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DEC 13 1993

RESOLUTION 1993 - 157

LEWIS & CLARK COUNTY  
PLANNING DEPARTMENT

A RESOLUTION TO CREATE THE LIME KILN ROAD  
AND SOUTH HILLS ROAD ROAD IMPROVEMENT DISTRICT

WHEREAS, a petition has been received from the landowners served by Lime Kiln Road and a portion of South Hills Road requesting the creation of a Road Improvement District for the purpose of funding road improvements and maintenance of these roads; the proposed district includes lands located in portions of Sections 5 and 6, T9N, R3W, P.M.M. of southern Lewis and Clark County and northern Jefferson County; and

WHEREAS, the petition included a description of the boundaries and the benefitting properties, a description and cost estimates for the proposed improvements and maintenance, descriptions of the proposed methods of assessment for and administration of improvements and maintenance, and was signed by 87% of the affected property owners within Lewis and Clark County; and

WHEREAS, the Board of County Commissioners has the authority to propose Road Improvement Districts for the purpose of funding road improvements and/or maintenance, pursuant to Section 7-14-2901, et. seq., MCA; and

WHEREAS, a resolution of intent to create Road Improvement District No. 93-3 was adopted by the Board of County Commissioners on August 31, 1993, as Resolution No. 1993-128; and

WHEREAS, legal notice of the passage of Resolution No. 1993-128 was posted in the proposed district, mailed to property owners in the proposed district, and printed in the local newspaper in accordance with the statutory requirements; and

WHEREAS, on November 23, 1993, the Board of County Commissioners held a public hearing and proceeded to hear all protests, comments, and other matters relating to the proposed district; and

WHEREAS, a portion of the proposed improvements have been installed and will be completed in 1994; and

WHEREAS, a statutory amendment [Section 7-14-2907 (1)(d), MCA] providing for equal assessment has taken effect since the resolution of intent was adopted.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby create Road Improvement District No. 93-3 for the purpose of funding road improvements and road maintenance within said district.

BE IT FURTHER RESOLVED that said district will include those properties within Lewis and Clark County served by Lime Kiln Road and a portion of South Hills Road, as have been determined to benefit from the proposed improvements as shown on Exhibits A and B, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the improvements would consist of grading, shaping, and compacting the existing road surface, providing for drainage, installing and compacting a three (3) inch crushed asphalt top course, and installing a one shot chip-seal surface, for a finished top width of approximately eighteen (18) feet with a two (2) percent crown. The portion of road to be improved begins at the intersection of Lime Kiln Road and Lodgepole Road, extending southerly on Lime Kiln Road and easterly on South Hills Road to the east boundary of the district. Maintenance would include crack sealing, resurfacing, and other necessary repair to preserve the integrity of the road surface and the safety of the users.

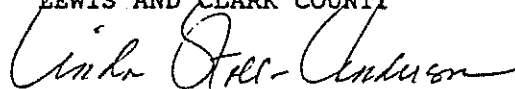
BE IT FURTHER RESOLVED that the improvements and maintenance shall be administered by the Lime Kiln Road Association (a representative body of the landowners within the district), under a contract with the County governing bodies.

BE IT FURTHER RESOLVED that the Lewis and Clark County Board of Commissioners will enter into an interlocal agreement with the Jefferson County Board of Commissioners to effectively implement this district.

BE IT FURTHER RESOLVED that all lots would benefit equally and would be assessed equally for the improvements and the subsequent maintenance of the improvements, as provided for in Section 7-14-2907 (1)(d), MCA, resulting in a flat fee assessment for all lots. Based upon the assessment method described and the current number of lots in the proposed district, annual individual lot assessments (approximate) would be \$374 for the first seven years and \$81 for subsequent years. All funds collected for the district shall be spent solely for the road improvement and maintenance activities within the proposed district. Any contributions received from parties outside the district may be used to reduce the assessments on properties within the district.

DATED this 23 day of November, 1993

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY



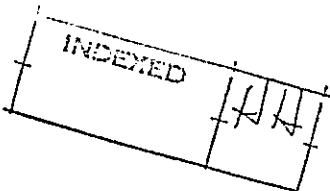
Linda Stoll-Anderson, Chairwoman

ATTEST:



Paulette DeHart, Clerk of Board

File: 2713 LimeKiln.Res

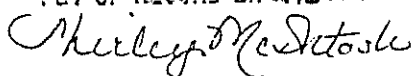


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PAULETTE DEHART  
TREAS / CLK  
LEWIS & CLARK CO., MONT.

1993 DEC -2 AM 9:07

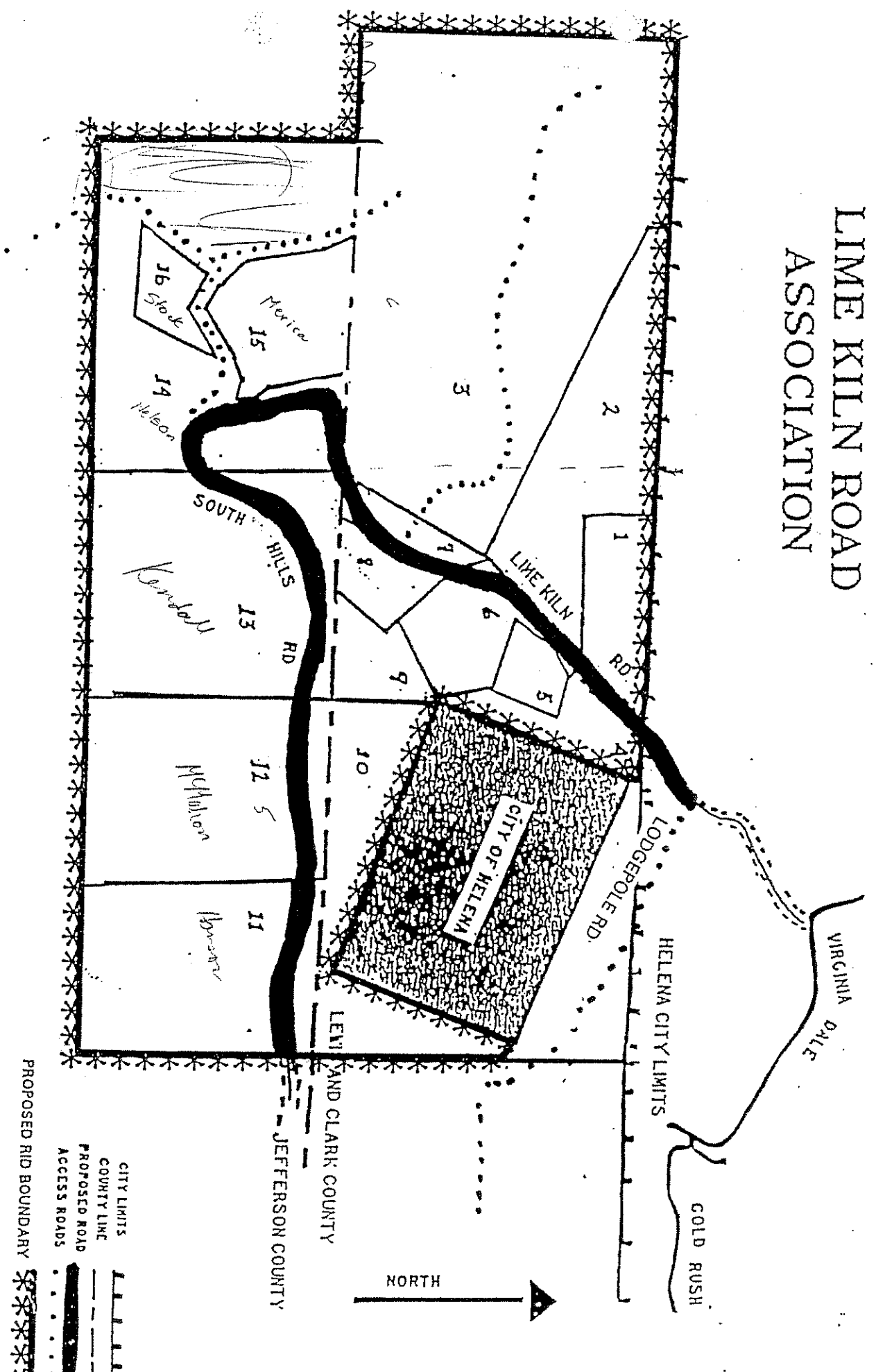
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0021

# LIME KILN ROAD ASSOCIATION

EXHIBIT "A"  
PAGE 1



CITY LIMITS  
 COUNTY LINE  
 PROPOSED ROAD  
 ACCESS ROADS  
 PROPOSED ROAD BOUNDARY

EXHIBIT "A"

PAGE 2

PERIMETER DESCRIPTION OF LIME KILN ROAD AND  
SOUTH HILL DRIVE ROAD IMPROVEMENT DISTRICT  
(Lewis and Clark County Portion)

Beginning at the northwest corner of Section 5, T9N, R3W, being the point of beginning; thence N 89° 25' E a distance of 1407 feet to a point; thence S 00° 00' W a distance of 67.88 feet to a point; thence S 13° 54' W a distance of 522.2 feet to a point; thence S 16° 42' W a distance of 283.15 feet to a point; thence S 69° 52' E a distance of 1150.0 feet to a point; thence N 17° 38' E a distance of 283.3 feet to a point; thence N 15° 51' E a distance of 593.1 feet to a point; thence S 73° 58' E a distance of 152.8 feet to a point; thence S 00° 24' W along the north-south midsection line of Section 5 a distance of 916.7 feet to a point on the Lewis and Clark/Jefferson County Line; thence westerly along the County Line approximately 4666 feet to a point; thence N 00° 15' 13" E distance of 1371.84 feet to a point on the section line of Section 6; thence due east a distance of 1992.11 feet along the section line between Section 6, T9N, R3W and Section 31, T10N, R3W to the northwest corner of Section 5, T9N, R3W, being the point of beginning.

EXHIBIT "B"  
PAGE 2

LIME KILN ROAD ASSOCIATION: Owners (per map) (Exhibit "A", Page 1)

- |                               |   |                    |
|-------------------------------|---|--------------------|
| 1. John and Susan Opitz       | ] |                    |
| 2. Jerry and Pat Boone        |   |                    |
| 3. Adron and Sarah Medley     |   |                    |
| 4. Rod and Donna Sager        |   |                    |
| 5. John and Kathy Guy         |   |                    |
| 6. Brett and Paulette Boutine |   | Lewis and Clark Co |
| 7. Lynette Thomas             |   |                    |
| 8. Earl Zuelke                |   |                    |
| 9. Ron and Trish Friez        |   |                    |
| 10. Albert Tsao               |   |                    |
| 11. Lee and Renie Hanson      | ] |                    |
| 12. Mike and Shannon McMahon  |   |                    |
| 13. Dave Kendall              |   |                    |
| 14. Bill Nelson               |   | Jefferson County   |
| 15. Terry and Neida Merica    |   |                    |
| 16. Rudy and Marsha Stock     |   |                    |



GEO CODE	ASSESSOR CD	SCHL TYPE	MAILING NAME	PROPERTY ADDRESS	SID AMT
1786-05-2-01-03-M000	000021777	10 REAL	TSAD ALBERT	0 UNKNOWN	00
1786-05-2-01-13-0000	000024005	10 REAL	BOONE GERARD MICHAEL	2210 LIME KILN ST	396.00
1786-05-2-01-15-0000	000022803	10 REAL	OPITZ JOHN M & SUSAN	2180 LIME KILN ST	396.00
1786-05-2-01-17-M000	000024020	10 REAL	BANNING WILLIAM R & LINDA	2201 LIME KILN ST	396.00
1786-05-2-01-17-M000	000023073	10 REAL	HARRIS KATHY AND FERRIS	2205 LIME KILN ST	396.00
1786-05-2-01-18-M000	000023102	10 REAL	ROUTIN BRETT & TYNER	2235 LIME KILN ST	396.00
1786-05-2-01-18-M000	000023103	10 REAL	FRIEZE RONALD R & PATRICIA	1830 SOUTH HILLS DR	396.00
1786-05-2-01-24-M000	000025105	10 REAL	MICHELSON EARL O JR	2235 LIME KILN ST	396.00
1786-05-1-01-09-0000	000026040	10 REAL	ADRON STEVEN K & PHYLLIS	0 UNKNOWN	00

\* TOTAL SID \* LKLRID TOTAL PARCEL COUNT 10 10  
 \* \* GRAND TOTALS \* \* TOTAL PARCEL COUNT 10 3,564.00

2141 = Maintenance  
 Costs - next 4th date out  
 Maintenance = \$ 900

2137 = Construction = \$ 306





LIME KILN ROAD ASSOCIATION  
BUDGET CALCULATION FOR ROAD IMPROVEMENT

\$90<sup>00</sup> - Annual Assess  
for maintenance  
\$306 - imp. cost -  
\$1600

IMPROVEMENTS -

Specifications of improvements.

Road improvement provided by Helena Sand and Gravel for one mile. Improvement will consist of grading existing surface with 2% slope, placing a 3" inch lift of crushed asphalt, 18' feet wide, with an asphalt chip seal surface. An additional 211 cubic yards of asphalt\gravel is required on the lower portion of Lime Kiln Road due to the excessive rock and low depth of utilities by Montana Power and US West.

COST of improvements - landowners

\$24,349 Helena Sand and Gravel proposal  
\$ 500 5 road signs (speed limit 20 mph)  
\$ 500 County Set Up Fee  
\$ 486 County Administration Fee (2%)  
\$ 1,217 County Operation Reserve (5%)  
\$27,052 TOTAL PROJECT COST

Financing of improvements

See attached amortization schedule (7 year term; 8% simple interest) annual payment for 7 year term = \$5,195

Maintenance -

Maintenance includes necessary repair to preserve the integrity of the road surface and the safety of the users.

Operating reserve- The required maintenance reserve fund to be used for a second chip seal in seven years is also required by the County.

Cost of Maintenance (7 year period)

\$ 1,433 Annual cost of projected chip seal \* 7 Years.  
\$ 29 County Administration and Insurance (2%)  
\$ 73 County Operating Reserve (5%)  
\$ 1,535 Total Association Yearly Maintenance Assessment

Total Annual Assessments -

First seven years (Improvements + Maintenance)  
\$ 5,196 + \$1,535 = \$6731.00

Subsequent years (Maintenance Only)  
\$1,535



AUG 24 1994

FILE

LEWIS AND CLARK COUNTY PLANNING DEPARTMENT  
 316 North Park Avenue, P. O. Box 1725  
 Helena, MT 59624; Phone: 447-8374

## M E M O R A N D U M

DATE: August 22, 1994  
 FILE: 2713 LimeKiln.Mem

From: Robert Rasmussen, Director and  
 Marni Bentley, Administrative Assistant

To: Board of County Commissioners

Subject: Lime Kiln RID Assessments

In researching the property ownership for the Lime Kiln RID assessments, the Planning Department identified a property with an agricultural covenant placed upon it. According to Section 7-14-2901(3), MCA, "a parcel of land within the district used solely for agricultural purposes is not considered benefitted property." The property in question is identified by GEOCODE 1786-05-2-01-03-M000 and is owned by Albert S. Tsao and was included in the district. Staff has determined (in consultation with legal counsel) that this parcel should not be assessed as benefitted property due to the existence of the agricultural covenant on the certificate of survey and referenced in the deed transferring the property.

If the Tsao property is not assessed, the assessments for the other properties within the district would be slightly increased. The assessment for the first seven years would be increased from \$374 to \$396, an increase of 6%; the assessment for subsequent years would be increased from \$81 to \$90, an increase of 10%.

Staff recommends that the Tsao property not be assessed as part of the LimeKiln RID and that the assessments for the other properties within the district be increased to \$396 and \$90, as noted on the attached assessment list.

## Attachment

cc: Joyce Saisbury  
 Trish Friez

*Im - include  
 in record for  
 assessment hearing*



GEOCODE	PROPERTY OWNER(S)	MAILING ADDRESS	CITY	ST	ZIP	LIME KILN/SOUTH HILLS ROAD	LEGAL
17860520103M000	TSAO ALBERT	58 2ND ST CENTRAL NEW VILLATAIWAN	HELENA	MT	59601	REP OF CHINA	TR IN NW;
178605201130000	BOONE GERARD MICHAEL	505 S GRAHAM	HELENA	MT	59601		TR IN N
178605201150000	OPITZ JOHN M & SUSAN O	2180 LIME KELN RD	HELENA	MT	59601		TR IN N
17860520116M000	BANNING WILLIAM R & LINDA D	2201 LIMEKILN RD	HELENA	MT	59601		TR IN N
17860520117M000	GUY JOHN A & KATHLEEN C	2205 LIME KILN	HELENA	MT	59601		TR NWN
17860520118M000	BOUTIN BRETT & MINER PAULA L	220 BROADWAY #2	HELENA	MT	59601		TR IN N
17860520120M000	FRIEZ RONALD R & PATRICIA A	508 S CALIFORNIA	HELENA	MT	59601		TR IN N
17860520122M000	ZUELKE EARL C JR	1120 1/2 LIVINGSTON AVE	HELENA	MT	59601		TR IN N
17860520124M000	ISAKSEN ALVIN	284 E 200 NORTH	HURRICANE	UT	84737		TR IN N
178606101090000	MEDLEY ADRON & SARA	400 SADDLE DR	HELENA	MT	59601		E2 GOV

