

RESOLUTION 1994 - 195

A RESOLUTION TO CREATE
RURAL IMPROVEMENT DISTRICT NO. 1994-7,
FOR THE HARRIS NO. 2 SUBDIVISION

WHEREAS, the Harris Minor Subdivision No. 2 is located in the SW 1/4 of Section 18, T10N, R3W, P.M.M.; and

WHEREAS, the preliminary plat approval granted by the Board of County Commissioners for Harris Minor Subdivision No. 2 included a condition that a mechanism for road maintenance be established for the subdivision; and

WHEREAS, a petition has been received from the developer (Jim LaFave) requesting that the Board of County Commissioners create a Rural Improvement District for the Harris Minor Subdivision No. 2, in accordance with the conditions of subdivision approval; and

WHEREAS, the above developer represents he is the sole owner of record of the lands to be included in the District, and has also requested that the formal statutory process of public notices, public hearings, and period of protest be waived; and

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

WHEREAS, the lots within Harris Minor Subdivision No. 2 are accessed via White Rock Road, the internal access road for the subdivision; and

WHEREAS, residents of Harris Subdivision No. 2 will also use that portion of White Rock Road located within Harris Subdivision No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby create Rural Improvement District No. 1994-7, Harris Minor Subdivision No. 2, for the purpose of equitably funding road maintenance within said district. 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 the boundaries of the District shall include all lands within Harris Minor Subdivision No. 2, as shown on the filed plat of record.

BE IT FURTHER RESOLVED that the maintenance shall include grading the road twice a year, snow plowing as necessary, drainage control, other maintenance and repair as necessary to preserve the road surface, and maintenance of traffic control and street identification signs. In addition, an annual contribution would be made for the maintenance of that portion of White Rock Road located within the Harris Subdivision No. 1. The initial estimated annual cost for all of said maintenance is \$660.

BE IT FURTHER RESOLVED that the engineer who is to have charge of the work is Mr. Clete Daily. It is anticipated that such maintenance shall be administered by the County Road Department.

BE IT FURTHER RESOLVED that all lots would benefit and shall be assessed for the maintenance of the roads. Developed lots shall be assessed a flat fee and undeveloped lots shall be assessed a lower flat fee (one-third the assessment for developed lots). Such assessments shall be based upon the assessed valuation of land, improvements, and personal property valuations to distinguish developed and undeveloped lots. Then, thresholds and limits of assessed valuation shall be applied resulting in a flat fee assessment for developed lots and a another flat fee assessment (one-third) for undeveloped lots. Based upon the assessment method described applied to approximately 60% development, annual individual lot assessments would be \$180 for developed lots and \$60 for undeveloped lots. All funds collected for the district shall be spent solely for the road improvement and maintenance activities within the proposed district.

BE IT FURTHER RESOLVED that the following definitions and formulas shall be used to determine the annual assessment for the lots within the district:

- 1) A lot is defined as a single parcel of land that can be described by a survey or deed of record at the Clerk and Recorder's Office.
- 2) An undeveloped property is a parcel that has a market valuation for improvements and/or personal property that is not greater than thirteen hundred dollars (\$1,300.00).
- 3) A developed property is a parcel that has a market valuation for improvements and/or personal property in excess of thirteen hundred dollars (\$1,300.00).
- 4) The annual budget is defined as the estimated annual expenses plus the operating reserves. The annual budget minus any non-tax revenues and cash on hand equals the total annual assessment for district.
- 5) When the administrator of the district has determined the annual assessment, the following formula shall be used to determine individual assessments:
 - $ax + by =$ total annual assessment for the district
 - where a = the number of undeveloped lots in the district,
 - where b = the number of developed lots in the district,
 - where x = the individual assessment for an undeveloped lot,
 - where y = the individual assessment for a developed lot, and
 - where $y = 3x$.

DATED this 15th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY

Blake J. Wordal
Blake J. Wordal, Chairman

ATTEST:

Paulette DeHart
Paulette DeHart, Clerk of the Board

File: 2713 Harris#2.RID

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PAULETTE DEHART CLK & REC
LEWIS & CLARK CO

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