLARK COUNTY
PUBLIC WORKS DEPARTMENT**

MAINTENANCE AND ASSESSMENT SCHEDULE

RID NAME: Oleo Acres

RID FUND #:	417	AVERAGE ASSESSMENT PER PROPERTY :	\$	90.00
PREPARED BY:	Calob Marquis	CURRENT TOTAL ANNUAL ASSESSMENT:	\$	2,700.00
DATE:	4/2/2024	PROPOSED ASSESSMENT:	\$	150.00
BENEFITING PROPERTIES:	30	PROPOSED TOTAL ANNUAL ASSESSMENT:	\$	4,500.00
YEAR CREATED:	1995			

RID DESCRIPTION:

Road	Description of Limits	Surface	Length (ft)	Width (ft)	Area (sq ft)	Area (sq yd)
Birkland Dr	Old Tizer Rd to York Rd	Gravel	3699	22	81378	9042
Birkland Dr	East/West Cut Across Rd	Gravel	435	22	9570	1063
TOTALS			4134	22	90948	10105

YEARLY MAINTENANCE:

Item	Description	Frequency/Year	Quantity	Units	Unit Price	Total Cost
1	Plowing/Sanding	2	10105	sq yd	\$ 0.03	\$ 606.32
2	Grading	0.5	4134	ft	\$ 1.10	\$ 2,273.70
3	MAG	0	4134	ft	\$ 0.90	\$ -
4	Gravel Maintenance	1	12	ton	\$ 38.00	\$ 456.00
5	Misc. (Signs, culverts, etc.)	0.5	10105	sq yd	\$ 0.05	\$ 252.63
						\$ 3,588.65

COMMENTS:

Inflation on construction costs based on: 2.50% per year
 Cash on Hand at End of FY: \$ -
 Last Assessment: 2017

FISCAL YEAR	ASSESSMENT	TOTAL ANNUAL ASSESSMENT	BALANCE & CASH ON HAND	CONSTRUCTION COST	MAINTENANCE (W/ INFLATION)	ADMIN	FUTURE MAINTENANCE
2024			\$ -			\$ -	
2025	\$ 150.00	\$ 4,500.00	\$ 686.35		\$ 3,588.65	\$ 225.00	
2026	\$ 150.00	\$ 4,500.00	\$ 1,282.98		\$ 3,678.37	\$ 225.00	
2027	\$ 150.00	\$ 4,500.00	\$ 1,787.65		\$ 3,770.33	\$ 225.00	
2028	\$ 150.00	\$ 4,500.00	\$ 2,198.06		\$ 3,864.59	\$ 225.00	
2029	\$ 150.00	\$ 4,500.00	\$ 2,511.86		\$ 3,961.20	\$ 225.00	
2030	\$ 150.00	\$ 4,500.00	\$ 2,726.63		\$ 4,060.23	\$ 225.00	
2031	\$ 150.00	\$ 4,500.00	\$ 2,839.89		\$ 4,161.74	\$ 225.00	
2032	\$ 150.00	\$ 4,500.00	\$ 2,849.11		\$ 4,265.78	\$ 225.00	
2033	\$ 150.00	\$ 4,500.00	\$ 2,751.68		\$ 4,372.43	\$ 225.00	
2034	\$ 150.00	\$ 4,500.00	\$ 2,544.95		\$ 4,481.74	\$ 225.00	
2035	\$ 150.00	\$ 4,500.00	\$ 2,226.17		\$ 4,593.78	\$ 225.00	
2036	\$ 150.00	\$ 4,500.00	\$ 1,792.54		\$ 4,708.62	\$ 225.00	
2037	\$ 150.00	\$ 4,500.00	\$ 1,241.20		\$ 4,826.34	\$ 225.00	
2038	\$ 150.00	\$ 4,500.00	\$ 569.20		\$ 4,947.00	\$ 225.00	
2039	\$ 150.00	\$ 4,500.00	\$ (226.47)		\$ 5,070.67	\$ 225.00	
2040	\$ 150.00	\$ 4,500.00	\$ (1,148.91)		\$ 5,197.44	\$ 225.00	
2041	\$ 150.00	\$ 4,500.00	\$ (2,201.28)		\$ 5,327.38	\$ 225.00	
2042	\$ 150.00	\$ 4,500.00	\$ (3,386.84)		\$ 5,460.56	\$ 225.00	
2043	\$ 150.00	\$ 4,500.00	\$ (4,708.92)		\$ 5,597.07	\$ 225.00	
2044	\$ 150.00	\$ 4,500.00	\$ (6,170.92)		\$ 5,737.00	\$ 225.00	

Exhibit "E" Estimated Improvement and Maintenance Assessments for Oleo Acres RID

Construction		\$ 41,276.00
Contingency	10%	\$ 4,127.60
		\$ 45,403.60
Mobilization, Insurance & Bonding	4%	\$ 1,816.14
Traffic Control	0%	\$ -
		\$ 47,219.74
Design & Construction Engineering	0%	\$ -
Total Estimated Construction Cost		\$ 47,219.74
RID Reserve (5%) MCA 7-12-2181 & 7-12-2182		\$ 2,485.25
Total Estimated Loan Amount		\$ 49,704.99

Value of Loan	\$49,704.99		
Period (years)	15	Total Int	\$27,061.46
Payments per Period	1	Total Princ	\$49,704.99
Interest Rate (7-12-2176)	6.00%	Total	\$76,766.45
Number of Assessments	30		

ANNUAL ESTIMATED IMPROVEMENT ASSESSMENT **\$170.59**

Payment Number	Interest Payment	Principal Payment	Total Payment	Amount Remaining
				49,704.99
1	2,982.30	2,135.46	5,117.76	47,569.53
2	2,854.17	2,263.59	5,117.76	45,305.94
3	2,718.36	2,399.41	5,117.76	42,906.53
4	2,574.39	2,543.37	5,117.76	40,363.16
5	2,421.79	2,695.97	5,117.76	37,667.19
6	2,260.03	2,857.73	5,117.76	34,809.45
7	2,088.57	3,029.20	5,117.76	31,780.26
8	1,906.82	3,210.95	5,117.76	28,569.31
9	1,714.16	3,403.61	5,117.76	25,165.70
10	1,509.94	3,607.82	5,117.76	21,557.88
11	1,293.47	3,824.29	5,117.76	17,733.59
12	1,064.02	4,053.75	5,117.76	13,679.84
13	820.79	4,296.97	5,117.76	9,382.87
14	562.97	4,554.79	5,117.76	4,828.08
15	289.68	4,828.08	5,117.76	0.00
Total	\$27,061.46	\$49,704.99	\$76,766.45	

ANNUAL MAINTENANCE	FREQUENCY	TOTAL COST
Plowing/Sanding	2	\$606.32
Grading	0.5	\$2,273.70
Gravel Maintenance	1	\$456.00
Culvert Maintenance, Misc.	0.5	\$252.63
Annual Inflation Adjustment	1	\$686.35
Sub Total		\$4,275.00
5% Admin. Fee (not to exceed \$500)		\$225.00
Total Annual Maintenance Fee		\$4,500.00
ANNUAL ESTIMATED MAINTENANCE ASSESSMENT		\$150.00
ANNUAL ESTIMATED IMPROVEMENT ASSESSMENT		\$170.59
TOTAL ANNUAL ESTIMATED ASSESSMENT		\$320.59