

RESOLUTION 2012- 109

**A RESOLUTION OF INTENT TO AMEND  
RURAL IMPROVEMENT DISTRICT 2011-1 FOR FANTASY ROAD (EAST OF FERRY DRIVE)**

WHEREAS, the Lewis and Clark County Board of County Commissioners has established the creation of Rural Improvement District 2011-1 for the purpose of funding improvements through Resolution 2011-114 and levied an assessment through Resolution 2011-115; and

WHEREAS, the maintenance of the improvements will require additional authority and funding; and

WHEREAS, the Board of County Commissioners previously received a petition containing signatures representing owners of property in the proposed district to be assessed for 71% of the as determined by the method of assessment described in M.C.A §7-12-2151(1)(d) Each lot, tract, or parcel of land in the district may be assessed and equal amount based upon the total cost of the improvement.

WHEREAS, the maintenance, preservation and repair has been estimated at \$5,571.94 per year.

WHEREAS, the Board of County Commissioners has the authority to adopt a resolution levying and assessing all the property within the District with an amount equal to the whole cost of maintaining, preserving or repairing the improvements, pursuant to MCA §7-12-2161; and

WHEREAS, alternative methods of assessment were explored for the establishment of the maintenance for this district and method MCA §7-12-2151(1)(a) better reflects the benefits received for the purpose of maintenance funding.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby establish its intention to amend the Fantasy Road Rural Improvement District No. 2011-1 for the purpose of equitably funding road maintenance, preservation and repair within said district.

BE IT FURTHER RESOLVED that the district boundaries shall remain the same as the boundaries established for funding of the improvements, shown on Exhibit "A".

BE IT FURTHER RESOLVED that the method of assessment to be used is MCA §7-12-2151(1)(a) Each lot, tract, or parcel of land assessed in the district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited lots, tracts, or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection (1)(a), "assessable area" means an area of a lot, tract, or parcel of land representing the benefit conferred upon the lot, tract, or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot, tract, or parcel.

The total assessment for a parcel is the portion of the total cost represented by the assessable area of the parcel divided by the total assessable area in the district.

The assessable area of the land is the area of the lot but not to exceed 10 square feet.  
The assessable area of habitable improvements on a parcel is the sum of the footprint areas of each habitable improvement not to exceed 10 square feet each.

Example:

Assume 30lots with 20improved. Total assessable area is  $(30 \times 10) + (20 \times 10) = 500$

Total cost = \$10,000

Lot with one improvement;  $[(10+10)/500] \$10,000 = \$400$

Lot with no improvements;  $(10/500) \$10,000 = \$200$

Lot with 2 improvements;  $[(10+ \{2 \times 10\})/500] = \$600$

3225289 B: M45 P: 5177 COUNTY  
07/31/2012 03:56 PM Pages: 1 of 3 Fees: 0.00  
Paullette DeHart Clerk & Recorder, Lewis & Clark MT

BE IT FURTHER RESOLVED that any owner of property within the proposed district may make protest against the amendment of the district, pursuant to MCA §7-12-2109.

BE IT FURTHER RESOLVED that Exhibit 'B' shows the amount to be levied and assessed by each parcel within the district based upon the review of the parcels with regard to the method of assessment.

DATED this 31 day of July, 2012.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY



Andy Hunthausen, Chair



# Resolution Exhibit A

Property Identification Number	Owner Name	Legal Description of Property	10sqft asesment for each:		Estimated Annual Maintenance Assessment (Perpetual)
			a. Lot, Tract or Parcel of land	b. Habitable Improvement	
199511203100000	KINTZING DONALD & MAGDA	S11, T11 N, R03 W, VALLEY VIEW HEIGHTS LOT 47 MINOR LT 47A COS# 3114094	20		\$242.26
199511203050000	BOEDECKER BRANDON & KATHRINE C.	S11, T11 N, R03 W, VALLEY VIEW HEIGHTS LOT 47 MINOR LT 47B COS# 3114094	20		\$242.26
199511203010000	JAMES JOHN H & DARIANNA	S11, T11 N, R03 W, VALLEY VIEW HEIGHTS LOT 47 MINOR LT 47C COS# 3114094	10		\$121.13
199511203150000	HOPKINS LEE & MELANIE	S11, T11 N, R03 W, VALLEY VIEW HEIGHTS LOT 47 MINOR LT 47D COS# 3114094	20		\$242.26
199511101120000	OLDS JOANNE	S11, T11 N, R03 W, LOT 53A COS #615304	20		\$242.26
199511101110000	LAVINDER VANCE	S11, T11 N, R03 W, LOT 54A COS #615304	20		\$242.26
199511401150000	PALERMINI VIOLET MALINDA	S11, T11 N, R03 W, LOT 55A COS #3093068	20		\$242.26
199511101170000	ROLAN TERRY D & CHARMA M	S11, T11 N, R03 W, LOT 48 COS #373705	20		\$242.26
199511101190000	GRAHAM CHARLOTTE & CHRISTOPHER	S11, T11 N, R03 W, LOT 46 COS #373705	20		\$242.26
199511101200000	CONRAD RUSSELL W TRUSTEE	S11, T11 N, R03 W, LOT 45 COS #373705	30		\$363.39
199511101210000	HOVLEY WILLIAM DOUG	S11, T11 N, R03 W, LOT 44 COS #373705	30		\$363.39
199511101220000	POPPE LOWELL & TAMMY	S11, T11 N, R03 W, LOT 43A, COS #546352/F	20		\$242.26
199511101230000	TOPLIKAR WILLIAM A TRUSTEE	S11, T11 N, R03 W, LOT 42 COS #373705	10		\$121.13
199511101240000	TOPLIKAR WILLIAM A JR TRUSTEE	S11, T11 N, R03 W, LT 41A PER COS #508286/B	20		\$242.26
19951110125A22	DALTON IAN & TERESA E	S11, T11 N, R03 W, LOT 43B, COS #546352/F	20		\$242.26
199511101140000	BARNES SUSAN R	S11, T11 N, R03 W, LOT 51 COS #373705	30		\$363.39
199511101260000	UTICK ANDREW J	S11, T11 N, R03 W, LOT 39 COS #373705	10		\$121.13
199511102010000	MARSHALL JENNIFER UTICK & ROBERT J	S11, T11 N, R03 W, LOT 40B COS #3022794	20		\$242.26
199511101130000	TYLER JAY & AMANDA	S11, T11 N, R03 W, LOT 52 COS #373705	20		\$242.26
199511101250000	UTICK STEVEN R	S11, T11 N, R03 W, LOT 40A COS #3022794	20		\$242.26
199511401050000	HEUVEL BRYAN D & LINDA L	S11, T11 N, R03 W, LOT 55B-3 COS #3117932	10		\$121.13
199511401010000	HEUVEL BRYAN D	S11, T11 N, R03 W, LOT 55B-2 COS #3117932	10		\$121.13
199511401100000	HEUVEL BRYAN D & LINDA L	S11, T11 N, R03 W, LOT 55B-1 COS #3117932	20		\$242.26
199511101150000	HULTIN MELANIE A & JAMES I	S11, T11 N, R03 W, TR E2NWSW C/S 373705 LT 50	20		\$242.26
<b>Total Square Feet Assessed</b>			<b>460</b>		<b>\$5,571.94</b>