



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

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Date: July 27, 2017
To: County Commission
From: Lindsay A. Morgan, Planner II
Subject: Resolution 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).

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 have been structured to compensate for this situation.

On Thursday, June 29, 2017, the Commission considered and adopted a resolution of intention to create this District. Following the adoption of this resolution, a 30-protest period ensued. As of today, no protests regarding the creation of this RID have been received.

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 regarding the resolution to create the District:

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

RESOLUTION 2017-86

**RESOLUTION TO CREATE THE
APPLEGATE MEADOWS RURAL IMPROVEMENT DISTRICT NO. 2017-10**

WHEREAS, the Lewis and Clark County Board of Commissioners (Commission) is authorized 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.

WHEREAS, a resolution of intention to create the Applegate Meadows Rural Improvement District was adopted by the Commission on June 29, 2017, as Resolution No. 2017-70; and

WHEREAS, legal notice of the passage of Resolution 2017-70 was mailed to property owners and persons with interest in property within the proposed district, and published in the local newspaper in accordance with 7-12-2105 MCA and 7-1-2121 MCA; and

WHEREAS, on August 3, 2017, the Commission held a public hearing and proceeded to hear all protests, comments, and other matters relating to the district, and determined that the boundaries of the district and method of assessment were equitable; and

WHEREAS, no letters of protest have been received by the County, and it was determined that there was not sufficient protest to bar proceedings as per 7-12-2112 MCA; and

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby create the Applegate Meadows Rural Improvement District No. 2017-10 for the purpose of equitably funding road maintenance.

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"

