

RESOLUTION NO. 1994 - 55

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL BENEFITED PROPERTY WITHIN THE BIG VALLEY ROAD IMPROVEMENT DISTRICT.


WHEREAS, the Board of County Commissioners properly created and established the Big Valley Road Improvement District, through Resolution No. 1993-137 (Resolution of Intention to Create a Road Maintenance District for Big Valley Road); Resolution No. 1993-159 (A Resolution to Create the Big Valley Road Improvement District); and Resolution No. 1994-20 (Establishing the Effective Date of the Big Valley RID): and ,

WHEREAS, the listing of property owners within the district, Attachment A, includes a description of each lot, the name of the owner, and the amount of each partial payment, with the attachment being made a part of this resolution by reference herein; and,

WHEREAS, state law (7-12-2158 MCA) requires the County Commission to "by resolution levy and assess a tax upon all benefitted property in the district...".

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, to levy and assess a tax upon all benefitted property within the boundaries of the district, as more particularly set forth in Attachment A; and,

BE IT FURTHER RESOLVED, that the property owners of the Big Valley Road Improvement District shall be notified, through a mailing to each property owner, with a posting of three (3) notices within the district, and the publishing of an advertisement within the local paper, of the levy and assessment of a tax for the making of improvements to Big Valley Road; and,



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PAULETTE DEHART
TREAS / CLK
LEWIS & CLARK CO., MONT.

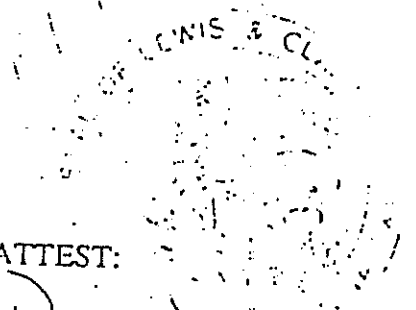
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Shirley Mcintosh

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, that the listing of property owners, inclusive of each partial payment are approved pending a hearing on objections filed with the County Clerk prior to a hearing scheduled for May 16, 1994 at 9:00 a.m. in Room 309 of the City/County Building; and

BE IT FINALLY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, that the listing of property owners, inclusive of each partial payment as amended after the public hearing stated in the preceding paragraph shall be considered on May 23, 1994 at 9:00 a.m. in Room 309 of the City County Building.

Dated this 28th day of April, 1994.



LEWIS AND CLARK COUNTY
BOARD OF COUNTY COMMISSIONERS
Blake J. Wordal
BLAKE J. WORDAL, CHAIR

ATTEST:

Paulette DeHart
PAULETTE DeHART, CLERK OF THE BOARD

**BIG VALLEY ROAD IMPROVEMENT DISTRICT
CONTRACT AND AGREEMENT**

This CONTRACT AND AGREEMENT is made and entered into on this day and year as set forth below, between LEWIS AND CLARK COUNTY, State of Montana, hereinafter referred to as the County, and the BIG VALLEY PROPERTY OWNERS ASSOCIATION, hereinafter referred to as the Association.

WHEREAS, the Lewis and Clark Board of Commissioners created Road Improvement District 93-5 (RID No. 93-5, or the District) for the purpose of funding road maintenance within the district; and

WHEREAS, the ongoing maintenance may include grading, snow plowing, dust control, maintenance of drainage structures, traffic control and street identification signs, and other incidental improvements, maintenance, and repairs as necessary to preserve and upgrade the road bed and road surface; and

WHEREAS, the maintenance of all RIDs is to be administered by the County unless the Board of County Commissioners enters into a contractual arrangement with a representative body of the landowners within a district; and

WHEREAS, the Association represents to the Board of County Commissioners that it is a representative body of all the landowners within the District and is incorporated in the state of Montana; and

WHEREAS, the Association wishes to enter into a contractual arrangement with the Board of County Commissioners to provide for the administration of maintenance funds.

NOW, THEREFORE, the parties to this agreement, in consideration of the mutual covenants and stipulation set out herein, agree as follows:

1. The Association, through its Board of Directors and officers, shall prepare and submit a budget during the regular County budget process designed to provide for road improvement and maintenance within the boundaries of RID No. 93-5. The Board of County Commissioners shall review the budget submitted and may alter the budget, before final adoption, in conjunction with and with the approval of the Association. The approved budget shall be administered by the Board of Directors of the Association through its officers.
2. The Association, through its Board of Directors and its officers, shall determine all facets of administration, including what improvements and maintenance are to be done (within the scope of the resolution establishing RID No. 93-5), where they are to be done, how they are to be done, and when they are to be done.
3. The Association has the authority, subject to review and approval by the Board of County Commissioners, to enter into and terminate road improvement and maintenance contracts with persons and businesses it deems necessary for the proper maintenance of the road surface and structures. All contracts must comply with all federal, state, county and local laws. This includes provisions of the Little Davis Bacon Act.
4. Debts and claims incurred by the Association are to be paid through the county claims process. All claims must be approved by the Board of Directors of the Association, filed with the County Auditor for audit, and approved by the County Commission.
5. The County is not subject to any claim or liability in an amount greater than the total amount authorized in the annual budget to be expended for improvements and maintenance in any given year for RID No. 93-5.
6. Any improvements and maintenance work administered by the Association shall be within the scope of the resolution establishing RID No. 93-5, meet

all applicable requirements, and shall be approved by the Association Board of Directors or its designee prior to initiation of any work.

7. The County shall assess the account of RID No. 93-5 a yearly administrative fee and liability insurance fee based on the annual budget and at the same rate of assessment as other similar county budgets.

8. The County shall not assess the account of RID No. 93-5 any fees for engineering services. The Association shall provide a professional engineer for all engineering services required for the development of bid specifications, construction inspection, on-going maintenance, and any other tasks that require professional engineering services.

9. The account of RID No. 93-5 shall participate in the County pooled investment program and shall accrue interest in the same manner as all other participants.

10. This agreement shall coincide with the County fiscal year and shall continue from year to year, subject to the right of either party to terminate or amend this agreement by giving written notice to the other party prior to April 1st of each year.

8+11 IN WITNESS WHEREOF, the parties have caused this agreement to be executed this day of February, 1995.

Andy Kubala
Signature for the Association

STATE OF MONTANA)
COUNTY OF Lewis + Clark) :ss

On this 8th day of February, 1995, before me a Notary Public for the State of Montana appeared *Andy Kubala* known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same.

Janette Warren
Notary Public for the State of Montana
Residing at *Helena*, Montana.
My commission expires *July 28, 1996*

(Notary's Seal)

Michael A. Murray
Michael A. Murray, Chairman
Board of County Commissioners

ATTEST:
Paulette DeHart
Paulette DeHart, Clerk and Recorder

(seal)