

LEWIS AND CLARK COUNTY COMMISSIONERS
 RESOLUTION NO. 1919-17

RESOLUTION OF CREATION

A RESOLUTION OF THE COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, MONTANA, CREATING LEWIS AND CLARK COUNTY RURAL SPECIAL IMPROVEMENT DISTRICT NO. 1,79-1 FOR THE PURPOSES GENERALLY OF CONSTRUCTING AND INSTALLING 1) A SANITARY SEWER COLLECTION SYSTEM AND EFFLUENT IRRIGATION FACILITIES; 2) A WATER DISTRIBUTION SYSTEM; 3) STREET IMPROVEMENTS FOR THE PLATTED STREETS WITHIN THE SAID DISTRICT INCLUDING GENERALLY GRADING, SUBSURFACING, ASPHALTIC CONCRETE PAVING, AND CONCRETE CURB AND GUTTER; 4) LANDSCAPING AND DEVELOPMENT OF THE PARKS CONTAINED THEREIN; AND 5) STREET LIGHTING

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, MONTANA:

WHEREAS, the County Commissioners of Lewis and Clark County, Montana, did earlier receive a petition to establish a Rural Special Improvement District on that land, described in EXHIBIT A appended thereto and by reference incorporated herein (and likewise reflected in those maps in EXHIBIT B appended thereto and likewise incorporated herein), all for the general purposes of constructing and installing 1) a sanitary sewer collection system and effluent irrigation facilities, 2) a water distribution system, 3) street improvements, 4) landscaping and development of the park areas therein; and 5) street lighting; and,

WHEREAS, a resolution of intention to create the said district was passed by the Commissioners, upon and after proper hearing, on the 21st day of May, 1979; and,

WHEREAS, in the resolution of intention to create said district, a hearing was set by the said Commissioners in front of them for Friday the 8th day of June, 1979, at the hour of 2:00 o'clock P.M., when and where the County Commissioners would hear and pass on protests, if there be any; and,

WHEREAS, the County Clerk and Recorder of Lewis and Clark County, Montana has certified that the petition for

the creation of the district contained the signatures of more than sixty percent (60%) of the freeholders within the proposed district boundaries and to be affected thereby; and

WHEREAS, pursuant to the order of this Board, correct and proper notice, by publication, posting, and mailing, of the intention to create this district has heretofore been given by the County Clerk and Recorder of Lewis and Clark County, Montana, all in compliance with the prior order of this Board and the provisions of Section 7-12-2105, Montana Code Annotated; and,

WHEREAS, at the time and place set for the hearing of the said protests, no protest whatsoever regarding this S&D or assessment method were presented to the Board of County Commissioners, and the Commissioners therefore find that the district can be created in accordance with the resolution of intention earlier herein referred to; and,

WHEREAS, public interest and convenience require the creation of the aforesaid rural special improvement district and the Commissioners have and do now determine that all prerequisite things have been done, circumstances exist, and facts have been shown, as are necessary, proper or required for the creation of said district;

NOW, THEREFORE, BY THIS RESOLUTION, IT IS DETERMINED AND RESOLVED THAT:

SECTION ONE

Rural Special Improvement District No. 1979-1, Lewis and Clark County, Montana, is hereby created and established; and

SECTION TWO

The boundaries of the said district are those reflected in EXHIBIT A attached to the Resolution of Intention to Create the district and by reference made a part herein (being as reflected in the maps attached to said Resolution as EXHIBIT B and by reference made a part hereof; and

SECTION THREE

The purpose of the said district is the construction and installation of 1) a sanitary sewer collection system and effluent irrigation facilities together with appurtenances and hereditaments there required or necessary; 2) a water and distribution system together with any appurtenances and hereditaments thereafter required or necessary; 3) street improvements for and upon platted streets within the said rural special improvement district, including grading, subsurfacing, asphaltic concrete paving, and concrete curb and gutter, all in compliance with the standards imposed by any cognizant authority, 4) landscaping and development of the park areas therein, and 5) street lighting; and

SECTION FOUR

The estimated cost of the improvements to be made is the sum of \$1,291,670.00; and

SECTION FIVE

The total cost of the said district therefor and thereby is estimated to be the sum of \$1,291,670.00; and

SECTION SIX

The entire cost and expense of the construction of the said improvements shall be assessed against the entire district, each lot within the said district to be assessed for that portion of the whole cost which its area bears to the total of the entire district (exclusive of streets, avenues, alleys and public places), the Board of County Commissioners declaring and finding that the entire district is benefited by the above described improvements and shall be assessed accordingly to pay the cost and expense thereof; and

SECTION SEVEN

The entire cost and expense of the said improvements shall be paid out of the proceeds of bonds to be issued and sold by the said district, payable over a term of not to

exceed fifteen (15) years, and the assessments referred to in the said ordinance, immediately preceding to be payable in installments over the said period of fifteen (15) years, the money derived therefrom to be deposited in an and constitute the fund of said Rural Special Improvement District No. 1979-1;

SECTION EIGHT

MENCO, INC., 1300 Marshall Lane, Helena, Montana, 59601, shall be the engineer in charge of the said project; and LUXAN & MURFITT, P. O. Box 1144, Helena, Montana, 59601, shall be the attorneys for the said district.

PASSED by the Board of County Commissioners this 8th day of June, 1979.

BOARD OF COUNTY COMMISSIONERS
Lewis and Clark County

John H. Wilkinson
Chairman

Bill Lusk
Member

Bob Decker
Member

ATTEST:

Shelby Kovach
County Clerk & Recorder

INDEXED	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>

396187

STATE OF MONTANA
COUNTY OF LEWIS & CLARK
I hereby certify that the within instrument was filed in my office on this 17 day of June A.D. 1979 at 2 min. past 11 o'clock A.M. and recorded on page of Book of of Lewis and Clark County, State of Montana.
Sue Bartlett
County Recorder
By Kathy Berana
Deputy

EXHIBIT A

The Northwest ¼ of Section 29, Township 10 North, Range 2 West, M.P.M., containing approximately 93.20 acres, as shown on the official plat thereof on file with the Clerk and Recorder of Lewis and Clark County, Montana.

EXHIBIT "B"

All utility easements are shown on the official plat
on file with the Clerk and Recorder, Lewis and Clark County,
Montana.

of a full copy of the DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS, recorded and made available to the lands
in said modifications in said subdivision.

DATED this _____ day of _____, 1979.

