



**Lewis and Clark County
Community Development and Planning**

*316 N. Park Ave. Room 230
Helena, MT 59623
Phone: 406-447-8374
Fax: 406-447-8398
E-mail: planning@lccountymt.gov*



Date: June 23, 2017
To: County Commission
From: Lindsay A. Morgan, Planner II
Subject: Resolution of intention to create the Applegate Meadows Rural Improvement District

A proposal to create the Applegate Meadows Rural Improvement District (RID) has been prepared by County staff for the Commission's consideration. The purpose of creating the District is to fund internal roadway maintenance for the Amended Plat of Lot A – Guettler Subdivision No. 2 (a.k.a. Applegate Meadows Subdivision).

The Commission may adopt a resolution of intention to create a district without a petition. All owners of property within the proposed District have waived the right to protest the creation of an RID through their restrictive covenants. A protest period will still be held pursuant to the statutory requirement.

Creation of the Applegate Meadows RID is proposed to correct a situation where the creation of the RID to fund internal roadway maintenance was not completed in 2008 when the Subdivision received its final approval. The estimated costs stated in the resolution of intention have been structured to compensate for this situation.

It is anticipated that a resolution to levy and assess the District will be brought before the Commission prior to August 31, 2017.

After the discussion has been closed, the Commission may render a decision on the resolution of intention to create the District:

1. The Commission may approve or reject the resolution. If approved, a public hearing on a resolution to create the District will be scheduled.
2. The Commission may require details of the resolution to be amended prior to further consideration.

RESOLUTION 2017-70

**RESOLUTION OF INTENTION TO CREATE THE APPLGATE MEADOWS
RURAL IMPROVEMENT DISTRICT NO. 2017-10**

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

WHEREAS, the Amended Plat of Lot A - Guettler Subdivision No. 2 (a.k.a. Applegate Meadows Subdivision) received preliminary approval from the Commission on August 2, 2005 with Condition No. 18 of that approval requiring the creation of a rural improvement district for maintenance of the internal roadways; and

WHEREAS, the Amended Plat of Lot A - Guettler Subdivision No. 2 received final approval from the Commission on May 13, 2008; and

WHEREAS, a rural improvement district was not created for maintenance of the internal road network following that final approval; and

WHEREAS, the County Public Works Department has determined that the internal road network for the Amended Plat of Lot A – Guettler Subdivision No. 2 does need ongoing maintenance; and

WHEREAS, the Commission has determined that it is in the best interest of the Amended Plat of Lot A – Guettler Subdivision No. 2 that an RID be created for the purpose of equitably funding maintenance of the internal road network; and

WHEREAS, all owners of property within the proposed District to be assessed for the cost of maintenance have waived their right to protest the creation of a rural improvement district for the purpose of improving and/or maintaining the roads that access the Subdivision, including related right-of-way, drainage structures, and traffic control signs under Book M38, Page 3349 of the covenants for the Amended Plat of Lot A – Guettler Subdivision No. 2 located in the Lewis and Clark County Clerk and Recorder’s Office; and

WHEREAS, all roadways within the proposed District boundaries are established and dedicated as public access and utility easements, as recorded in the Certificate of Survey No. 3153589 (Corrected Copy) for the Amended Plat of Lot A – Guettler Subdivision No. 2; and

WHEREAS, the designated items set forth in 7-12-2103(2), M.C.A. are as follows:

- (a) The proposed District is designated as the Applegate Meadows Rural Improvement District 2017-10;
- (b) The proposed District boundaries are attached as Exhibit “A;”
- (c) The general character of the authorized improvements and maintenance activities for roadways within the proposed District include, but are not limited to:

1. snow plowing,
 2. crack sealing,
 3. culvert cleaning,
 4. street sweeping,
 5. savings toward a future chip-seal, and
 6. miscellaneous work as needed to adequately maintain the roadways; and
- (d) The County Engineer, and/or his or her designee, is the engineer to have charge of the work. The estimated cost to fully fund said annual maintenance is \$14,329.83 or \$210.73 per benefitted property per year, as shown on Exhibit "B". Funds collected for the District will be spent solely on the specified maintenance within the proposed District; and
- (e) The costs shall be assessed equally, as described in 7-12-2151(d), MCA: "each lot, tract, or parcel of land in the district [will] be assessed an equal amount based upon the total cost of the [maintenance];" and

WHEREAS, pursuant to 7-12-2103(2), MCA, "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 7-12-2151(4)," MCA.

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby establish an intention to create the Applegate Meadows Rural Improvement District No. 2017-10 for the purpose of equitably funding maintenance for roadways within the proposed District boundaries.

BE IT FURTHER RESOLVED that the Commission 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 benefitted by said work and to be assessed to pay the cost and expense thereof.

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 _____ day of _____, 2017.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Susan Good Geise, Chair

ATTEST:

Paulette J. DeHart, Clerk of Board

Attachments:

Exhibit "A"
Exhibit "B"

**Exhibit "A": Applegate Meadows Rural Improvement District
Boundary and Maintained Roadways**

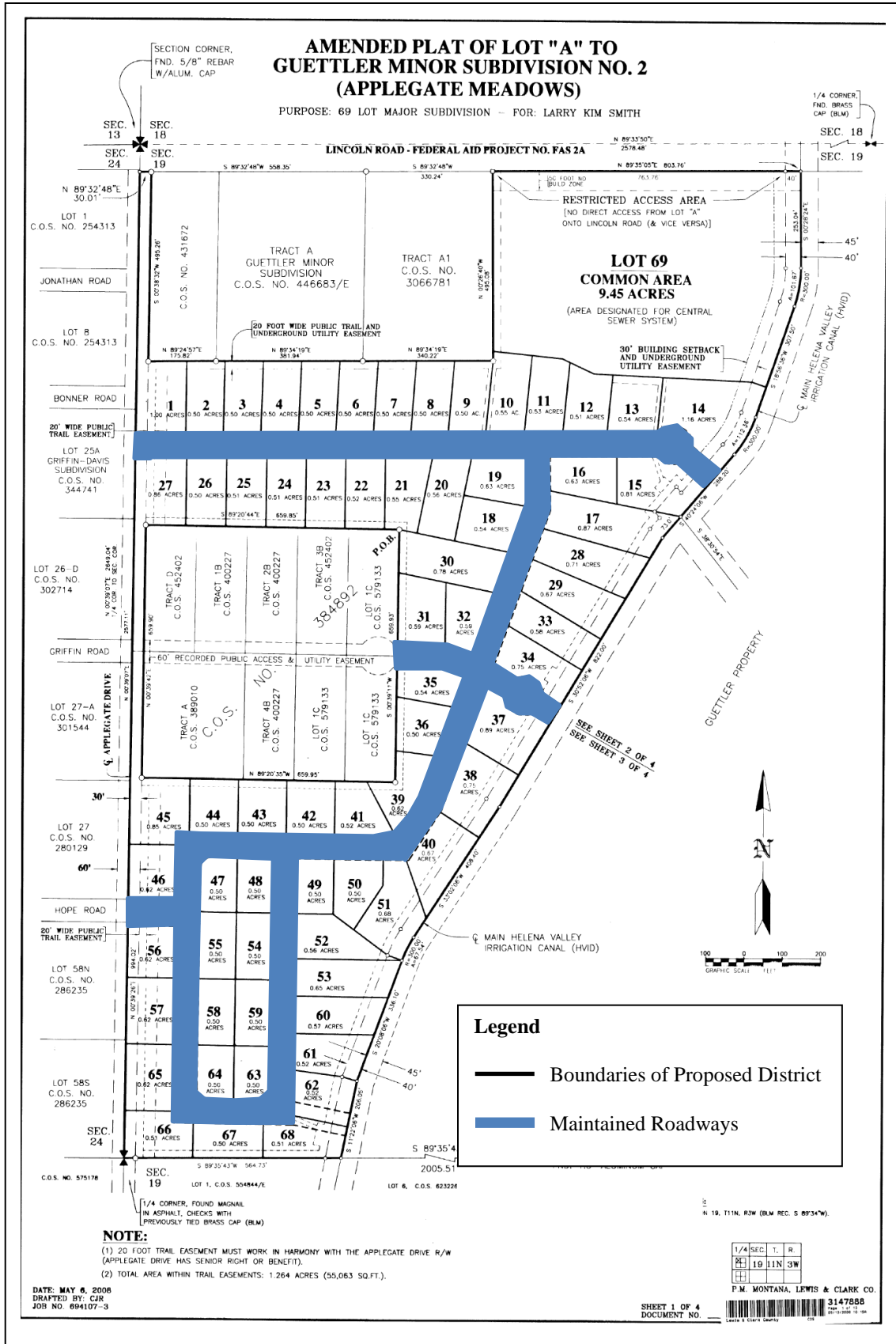


Exhibit "B

Applegate Guettler Road Maintenance PUBLIC WORKS ESTIMATE Jesse Whitford											
											Date: May 8, 2017
Paver Rating		Limits	Width Feet	Length Feet	SY		Snow Plowing SY	Crack Sealing	Culverts	Street Sweeping	Miscellaneous - Signs, Weed Spraying, Drainage, Gravel
	Guettler Road	Applegate to Cul-de-sac (P)	24	1,345	3,587		3587			3,587	3,587
	Guettler Road	Cul-de-sac (P)	100	100	872		872			872	872
	Cider Drive	Guettler Road to Hope Road (P)	24	1,806	4,816		4816			4,816	4,816
	Hope Road	Applegate to Layla Loop (P)	24	132	352		352			352	352
	Layla Loop	Cider Dr to Cider Dr (P)	24	1,417	3,779		3779			3,779	3,779
	Griffin Road	W of Cider Dr. 183'	24	220	587		587			587	587
	Griffin Road	East of Cider Drive (G)	24	163	435		435			435	435
											0
											0
											0
											0
	TOTALS			5,851	14,428		14,428	760	0	13,993	14,428

(G) Gravel Paved in 2008 (P) Paved Chip Sealed in 2009	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> </tr> <tr> <th colspan="11"></th> <th style="text-align: center;">Times per Year</th> </tr> </thead> <tbody> <tr> <td></td> <td>Future Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Snow Plowing</td> <td>14,428</td> <td>SY</td> <td>⊗</td> <td>3</td> <td>0.03</td> <td>1,298.52</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Crack Sealing</td> <td>760</td> <td>LF</td> <td>⊗</td> <td>1</td> <td>1.75</td> <td>1,330.00</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Culvert Cleaning</td> <td>1</td> <td>LF</td> <td>⊗</td> <td>1</td> <td>300.00</td> <td>300.00</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Street Sweeping</td> <td>13,993</td> <td>SY</td> <td>⊗</td> <td>1</td> <td>0.04</td> <td>559.72</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Future Chip Seal</td> <td>13,993</td> <td>SY</td> <td>⊗</td> <td>0.10</td> <td>2.75</td> <td>9,620.19</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Miscellaneous</td> <td>14,428</td> <td>LS</td> <td>⊗</td> <td></td> <td>0.05</td> <td>721.40</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>-</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>-</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="11" style="border-top: 1px solid black;">CONSTRUCTION TOTAL</td> <td style="text-align: right;">13,829.83</td> </tr> <tr> <td colspan="11">5% Administration Fee</td> <td style="text-align: right;">5% 500.00</td> </tr> <tr> <td colspan="11" style="border-top: 1px solid black;">Project Total</td> <td style="text-align: right;">14,329.83</td> </tr> </tbody> </table>																									Times per Year		Future Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.														Snow Plowing	14,428	SY	⊗	3	0.03	1,298.52							Crack Sealing	760	LF	⊗	1	1.75	1,330.00							Culvert Cleaning	1	LF	⊗	1	300.00	300.00							Street Sweeping	13,993	SY	⊗	1	0.04	559.72							Future Chip Seal	13,993	SY	⊗	0.10	2.75	9,620.19							Miscellaneous	14,428	LS	⊗		0.05	721.40													-													-					CONSTRUCTION TOTAL											13,829.83	5% Administration Fee											5% 500.00	Project Total											14,329.83
											Times per Year																																																																																																																																																																								
	Future Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.																																																																																																																																																																																		
		Snow Plowing	14,428	SY	⊗	3	0.03	1,298.52																																																																																																																																																																											
		Crack Sealing	760	LF	⊗	1	1.75	1,330.00																																																																																																																																																																											
		Culvert Cleaning	1	LF	⊗	1	300.00	300.00																																																																																																																																																																											
		Street Sweeping	13,993	SY	⊗	1	0.04	559.72																																																																																																																																																																											
		Future Chip Seal	13,993	SY	⊗	0.10	2.75	9,620.19																																																																																																																																																																											
		Miscellaneous	14,428	LS	⊗		0.05	721.40																																																																																																																																																																											
								-																																																																																																																																																																											
								-																																																																																																																																																																											
CONSTRUCTION TOTAL											13,829.83																																																																																																																																																																								
5% Administration Fee											5% 500.00																																																																																																																																																																								
Project Total											14,329.83																																																																																																																																																																								

Number of Benefitted Properties: 68 Annual Maintenance Assessment Per Benefitted Property: \$210.73
--