

RESOLUTION 1997 - 67

**A RESOLUTION OF INTENTION TO CREATE A  
RURAL IMPROVEMENT DISTRICT TO CONTRIBUTE TO THE  
MAINTENANCE OF BOUNDARY STREET**

WHEREAS, East Boundary Acres, South Boundary Acres, Brighter Living Adult Park, and L&H Estates Major Subdivisions and the Schara Minor Subdivision are located in the NE 1/4 of Section 29, T10N, R2W, P.M.M., and

WHEREAS, access to these Subdivisions utilizes Boundary Street, a portion of which is located within the Eastgate Village II Subdivision, is paved, and is maintained through the Eastgate Rural Improvement District (1978-9); and

WHEREAS, the preliminary plat approval granted by the Board of County Commissioners for these Subdivisions required that a mechanism be established for contribution toward the maintenance of this portion of Boundary Street within the Eastgate Village II Subdivision, or a waiver of right to protest the creation of an RID for the purpose of improving/maintaining the roads serving the Subdivisions; and

WHEREAS, Schara Minor Subdivision was filed with the Clerk and Recorder's Office on February 25, 1988; and

WHEREAS, East Boundary Acres Major Subdivision was filed with the Clerk and Recorder's Office on November 13, 1995; and

WHEREAS, South Boundary Acres and Brighter Living Adult Park Major Subdivisions received preliminary plat approval on October 8, 1996, but have not been filed with the Clerk and Recorder's Office;

WHEREAS, L&H Major Subdivision received preliminary plat approval on March 13, 1997, but has not been filed with the Clerk and Recorder's Office;

WHEREAS, the original developer of South Boundary Acres and Brighter Living Adult Park, Archie Taylor, has expressed support for the creation of an RID to contribute to the maintenance of Boundary Street; and

WHEREAS, the original developers of L&H Major Subdivision, Bart Toney and Shawn Toney, have expressed support for the creation of an RID to contribute to the maintenance of Boundary Street; and

WHEREAS, the Board of County Commissioners has the authority to propose Rural Improvement Districts for the purpose of funding road improvements and/or maintenance, pursuant to Section 7-12-2101, et. seq., MCA.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby establish its intention to create Rural Improvement District No. 97- 4 for the purpose of contributing to and equitably funding road maintenance of the paved portion of Boundary Street within the Eastgate Village II Subdivision. The District shall remain in effect in perpetuity or until such action by the Board of County Commissioners otherwise dissolves the district.

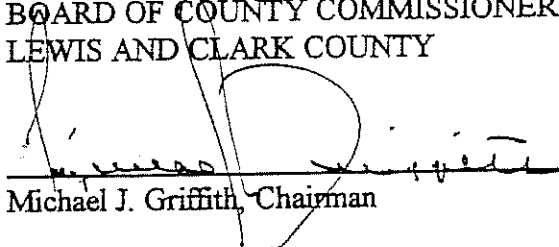
BE IT FURTHER RESOLVED that said District shall include all lands developed as the East Boundary Acres Major Subdivision, South Boundary Acres Major Subdivision, Brighter Living Adult Park Major Subdivision, L&H Estates Major Subdivision, and the Schara Minor Subdivision, identified on Exhibits A and B, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the maintenance activities could include snow plowing, sanding, sweeping, drainage control, street identification and traffic control signing, crack sealing, resurfacing, and other maintenance and repair as necessary to preserve the road surfaces; the initial estimated annual cost for said maintenance is approximately \$1185. It is anticipated that such maintenance shall be administered by the County.

BE IT FURTHER RESOLVED that all lots would benefit equally and shall be assessed a flat fee for the maintenance of the road. Based upon the assessment method described, annual individual lot assessments (approximate) shall be \$13.75 per lot per year. All funds collected for the district shall be spent solely for the road maintenance activities described above, which benefit all properties within the District.

DATED this 27<sup>th</sup> day of May, 1997.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

  
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Michael J. Griffith, Chairman

ATTEST:

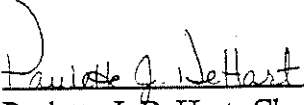
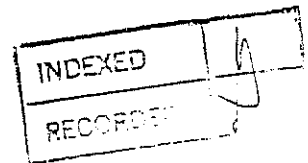
  
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Paulette J. DeHart, Clerk of Board



EXHIBIT "B"

The property to be included in Rural Improvement District No. 97-4 is described as follows:

Lots 1 through 9 of the East Boundary Acres Subdivision filed at Document Number 540178/E;  
The Schara Minor Subdivision filed at Document Number 427916;  
Tract 2-1 of Certificate of Survey No. 405435/F;  
and Tracts 5 and 6 of Certificate of Survey No. 391110.



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ROULETTE DEBART CLK & REC  
LEWIS & CLARK CO  
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BY Shirley M. Stash  
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