

RESOLUTION 2005- 16

**A RESOLUTION OF INTENTION TO AMEND THE PRICKLEY PEAR
CREEK ESTATES RURAL IMPROVEMENT DISTRICT NO. 1985-2
TO ANNEX ADJACENT PROPERTIES**

WHEREAS, Lewis and Clark County has developed a functional classification system for the road system within the jurisdiction; and

WHEREAS, revenues generated by the tax levy for roads are not sufficient to adequately maintain the entire road system without adversely affecting other County services; and

WHEREAS, the Board of County Commissioners has prioritized the maintenance and improvement expenditures on those portions of the road system that serve the general public and which facilitate economic activity, being those roads that are classified as arterial in function; and

WHEREAS, the roads in the Prickley Pear Creek Estates RID and surrounding additional area are functionally classified as local and collector roads; and

WHEREAS, the Prickley Pear Creek Estates Rural Improvement District No. 1985-2 was created in 1985 for the purpose of funding road improvements and maintenance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby establish its intention to amend the Prickley Pear Creek Estates Rural Improvement District No. 1985-2 for the purpose of equitably funding road improvements and maintenance for the following roads in Section 13, T10N, R3W, Lewis and Clark County, Montana:

Dusty Maiden Drive, M Scotty Drive, Rocky Road, Smitty Court, Lonesome Loop, Kaitlyn Loop, Legacy Loop, Rawhide Court, B & K Road, Desert Court, Jungers Court, Derek Road, Shanda Court, Rachelle Road, Carrie Court, the portion of Horse Creek Road within the RID, Hollygrape Court and Ivesia Court.

BE IT FURTHER RESOLVED that said district will include those benefiting parcels of land abutting and/or accessing said roads and that the boundaries of the district are shown on Exhibit "A" and listed on Exhibit "B", attached hereto and made a part thereof. All lots within the district would benefit equally and would be assessed a flat fee for the improvements and maintenance.

BE IT FURTHER RESOLVED that the engineer for the improvements is Stahly Engineering and Associates.

BE IT FURTHER RESOLVED that the improvements to the hard surface portion of Dusty Maiden include pulverization, shaping, compacting, reconstruction of top surface with asphalt mat, and chip seal. Improvements to the gravel portion of Dusty Maiden, Rocky Road and M Scotty Drive include reconstruction to gravel standard, shaping, and compacting.



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BE IT FURTHER RESOLVED that the annual costs for said improvements are \$32,965.87 for a period of ten (10) years. Each lot or space shall benefit equally and shall be assessed \$156.98 annually for said improvements. All funds collected for the improvement district shall be spent solely for the road improvements within the proposed district.

BE IT FURTHER RESOLVED that maintenance shall be performed on Dusty Maiden, Rocky Road, M Scotty Drive and the roads in all the subdivisions within the district. Those roads include: Smitty Court, Lonesome Loop, Kaitlyn Loop, Legacy Loop, Rawhide Court, B & K Road, Desert Court, Jungers Court, Derek Road, Shanda Court, Rachelle Road, Carrie Court, the portion of Horse Creek Road within the RID, Hollygrape Court and Ivesia Court.

BE IT FURTHER RESOLVED that the maintenance shall include contributions to a reserve account for future surface treatment (e.g. chipseal), road grading, addition of gravel as necessary, snowplowing and other maintenance and repair as necessary to preserve the roads, and that such maintenance shall be administered by the County. The County will serve only to coordinate the necessary work, collect the assessments, and disburse payments for the district; it is anticipated that the maintenance would be performed by a private contractor.

BE IT FURTHER RESOLVED that the annual costs for said maintenance are \$16,294.81. Each lot or space shall benefit equally and shall be assessed \$77.59 annually for said maintenance. All funds collected for the maintenance district shall be spent solely for the road maintenance activities on the roads.

BE IT FURTHER RESOLVED that the following definitions were used to determine the assessments for benefiting properties within the district:

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.



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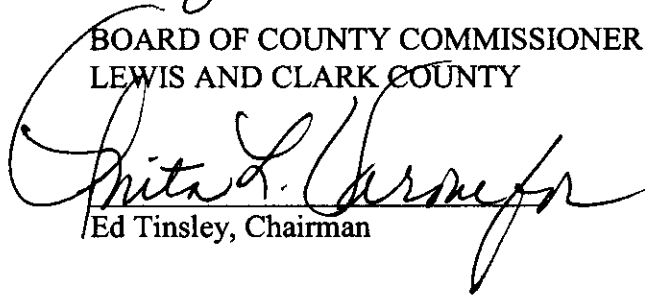
BE IT FURTHER RESOLVED that the commercial lots of the original Prickley Pear Creek Estates do not benefit and will no longer be assessed for the district; said lots being Lots 21 through 24, Prickley Pear Creek Estates Commercial.

BE IT FURTHER RESOLVED that the maintenance district shall remain in effect in perpetuity or until such action by the Board of County Commissioners otherwise dissolves the district.

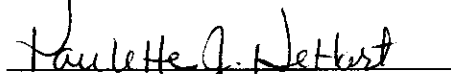
BE IT FURTHER RESOLVED that any owner of property within the proposed districts may make protest against the creation of the districts, pursuant to Section 7-12-2109, MCA.

DATED this 10th day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY


Ed Tinsley, Chairman

ATTEST:


Paulette J. DeHart, Clerk of Board

Attachments: Exhibit "A"
Exhibit "B"

File: PrickleyPearResOfIntent

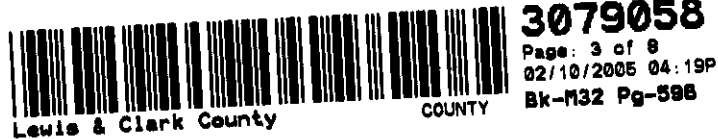
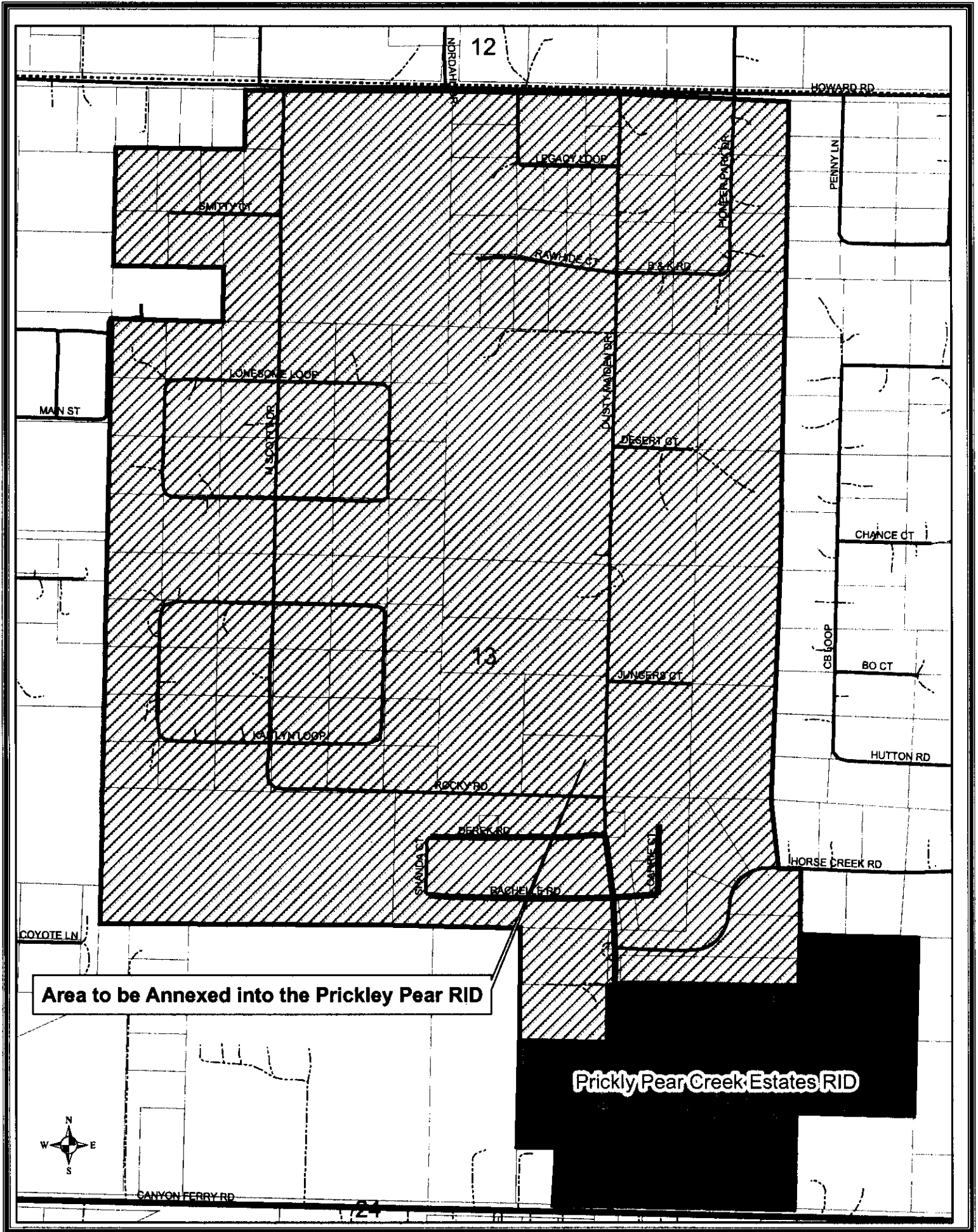


Exhibit "A"



Prickly Pear Creek Estates RID



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GEOCODE	PROPERTY OWNER
188813101010000	HINMAN GLEN A & DEBRA S
188813101110000	HARRINGTON DEANNA K (DEE DEE)
188813101120000	BRUTOSKY CHARLOTTE L
188813101130000	MARCUM JEREMIE L & KERRI A
188813101140000	HERN JON & PATTY
188813107010000	JONES LINDA A & FARRAR JAMES
188813107030000	CUMMINGS PATRICIA A
188813107050000	KOSENA TIMOTHY D & ARDITH D
188813107070000	YATES BOBBIE J & SAMMONS JASON M
188813107090000	BRANHAM ALAN D & CHARLOTTE J
188813107110000	HOFFART COREY L & MICHELLE A
188813107130000	HOWETH MARVIN JR & CHERYLE A
188813107150000	CLARK DAVID L & MARY E
188813107170000	LYGHT DENISE
188813107190000	MARCUM JAMIE & TINA MARIE
188813107210000	WATSON MILES & RITA
188813107230000	STUBBLEFIELD ROBERT J & SMITH CHERYL A
188813108010000	BLACK JACK L
188813108020000	SICKICH STEVEN & DOROTHY JK
188813108030000	TENNESON DONNA
188813108100000	BLACK SCOTT
188813108200000	BLACK SCOTT L
188813109010000	GRIEVE RICHARD D & TAMARA J
188813109020000	MAYER JAMES R & MINDY M
188813109030000	JUDD JACK E & LYNNS
188813109040000	TRIPP MARNI LEE
188813109050000	PIERCE ANN E
188813109070000	REDFIELD LOGAN
188813109090000	RICKMAN ROBERT SCOTT
188813109110000	OVERTON RICHARD O
188813109130000	BLACK JACK L
188813109150000	BLANCHINI MATHIEU & CINDEE
188813109170000	DOLEZAL JAKE
188813109190000	BLACK JACK L
188813109210000	PRESCOTT TRACIE L
188813201900000	SMITH DUANE F
188813202070000	PROUE LINDY M
188813202090000	WINDEN DWAN A & WESLEY J (JT/ROS)
188813202110000	COFFERS CARLA J

EXHIBIT "B"		LEGAL DESCRIPTION	IMPROVEMENT ASSESSMENT	MAINTENANCE ASSESSMENT
		W2SWNE LT 8 COS 308448	\$156.98	\$77.59
		CACTUS TRACTS SUB LT 1 COS 511377/E	\$156.98	\$77.59
		CACTUS TRACTS SUB LT 2 COS 511377/E	\$156.98	\$77.59
		CACTUS TR SUBD LT 3 COS 511377/E	\$156.98	\$77.59
		CACTUS TRACTS SUB LT 4 COS 511377/E	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4, LOT 4-1	\$156.98	\$77.59
		B & K TRACT SUBD LOT 4, LOT 4-6	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4 LT 4-7	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4, LOT 4-8	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4, LOT 4-5	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4, LOT 4-2	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4 LT 4-3	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4, LOT 4-4	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4 LOT 4-9	\$156.98	\$77.59
		B & K TRACTS SUBD AMENDED LT 4 LT 4-10	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4 LT 4-11	\$156.98	\$77.59
		B & K TRACTS SUBD LOT 4, LOT 4-12	\$156.98	\$77.59
		TRACT 3-B1B-2 LOWE TR LT 3 MAJOR SUBD	\$156.98	\$77.59
		TR 3-B1B-1 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		TR 3-B1B-9 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		TR 3-C1C, COS #3027057 & Mob on 93446	\$313.96	\$155.19
		IN NE4 TR 3-A1A PER COS #3027057	\$156.98	\$77.59
		TR 3-B1B-16 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		TR 3-B1B-15 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		TR 3-B1B-14 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		TR 3-B1B-10 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		TR 3-B1B-11 LOWE TR LT 3 MAJOR SUBD PH 1	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-12	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-13	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-5	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-6	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-7	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-8	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-4	\$156.98	\$77.59
		LOWE TR LOT 3 MAJOR PHASE 2 TR 3-B1B-3	\$156.98	\$77.59
		LT 2, COS #308448, IN NE4NW4	\$156.98	\$77.59
		IN NENW TR C	\$156.98	\$77.59
		TR B, COS #528134/F, IN NE4NW4	\$156.98	\$77.59
		IN NENW TR A	\$156.98	\$77.59

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EXHIBIT "B"

GEOCODE	PROPERTY OWNER	LEGAL DESCRIPTION	IMPROVEMENT ASSESSMENT	MAINTENANCE ASSESSMENT
188813402650000	SMITH JOHN W & TRINDA ANN	PRICKLEY PEAR CREEK ESTATES PHASE I	\$156.98	\$77.59
188813402700000	GUEVIN MARJORIE E	PRICKLEY PEAR CREEK EST PHASE I LT 15	\$156.98	\$77.59
188813402750000	MHOON MICHAEL & JODI	PRICKLEY PEAR CREEK EST LT 16	\$156.98	\$77.59
188813402800000	KRUSE DANIEL T & MARIA T	PRICKLEY PEAR CREEK EST LT 17	\$156.98	\$77.59
188813402850000	RASMUSON DARLENE L	PRICKLEY PEAR CREEK EST LT 18	\$156.98	\$77.59
188813403010000	STRIZICH ELLEN FRANCENE & JOHN DAVID JAM	MEADOW VALLEY MINOR SUB LT 1	\$156.98	\$77.59
188813403050000	BARTSCH RONALD SCOTT JR	MEADOW VALLEY MINOR SUB LT 3	\$156.98	\$77.59
188813403100000	WACHOVIA BANK NATIONAL ASSOCI	MEADOW VALLEY MINOR-COS #555302/E (LT 4)	\$10,674.66	\$5,276.41
188813403380000	ASHWORTH CHARITY LYNN	MEADOW VILLAGE MINOR SUBD PHASE I LOT 11	\$156.98	\$77.59
188813404050000	ROGERS WAYNE & LINDA J	VALLEY DRIVE TR #4 LT 17-8	\$156.98	\$77.59
188813404070000	VINCENT GARY GAIL & LINDA VIOLA (JTROS)	MEADOW VILLAGE SUBD-PHASE II LOT 47	\$156.98	\$77.59
188813404100000	REIMER GARY L & MARY A (JT/ROS)	VALLEY DRIVE TR #4 LT 17-9, COS #613157	\$156.98	\$77.59
188813405050000	RIDDOCK WALTER R	VALLEY DRIVE TR #4 LT 17-7, COS #613157	\$156.98	\$77.59
188813405100000	PACE JAMES E & DEANA M	VALLEY DRIVE TR #4 LT 17-6	\$156.98	\$77.59
188813405150000	ALGER WILLIAM J & JENNIFER D	VALLEY DRIVE TR #4 LT 17-5, COS #613157	\$156.98	\$77.59
188813406010000	JACOBSEN WAYNE C DAVID W & MARY J	TSBJ #2 MINOR SUBD TR 13-C COS #3026164	\$156.98	\$77.59
188813406050000	NECKSTAD DANIEL O & SHEILA M (JT)	TSBJ #2 MINOR SUBD TR 13-E COS #3026164	\$156.98	\$77.59
188813406100000	FESSENDEN FRED R & STACY J	TSBJ #2 MINOR SUBD TR 13-D COS #3026164	\$156.98	\$77.59
188813406150000	RILEY SHAUN D & FOX PATRICIA M	TSBJ #2 MINOR SUBD TR 13-B COS #3026164	\$156.98	\$77.59
188813406200000	HARRIS RICHARD J & SHARON L	TSBJ #2 MINOR SUBD TR 13-A COS #3026164	\$156.98	\$77.59
188813407010000	LOWRY JACK	LOT 14C COS #3044177	\$156.98	\$77.59
188813407050000	FERGUSON ROBERT & APRIL	LOT 14D COS #3044177	\$156.98	\$77.59
188813407150000	SCHMOLKE JASON S & MELISSA M	LOWE TRACTS TR 14B COS #3044177	\$156.98	\$77.59
188813407200000	JUNGERS MICHAEL A & AMBER J	LOWE TRACTS TR 14A COS #3044177	\$156.98	\$77.59
			\$32,965.87	\$16,294.81

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