

**RESOLUTION 2017-31**

**RESOLUTION TO CREATE THE 46 DEGREES NORTH FIRE SYSTEM  
RURAL IMPROVEMENT DISTRICT NO. 2017-2**

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 owner of property to be included within the District; and

WHEREAS, the subdivision applicant for the proposed 46 Degrees North Subdivision was granted preliminary approval on March 26, 2015; and

WHEREAS, the subdivision applicant has requested the creation of a Rural Improvement District to satisfy Condition of Approval No. 19 for Phase I of the 46 Degrees North 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 2017-2.
- (b) The boundaries of the District are shown on Exhibit "B", which encompass the boundaries of the 46 Degrees North Subdivision.
  - i. The general character of maintenance for fire protection improvements includes, but is not limited to, the components of the fire protection system, as detailed on Exhibit "C."
  - ii. Maintenance of fire protection improvements for the preliminarily approved Phase II of the 46 Degrees North Subdivision are within the scope of service for the 46 Degrees North RID No. 2017-2.
- (c) DOWL is the engineer to have charge of the work. The estimated cost for funding said maintenance in Phase I is \$1,260.00 per year, as shown on Exhibit "C" or \$25.20 per parcel per year. The estimated costs for funding said maintenance in Phase II shall be required of Heller Development, LLC, to be reviewed before final plat of this Phase, as required under the 46 Degrees North Subdivision Phase II Condition of Approval No. 11. All maintenance funds collected for the District will be spent solely on fire protection system maintenance within the proposed District.
- (d) 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]."



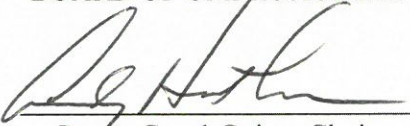
(e) Pursuant to MCA 7-12-2103(2)(f), "if an increase occurs in the number of benefitted lots, tracts, or parcels within the boundaries of the proposed district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in MCA 7-21-2151(4)."

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of Commissioners, that it does hereby create the 46 Degrees North Fire System Rural Improvement District No. 2017-2 for the purpose of equitably funding fire protection improvements.


BE IT FURTHER RESOLVED 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".

DATED this 13 day of April, 2017.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair

ATTEST:

  
Paulette DeHart, Clerk of the Board

Attachments: Exhibit "A", Exhibit "B", and Exhibit "C"

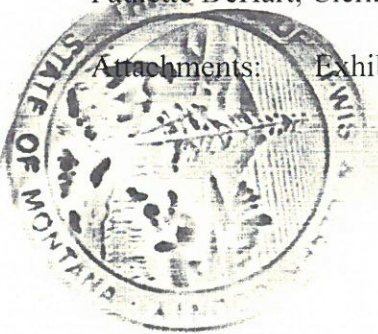




Exhibit "A": RID Request Letter/Petition

January 20, 2017

Lewis and Clark County Board of County Commissioners  
316 N. Park Avenue, Room 345  
Helena, MT 59623

Re: 46° North Subdivision, Phase I, Final Plat Requirements  
Petition to form a Rural Improvement District (RID)

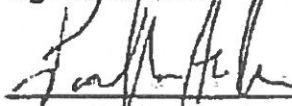
Dear Commissioners:

According to the Lewis and Clark County GIS maps, 46° North Subdivision currently lies outside any existing RID or SID boundary. Preliminary Plat Condition of Approval # 19 (Phase I) states:

*"In cooperation with the County, the Applicant shall either create a Rural Improvement District(s) and/or Special District(s) and/or amend the Treasure State Acres Rural Improvement District to address the maintenance, preservation, and repair of the following: internal access roads within Phase I, including the extension of Pondera Drive, in the 46 Degrees North Subdivision; the fire protection improvements for the 46 Degrees North Subdivision; the parkland property and trail easements within Phase I of the 46 Degrees North Subdivision; trails within Phase I of the 46 Degrees North Subdivision; stormwater improvements in Phase I of the 46 Degrees North Subdivision; the stormwater detention pond for the 46 Degrees North Subdivision; and all common areas/improvements within Phase I of the 46 Degrees North Subdivision. (Sections 7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C. and X"*

Therefore for purposes of maintenance of the internal access roads, the fire protection system, the internal stormwater improvements including the pond, and all common areas/improvements within 46° North Subdivision listed in the conditions above, we hereby petition Lewis and Clark County to create a Rural Improvement District in accordance with MCA Title 7, Chapter 12, Part 21.

County policy requires signatures of 60% of the owners to form and RID or SID. We are the sole owners of 46° North, therefore satisfying this requirement with our signatures hereto.

  
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Parker Heller  
Owner, Heller Development, LLC

  
\_\_\_\_\_  
Julie Heller  
Owner, Heller Development, LLC

Cc: Ryan Casne, P.E., Casne and Associates, Inc.  
Matt Heimel, L&C County Special Districts Coordinator  
Lindsay Morgan, L&C County Planner





