

RECEIVED

RESOLUTION 1995 - 4

JAN 20 1995

A RESOLUTION TO CREATE  
RURAL IMPROVEMENT DISTRICT NO. 1995-1, LEWIS & CLARK COUNTY  
FOR OLEO ACRES SUBDIVISION PLANNING DEPARTMENT

WHEREAS, the Oleo Acres Subdivision is located in portions of Sections 10, 11, 14, and 15, T10N, R3W, P.M.M.; and

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

WHEREAS, a petition has been received from the developer (Robert H. Birkland) requesting that the Board of County Commissioners create a Rural Improvement District for the Oleo Acres Subdivision, 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 Oleo Acres Subdivision are accessed via Birkland Drive, the internal access roads for the subdivision; and

WHEREAS, the Oleo Acres Subdivision will be developed in several phases.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby create Rural Improvement District No. 1995-1, Oleo Acres Subdivision, 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 Oleo Acres Subdivision, as shown on the filed plat of record.

BE IT FURTHER RESOLVED that the maintenance shall include snow plowing, grading, drainage control, street identification and traffic control signing, and other maintenance and repair as necessary to preserve the road surfaces; the initial estimated annual cost for said maintenance, including administrative charges, is \$707. Budget and assessment calculations are attached as Exhibit A.

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 20% development of Phase I of the Oleo Acres Subdivision, annual individual lot assessments would be \$303 for developed lots and \$101 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 12 day of January, 1995

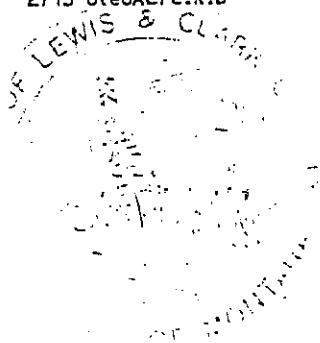
BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

Michael A. Murray  
Michael A. Murray, Chairman

ATTEST:

Paulette DeHart  
Paulette DeHart, Clerk of the Board

File: 2713 OleoAcre.RID



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

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BY Shirley Madrosk

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OLEO ACRES ROAD MAINTENANCE DISTRICT  
 (Roads, Signs and Drainage Structures)  
 Budget Calculations  
 January 9, 1995

estimated cost of maintenance

180	Snow Flowing
126	Culverts / maintenance of culverts
270	Grading 3 times per year
65	signs, posts installation / maintenance of signs
\$641.00	total maintenance cost (labor, equipment, materials)

\$641.00 total maintenance cost estimate (annual)

administration and insurance of maintenance and assessments

2% of annual budget =	\$12.82
3% engineering fee =	\$19.23
total =	\$32.05

operating reserve

5% of annual maintenance and administrative costs  
 (until 15% reserve fund accumulated)  
 \$33.65

total annual cost of maintenance

maintenance + administration + operating reserve = total  
 641 + 32.05 + 33.65 = \$706.70

TOTAL ANNUAL ASSESSMENTS -

Two tier flat fees for undeveloped and developed lots, where the assessment for a developed lot is three times the assessment for an undeveloped lot.

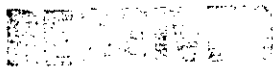
The following formula shall be used to determine individual assessments:

$ax + by =$  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  $y = 3x$ .

Twenty percent of the lots in Phase I of Oleo Acres Subdivision are developed at this time; therefore the individual assessments are calculated as follows:

$ax + by = 707$   
 $4x + 1y = 707$   
 $4x + 3x = 707$   
 $7x = 707$   
 $x = \$101$  per undeveloped lot  
 $y = \$303$  per developed lot





NOV 30 1994

LEWIS & CLARK COUNTY  
PLANNING DEPARTMENT

EXAMPLE

Date

Lewis and Clark County  
Board of County Commissioners  
P.O. Box 1724  
Helena, Montana 59624

Subject: Request to establish a maintenance district for roads in the OLEA ACTES Subdivision

To the Board:

I am proceeding with the fulfillment of the conditions for final plat approval of the OLEA ACTES Subdivision. Item # 19 of the preliminary approval letter required the establishment of a road maintenance district to fund the on-going costs of road maintenance within the subdivision.

I hereby petition the Board of County Commissioners to create a road maintenance district for the subdivision, as required by the preliminary approval. Since I am the sole owner of the affected property and desire an expedient consideration of this petition, I also hereby request that the statutory requirements for public notice, public hearings, and protest period, be waived. I hope that the Commission will address this request as soon as practical.

I have enclosed a copy of the proposed final subdivision plat which shows the lots and roads to be included within the district. I have also enclosed an engineer's estimate of the annual maintenance costs for the subject roads which may be used for the calculation of assessments.

If you have any questions about this request, please contact me at 442-1334.

Sincerely,

Developer

