

RESOLUTION 1994 - 188

A RESOLUTION TO CREATE
RURAL IMPROVEMENT DISTRICT NO. 1994-5,
FOR ORO FINO SUBDIVISION NOS. 4, 6, AND 7

WHEREAS, the Oro Fino Subdivision No. 4, No. 6 (which includes proposed No. 8), and No. 7 are located in the SE 1/4 of Section 7, T10N, R3W, P.M.M.; and

WHEREAS, Oro Fino Subdivision Nos. 4 and 7 are platted subdivisions of record, and Tract B of Oro Fino Subdivision No. 6 is also a platted lot of record and is the same land area to be further divided by Oro Fino Subdivision No. 8; and

WHEREAS, the preliminary plat approval granted by the Board of County Commissioners for the subdivisions included a condition that a mechanism for road maintenance be established for the subdivisions; and

WHEREAS, a petition has been received from the developers (Paul R. and Bettie J. Erickson, Bernice M. Middlemas) and other landowners (Dennis R. Clark, Michelle Christiansen, Michael R. Stebbins) requesting that the Board of County Commissioners create a Rural Improvement District for the Oro Fino Subdivision Nos. 4, 7, and 8, in accordance with the conditions of subdivision approval; and

WHEREAS, the above developers and landowners are the sole owners of record of the lands to be included in the District, and have 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 Oro Fino Subdivision No. 4 are presently accessed via Middlemas Road, and are currently included within RID Nos. 1987-4 and 4C for maintenance of Middlemas Road, but will have access to the road network that will serve Oro Fino Subdivisions Nos. 7 and 8; and

WHEREAS, Tract B of Oro Fino Subdivision No. 6 is currently included within RID Nos. 1987-4 and 4C for maintenance of Middlemas Road, but will have access to the road network that will serve Oro Fino Subdivisions Nos. 7 and 8; and

WHEREAS, the petitioners also requested that proposed Lot 13 of Oro Fino Subdivision No. 7 be excluded from the District at this time, due to its access and frontage on North Montana Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby create Rural Improvement District No. 1994-5, Oro Fino Subdivision Nos. 4, 6, and 7, 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 Lots 1 through 5 of Oro Fino Subdivision No. 4, Tract B of Oro Fino Subdivision No. 6, and Lots 1 through 12 of Oro Fino Subdivision No. 7, as shown on Exhibit "A" attached hereto. Lot 13 of Oro Fino No. 7 does not benefit at this time and shall not be included.

BE IT FURTHER RESOLVED that Lots 1 through 5 of Oro Fino Subdivision No. 4 and Tract B of Oro Fino Subdivision No. 6 shall be removed from RID Nos. 1987-4 and 4C (Middlemas Road), due to the establishment of the alternate road network to serve the properties.

BE IT FURTHER RESOLVED that the maintenance shall include snow plowing, sanding, sweeping, drainage control, street identification and traffic control signing, crack sealing, resurfacing, and other maintenance and repair as necessary to preserve the road surfaces; the initial estimated annual cost for said maintenance is \$2,500.

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 50% development, annual individual lot assessments shall be \$135 for developed lots and \$45 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 22nd day of November, 1994

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY

Blake J. Wordal
Blake J. Wordal, Chairman

526827

PAULETTE DEHART CLK & REC
LEWIS & CLARK CO
HELENA, MT

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BY *Shirley Mcintosh*

ATTEST:

Paulette DeHart
Paulette DeHart, Clerk of the Board

EXHIBIT "A"

EAST 1/4 CORNER
OF SECTION 7

RURAL IMPROVEMENT DISTRICT 94-5



