

RESOLUTION 2008-77

A RESOLUTION TO CREATE A RURAL IMPROVEMENT DISTRICT 2008-4 FOR THE BUFFALO HILLS ESTATES MAJOR SUBDIVISION

WHEREAS, the Buffalo Hills Estates Major Subdivision is located in Section 18, T20N, R6W, Lewis and Clark County, Montana; and

WHEREAS, the preliminary plat approval granted by the Board of County Commissioners for the subdivision included at condition that a mechanism for road maintenance be established for internal access roads, Whoop-Up Trail, Moccasin Trail, and Arrowhead Drive; and

WHEREAS, a petition has been received from the developer, Robert E. Stephens Jr., requesting that the Board of County Commissioners create a Rural Maintenance District for the Buffalo Hills Estates Major Subdivision, Phase II, in accordance with the condition of subdivision approval and displayed as Exhibit "C", attached hereto as and made a part thereof; and

WHEREAS, the Board of County Commissioners has prioritized the maintenance and improvement expenditures on those portions of the road system that serve the general public and which facilitate economic activity, being those roads that are classified as arterial or collector in function; and

WHEREAS, the internal roads of Buffalo Hills Estates Major Subdivision Phase II, are contiguous to internal roads within Buffalo Hills Estates Major Subdivision Phase I and would be more equitably created as one Rural Maintenance District; and

WHEREAS, all owners of property in Phase I of the Buffalo Hills Estates Major Subdivision have waived the right to protest the creation of RID 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; and

WHEREAS, the Board of County Commissioners has the authority to order and create the maintenance district based upon receipt of a petition containing the consent of all of the owners of property to be included in the district, pursuant to Section 7-12-2101(2), MCA.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby approve the requested creation of the Buffalo Hills Estates Major Subdivision Rural Maintenance District No. 2008-4 for the purpose of equitably funding the road maintenance within said district.

BE IT FURTHER RESOLVED that said maintenance district will include those parcels of land abutting and/or accessing the roads in the Buffalo Hills Estates Major Subdivision Phase I and Phase II, and that the boundaries of the district are shown on Exhibit "A" and listed on Exhibit "B". All lots within the district would benefit equally and would be assessed a flat fee for the maintenance.

BE IT FURTHER RESOLVED that the engineer for the improvements is Stahly Engineering and Associates.



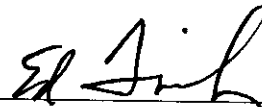
BE IT FURTHER RESOLVED that the maintenance of the improvements shall include grading, snow plowing, dust control, culvert cleaning, drainage control, signage, weed control and other maintenance and repair as necessary to preserve the road surfaces, and that such maintenance shall be administered by the County. The County will serve to coordinate the necessary work, collect the assessments, and disburse payments for the district; it is anticipated that a private contractor would perform the maintenance.

BE IT FURTHER RESOLVED that the estimated annual costs for said maintenance are \$13,794.00. Each lot shall benefit equally and shall be assessed a flat fee of approximately \$459.80 annually for said maintenance. All funds collected for the maintenance district shall be spent solely for the road maintenance activities within the proposed district.

BE IT FURTHER RESOLVED that the districts shall remain in effect in perpetuity or until such action by the Board of County Commissioners otherwise dissolves the districts.

DATED this 1st day of July 2008.

BOARD OF COUNTY COMMISSIONERS


Ed Tinsley, Chairman

ATTEST:


Paulette DeHart, Clerk of Board

Attachments: Exhibit "A"
Exhibit "B"
Exhibit "C"



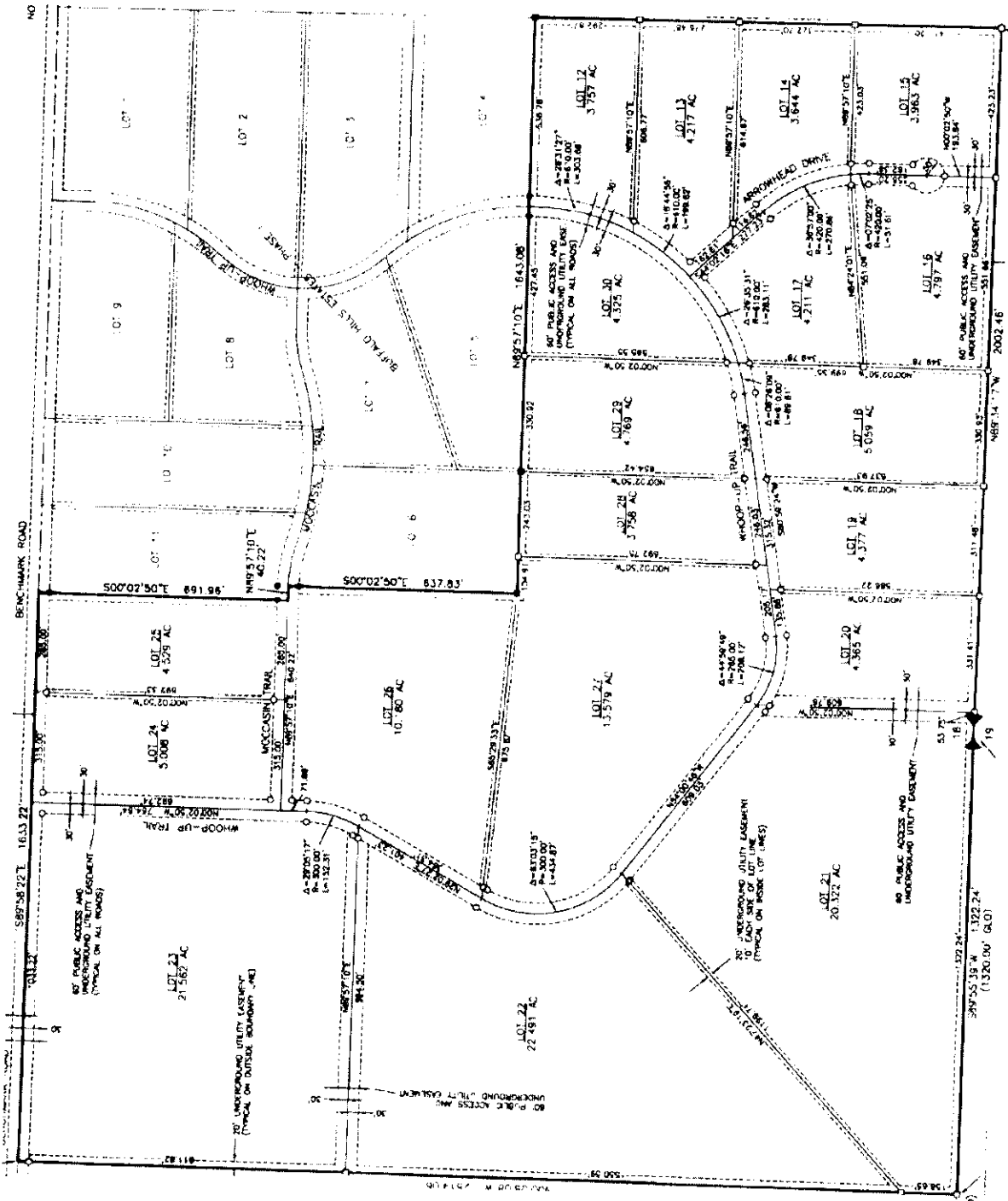
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EXHIBIT "A"

Buffalo Hills Estates



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Exhibit "B"
Buffalo Hills RID
 Benefiting Properties

Geo Code	Owner Name	Legal Description	Assessment
300418402010000	BLESKIN RICHARD & DANIEL & TOME & PETER D	Buffalo Hills Estates I Lot 1	\$459.80
300418402100000	VASILL JOHN WILLIAM	Buffalo Hills Estates I Lot 2	\$459.80
300418402200000	VASILL JOHN W	Buffalo Hills Estates I Lot 3	\$459.80
300418402300000	MCKENNA KENNETH JOHN	Buffalo Hills Estates I Lot 4	\$459.80
300418404010000	MURRAY RALPH BRANTLEY & BARBARA ASH	Buffalo Hills Estates I Lot 5	\$459.80
300418404200000	OBP LLC	Buffalo Hills Estates I Lot 6	\$459.80
300418404100000	VINCENT RICHARD H	Buffalo Hills Estates I Lot 7	\$459.80
300418403100000	SALMON HENRY M JR & CHRISTINE R	Buffalo Hills Estates I Lot 8	\$459.80
300418403010000	GERMOND JEANNE R	Buffalo Hills Estates I Lot 9	\$459.80
300418403200000	GERMOND JEANNE R	Buffalo Hills Estates I Lot 10	\$459.80
300418403300000	JONES VANCE BROCK	Buffalo Hills Estates I Lot 11	\$459.80
300418405010000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 12	\$459.80
300418405030000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 13	\$459.80
300418405050000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 14	\$459.80
300418405070000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 15	\$459.80
300418406010000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 16	\$459.80
300418406030000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 17	\$459.80
300418406050000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 18	\$459.80
300418406070000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 19	\$459.80
300418406090000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 20	\$459.80
300418407010000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 21	\$459.80
300418407030000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 22	\$459.80
300418408010000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 23	\$459.80
300418409010000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 24	\$459.80
300418409030000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 25	\$459.80
300418410010000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 26	\$459.80
300418410030000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 27	\$459.80
300418410050000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 28	\$459.80
300418410070000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 29	\$459.80
300418410090000	STEPHENS ROBERT E JR	Buffalo Hills Estates II Lot 30	\$459.80
			\$13,794.00



EXHIBIT "C"

Date *June 26, 2007*

Lewis and Clark County
Board of County Commissioners
316 North Park Avenue
Helena MT 59623

Buffalo Hills Phase II

Subject: Request to establish a maintenance district for roads in the *Λ* Subdivision

To the Board:

I am proceeding with the fulfillment of the conditions for final plat approval of the *Buffalo Hills Phase II* Subdivision. Item Number *12* of the preliminary approval letter required the establishment of a road maintenance district to fund the on-going costs of road maintenance within the subdivision.

I hereby petition the Board of County Commissioners to create a road maintenance district for the subdivision, as required by the preliminary approval. Since I am the sole owner of the affected property and desire an expedient consideration of this petition, I also hereby request that the statutory requirements for public notice, public hearings, and protest period, be waived. I hope that the Commission will address this request as soon as practical.

I have enclosed a copy to the proposed final subdivision plat which shows the lots and roads to be included in the district. I understand that the County Public Works Department will determine the annual maintenance costs for the subject roads which may be used for the calculation of assessments.

If you have any questions about this request, please contact me at *(406) 771-8637 (office)*
(406) 899-8630 (mobile)

Sincerely,

Robert E. Stephens Jr

Developer

File: RIDInformation\SubdividerWaiverLetter



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