

RESOLUTION 2014-50

**RESOLUTION TO CREATE A RURAL IMPROVEMENT
DISTRICT FOR LAKE HOME CONDOMINIUM PUBLIC ACCESS EASEMENTS
NUMBER 2014-2**

WHEREAS, the Board of County Commissioners passed Resolution 2014-38 declaring an intent to create Rural Improvement District 2014-2 for the Lake Home Condominium Public Access Easements; and

WHEREAS, the resolution of intention designations items set forth in MCA §7-12-2103(2):

- (a) The designated number of the district is 2014-2.
- (b) The boundaries are shown on Petition Exhibit A and described on Petition Exhibit B located in Section 27, Township 11 North, Range 2 West, P.M.M., Lewis and Clark County, Montana.
- (c) The general character of the improvements include an asphalt mat and the general character of maintenance includes, but is not limited to chip sealing crack sealing, snow plowing, sweeping, culvert cleaning, and other maintenance and repair as necessary to preserve the road surfaces.
- (d) Dowl HKM is the engineer to have charge of the work and the estimated costs for said improvements are \$1,680.17 per year for a period of fifteen (15) years and the estimated cost for said annual maintenance is \$983.31.
- (e) All parcels within the proposed district would benefit and would be assessed using MCA §7-12-2151(1)(d) Each lot, tract, or parcel of land in the district may be assessed an equal amount based upon the total cost of the improvement.
 - i. A "lot, tract, or parcel" means:
 - 1) Any tract of record or any portion of a tract of record (a "piece of land") within the boundaries of an improvement district; and
 - 2) Any portion of a tract of record that is rented, leased, or otherwise conveyed within the boundaries of an improvement district; and
 - 3) Each unit of a condominium or townhouse within the boundaries of an improvement district; and
 - 4) Each part of a building or structure that is rented, leased, or otherwise conveyed, and within the boundaries of an improvement district.
 - ii. A "benefited" lot, tract, or parcel means a lot, tract, or parcel as defined above that:
 - 1) Abuts an improved right of way within the district, or
 - 2) Has potential present or future access to an improved right of way within the district, or
 - 3) Otherwise receives a benefit, such as dust abatement or flood control, from an improved right of way within the district, or
 - 4) Accesses an improved right of way within the district.



iii. All funds collected for the district shall be spent solely for the improvement and maintenance activities within the proposed district.

WHEREAS, notice was published and mailed according to MCA §7-12-2105; and

WHEREAS, the protest period was open April 13, 2014 through May 14, 2014; and

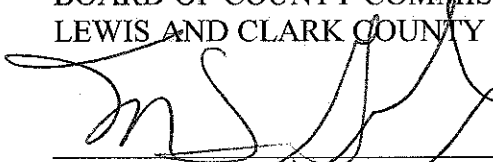
WHEREAS, a public hearing on the creation of the District was held on May 15th and comment was considered.

NOW, THEREFORE, LET IT BE RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby approve the creation of Rural Improvement District Number 2014-2 for the Lake Home Condominium Public Access Easements.

BE IT FURTHER RESOLVED, that protests, sufficient to prohibit further proceedings per MCA §7-12-2109, were not delivered to the Clerk and Recorder's Office during the protest period.

DATED this 15 day of May, 2014.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY



Susan Good Geise, Chair





Pabette J. DeHart, Clerk of the Board

Attachments:

Petition

Petition Exhibit A

Petition Exhibit B

**PETITION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR IMPROVEMENTS AND MAINTENANCE OF
PUBLIC ACCESS EASEMENTS OF THE HAUSER LAKE HOMES CONDOMINIUMS**

Exhibit A

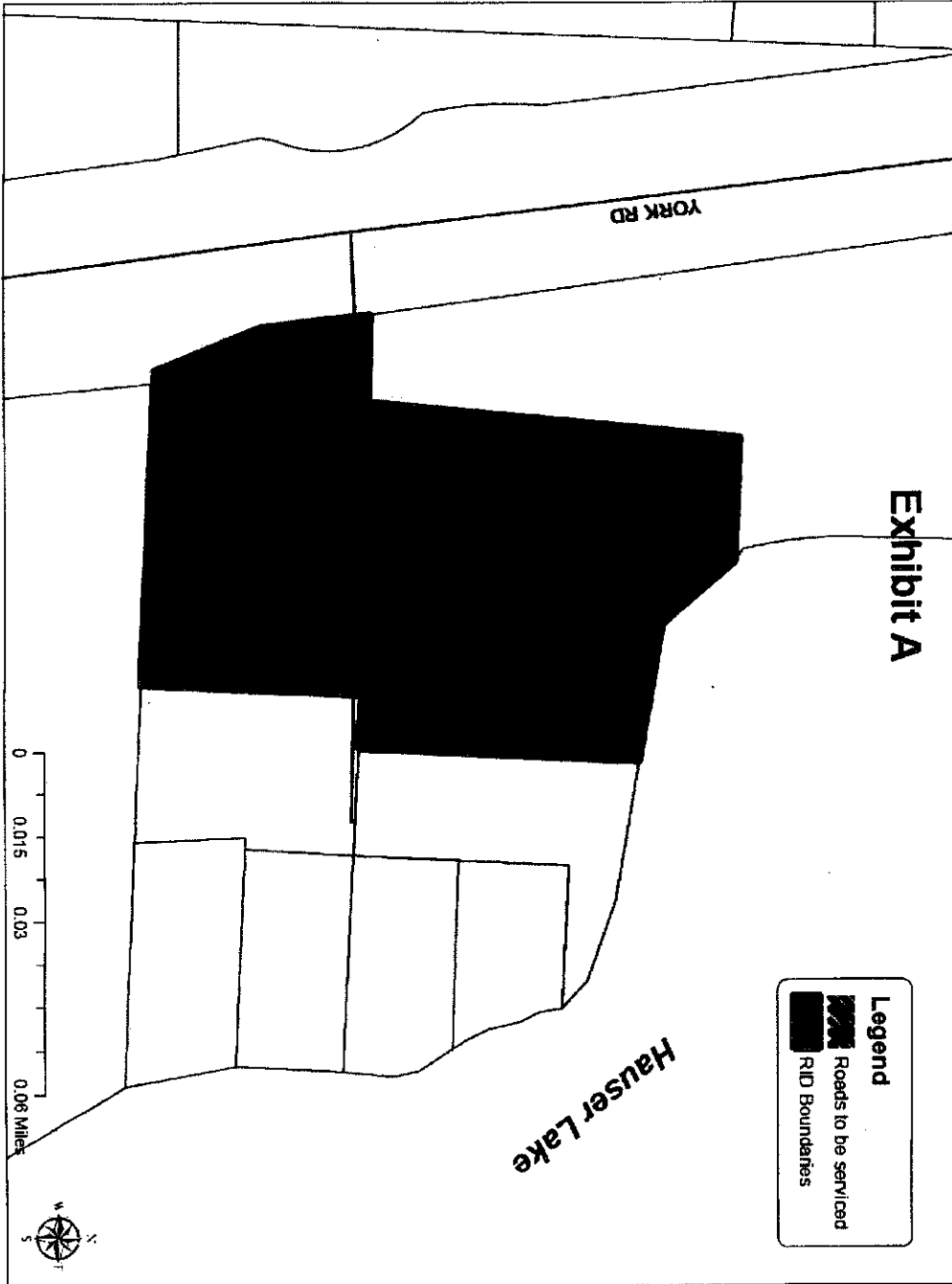


Exhibit B

**PETITION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR IMPROVEMENTS AND MAINTENANCE OF
PUBLIC ACCESS EASEMENTS OF THE HAUSER LAKE HOMES CONDOMINIUMS**

We the undersigned, owners of real property within the proposed Lakehome Condos Rural Improvement District, located in Section 27 of T11N, R2W, P.M.M., of Lewis and Clark County, do hereby petition the Board of County Commissioners to create a Rural Improvement District for the purpose of improving and maintaining public access easements of the Hauser Lake Homes condominiums, as authorized by MCA §7-12-2101, et. Seq. The boundaries of the proposed district are shown on the attached Exhibit A. The proposed improvement activities generally include an asphalt mat. The estimated annual cost for said improvements is \$1,680.17, for a period of fifteen years. The proposed maintenance activities could include fog sealing, crack sealing, snow plowing, sweeping, culvert cleaning, and other maintenance and repair as necessary to preserve the road surfaces. The estimated annual cost for said maintenance is \$983.31 per year.

All parcels within the proposed district would benefit and would be assessed using MCA §7-12-2151(1)(d) Each lot, tract, or parcel of land in the district may be assessed an equal amount based upon the total cost of the improvement.

A "lot, tract, or parcel" means:

- (1) Any tract of record or any portion of a tract of record (a "piece of land") within the boundaries of an improvement district; and
- (2) Any portion of a tract of record that is rented, leased, or otherwise conveyed within the boundaries of an improvement district; and
- (3) Each unit of a condominium or townhouse within the boundaries of an improvement district; and
- (4) Each part of a building or structure that is rented, leased, or otherwise conveyed, and within the boundaries of an improvement district.

A "benefited" lot, tract, or parcel means a lot, tract, or parcel as defined above that:

- (1) Abuts an improved right of way within the district, or
- (2) Has potential present or future access to an improved right of way within the district, or
- (3) Otherwise receives a benefit, such as dust abatement or flood control, from an improved right of way within the district, or
- (4) Accesses an improved right of way within the district.

The County will serve only 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.

This petition is being circulated in accordance with the Lewis and Clark County Rural Improvement District (RIDs) and Rural Maintenance Districts (RMDs) Policies and Procedures manual which is on file and available for inspection at the Lewis & Clark County Board of County Commissioners. Because of aggregation and subdivision of parcels, the actual number of parcels stated in the petition may change between the time the petition is circulated and the time the board considers the resolution of intention to create the RID, and therefore, the actual assessment per parcel may be greater than or less than the amount stated in the petition and the number of lots to be assessed will be set as of the date of the resolution of intention to create the RID.

Petition Circulation Date 5/7/2013
3256433 B: M48 P: 3808 COUNTY
04/08/2014 10:53:19 AM Page 3 of 5 Fees:
\$0.00

**PETITION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR IMPROVEMENTS AND MAINTENANCE OF
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EXHIBIT B

PROPERTY ID NUMBER	PROPERTY SITE ADDRESS	OWNER NAME	PROPERTY LEGAL DESCRIPTION	ANNUAL IMPROVEMENT ASSESSMENT	ANNUAL MAINTENANCE ASSESSMENT	PROPERTY OWNER SIGNATURE'S & DATE
199627402300500	4914 LAKEHOME RD.	RENCHER MARJANNE H	HAUSER LAKE-HOMES CONDO UNIT 3, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300501	4918 LAKEHOME RD.	DEVRIES MIKE & TRYNITY	HAUSER LAKE-HOMES CONDO UNIT 5, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300502	4924 LAKEHOME RD.	SANDILAND ROGER R & PAMELA J	HAUSER LAKE-HOMES CONDO UNIT 8, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300503	4910 LAKEHOME RD.	WILLIAMS JAMES W & CAROL A	HAUSER LAKE-HOMES CONDO UNIT 1, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300504	4912 LAKEHOME RD.	MCMAHON JOHN W JR & REBECCA A	HAUSER LAKE-HOMES CONDO UNIT 2, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300505	4922 LAKEHOME RD.	MILLONS MARDYL	HAUSER LAKE-HOMES CONDO UNIT 7, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300506	4920 LAKEHOME RD.	SHEA DENNIS & STEPHANIE	HAUSER LAKE-HOMES CONDO UNIT 6, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
199627402300507	4916 LAKEHOME RD.	HARLIN R PATRICK & MINDY M & EIDEN	HAUSER LAKE-HOMES CONDO UNIT 4, S27, T11 N, R02 W, E28E4 PER CS #471249B	\$210.02	\$122.91	<i>[Signature]</i>
Annual Assessment Totals				\$1,680.17	\$983.31	