

## 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

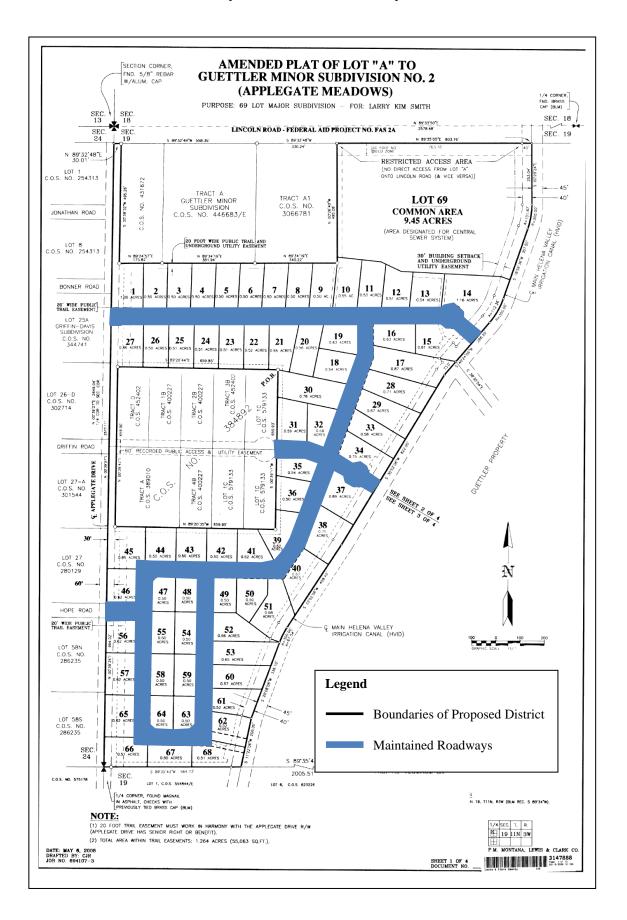
WHEREAS, on August 3, 2017, the Commission held a public hearing and proceeded to hear all protests, comments, and other matters relating to the district, and determined that the boundaries of the district and method of assessment were equitable; and

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
ATTEST:	Susan Good Geise, Chair
Paulette J. DeHart, Clerk of Board	
Attachments:  Exhibit "A"  Exhibit "B"	

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



## Exhibit "B

er Road er Road r Drive e Road a Loop n Road	Limits  Applegate to Cul-de-sac (P)  Cul-de-sac (P)  Guettler Road to Hope Road (P)  Applegate to Layla Loop (P)  Cider Dr to Cider Dr (P)	Width Feet 24 100 24	Length Feet 1,345	SY	Snow Plawing SY	Crack Sealing	Culverts	Street Sweeping	Misc		ous - Sign Drainage	s, Weed Sp	raying,
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er Road r Drive e Road a Loop n Road	Cul-de-sac (P) Guettler Road to Hope Road (P) Applegate to Layla Loop (P)	100		1 2 507 1	250	,		2.507			3,5	27	
r Drive Road a Loop n Road	Guettler Road to Hope Road (P) Applegate to Layla Loop (P)			3,587 872	358° 87°			3,587 872			2		
Road a Loop n Road	Applegate to Layla Loop (P)	24	1,806	4,816	481			4,816			<u>-</u> 16		
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n Road		24	1,417	3,779	3779			3,779			79		
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TALS			5,851	14,428	14,428	760	ō	13,993		-			
											Times per Year	,	
								SY	0	3	0.03	1,298.	
Future Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.													1,330
											-		300.
G) Gravel											-		559.
					Futur			,			0.10		9,620.
· ·	nip Sealed in 2009					MI	scenaneous	14,428	LS	· ·		0.05	721. -
						CONSTRUCTION TOTAL							13,829
						5% Administration Fee						5%	
	e Chip Seal: P		e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr. Paved in 2008	e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr. Paved in 2008	e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr. Paved in 2008	e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr. Paved in 2008	Sn e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr. Culve Stree Paved in 2008 Chip Sealed in 2009 Mis	Snow Plowing Crack Sealing Culvert Cleaning Street Sweeping Paved in 2008 Chip Sealed in 2009 Miscellaneous	Snow Plowing 14,428  e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.  Crack Sealing 760  Culvert Cleaning 1  Street Sweeping 13,993  Paved in 2008  Chip Sealed in 2009  Miscellaneous 14,428	Snow Plowing 14,428 SY e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.  Culvert Cleaning 1 LF Street Sweeping 13,993 SY Paved in 2008 Future Chip Seal 13,993 SY Chip Sealed in 2009  Miscellaneous 14,428 LS	Snow Plowing 14,428 SY © e Chip Seal: \$38,480.75/4 yr cycle = \$9,620.19/yr.  Culvert Cleaning 1 LF © Street Sweeping 13,993 SY © Paved in 2008  Chip Sealed in 2009  Miscellaneous 14,428 LS ©	ALS 5,851 14,428 14,428 760 0 13,993 14,4  Times per Year Snow Plowing 14,428 SY 9 3   Crack Sealing 760 LF 9 1   Culvert Cleaning 1 LF 9 1   Street Sweeping 13,993 SY 9 1   Paved in 2008 Future Chip Seal 13,993 SY 9 0.10   Chip Sealed in 2009 Miscellaneous 14,428 LS 9	ALS   5,851   14,428   14,428   760   0   13,993   14,428   Times   Per Year    Snow Plowing   14,428   SY   © 3   0.03   Crack Sealing   760   LF   © 1   1.75   Culvert Cleaning   1   LF   © 1   300.00   Street Sweeping   13,993   SY   © 1   0.04   Paved in 2008   Future Chip Seal   13,993   SY   © 0.10   2.75   Chip Sealed in 2009   Miscellaneous   14,428   LS   ©   0.05

Number of Benefitted Properties: 68

Annual Maintenance Assessment Per Benefitted Property: \$210.73