RESOLUTION 2005- /6

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.



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 Jebruan

BOARD OF COUNTY COMMISSIONERS

LEWIS AND CLARK COUNTY

ATTEST:

Paulette J. DeHart, Clerk of Board

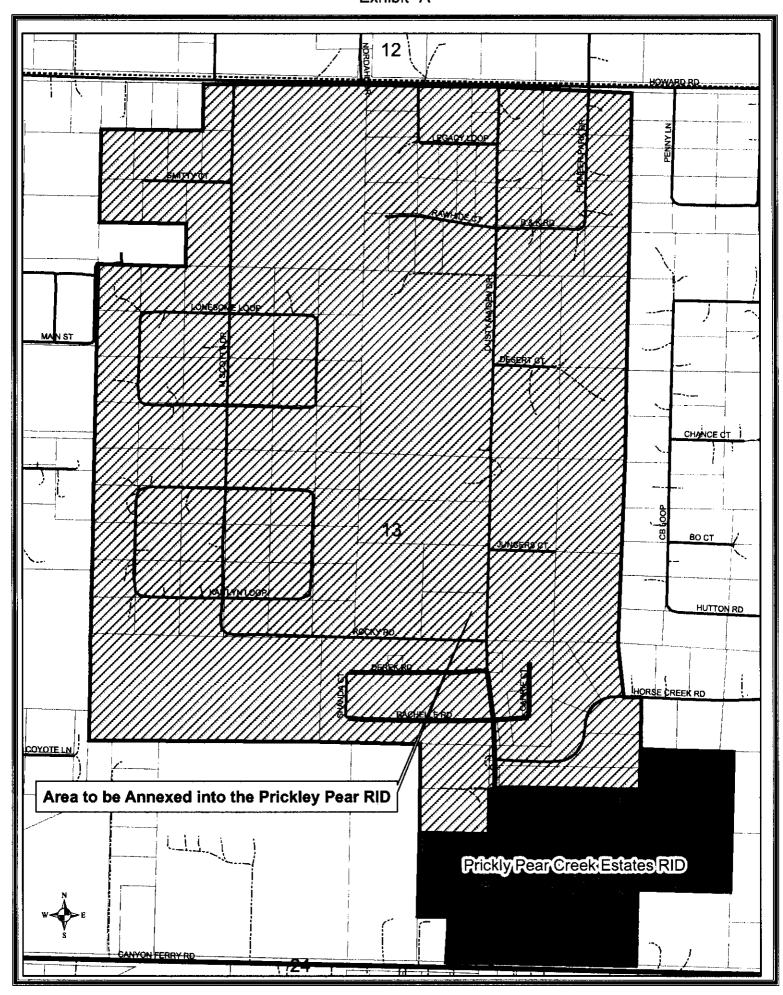
Attachments: Exhibit "A"

Exhibit "B"

File: PrickleyPearResOfIntent



Exhibit "A"





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

	EXHIBIT "B"
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ASSESSMENT

MAINTENANCE ASSESSMENT

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IN NEWW TR A

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SOLITAIRE TR II SUBI	WOODWARD KARA A	188813208050000
SOLITAIRE TR II SUBI	WILCOX DUSTIN J & MELINDA S	188813208030000
SOLITAIRE TR II SUBI	SCHWARZROCK JUD A & TALLI M	188813208010000
SOLITAIRE TR II SUBI	KENT MICHAEL R	188813207070000
SOLITAIRE TR II SUBI	CORBETT THOMAS & HATTIE	188813207050000
SOLITAIRE TR II SUBI	U S BANK NATIONAL ASSOCIATION	188813207030000
SOLITAIRE TR II SUBI	RIDDLE JAMES M & MARGARET S (JT)	188813207010000
SOLITAIRE TRACTS S	SHEPHERD CRAIG A & WENDY M (JT/ROS)	188813206150000
TRACTS	HOUTCHENS JAMIE	188813206100000
SOLITAIRE TRACTS S	BELVILLE JENNIFER L &	188813206050000
SOLITAIRE TRACTS S	KNOPP JASON A	188813206010000
SOLITAIRE TRACTS S	SWANSON AMY L & DAVID B	188813205350000
SOLITAIRE TRACTS S	BREWER BECKY L	188813205300000
SOLITAIRE TRACTS S	HOUK CHARLES G & V CHERYL	188813205250000
SOLITAIRE TRACTS S	PRAIRIE MOBILEVILLAGE LLC	188813205200000
SOLITAIRE TRACTS S	SUTTORP JEFFREY G & LEE M	188813205150000
SOLITAIRE TRACTS S	HEDGES SUSAN M	188813205100000
SOLITAIRE TRACTS S	MCCANN PATRICK	188813205050000
SOLITAIRE TRACTS S	STINCHFIELD MARK W	188813205010000
G & B TRACTS SUBD	BROOKS THOMAS R & CHERYL L	188813204250000
Ω δο	PFEIFFER TERRY L & MAYBERRY APRIL M	188813204200000
G & B TRACTS SUBD	SPRAU JOHN F & JEANNETTE	188813204150000
G & B TRACTS SUBD	THACKER COLIN M & VICKI M	188813204100000
G & B TRACTS SUBD	MARDIS LOREN & ANGIE	188813204050000
G & B TRACTS SUBD	SMITH DARRELL G & JOYCE H	188813204010000
G & B TRACTS SUBD	WRIGHT MARK & ALLISON-WRIGHT KARIN	188813203400000
G & B TRACTS SUBD	LIETZOW DENNIS E & KELLY R	188813203350000
G & B TRACTS SUBD	JONES JAMES DOUGLAS	188813203300000
G & B TRACTS SUBD	NELL MARVIN I & VIOLET L (JT/ROS)	188813203250000
G & B TRACTS SUBD	CARTMILL RICHARD A	188813203200000
G & B TRACTS SUBD	BANGERT GAIL M & SEMENZA WILLIAM C	188813203150000
G & B TRACTS SUBD	HEDGES JEREMY P & SUSAN	188813203100000
G & B TRACTS SUBD	PEERY MICHAEL D & ROBYN	188813203050000
G & B TRACTS SUBD	KIRSCH MICHAEL M	188813203010000
JAKELIN MINOR SUB	LUND HOWARD C & PAMALA R	188813202300000
JAKELIN MINOR SUB	SMITH DUANE F	188813202270000
INNENW TR F	MOERICKE RUTH M	188813202170000
IN NEWW TR E COS	LOVE THOMAS & JOYCE P (JT/ROS)	188813202150000
IN NENW TR D	SMITH MICHAEL D	188813202130000
LEG/	PROPERTY OWNER	GEOCODE

EXHIBIT "B"	IMP	IMPROVEMENT	MAINTENANCE
LEGAL DESCRIPTION	AS	ASSESSMENT	ASSESSMENT
IN NENW TR D		\$156.98	\$77.59
IN NENW TR E COS 528134/F		\$156.98	\$77.59
INNENW TR F		\$156.98	\$77.59
JAKELIN MINOR SUBD LOT 1-4 PER COS		\$156.98	\$77.59
JAKELIN MINOR SUBD LOT 1-5		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-3 COS# 588839/S		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-2		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-1		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-6		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-7,		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-12		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-13	19P	\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-14		\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-15	of 1	\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-4	/20	\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-5	0 /10 -M:	\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-8 C/S #588839	Pa 02	\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-11 C/S #588839	Y	\$156.98	\$77.59
TRACTS SUBD	UNT	\$156.98	\$77.59
G & B TRACTS SUBD LOT 11-9	CC	\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-10		\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-11,		\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-12		\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-7.		\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-6	nt,	\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-1 COS 607234	Cou	\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-2	k (\$156.98	\$77.59
SOLITAIRE TRACTS SUB LT 10-3	lar	\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-9	C	\$156.98	\$77.59
SOLITAIRE TRACTS SUBD LT 10-8,		\$156.98	\$77.59
		\$156,98	\$77.59
SOLITAIRE TRACTS SUB LT 10-4,		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-7		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-8	•	\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-5 COS #626970S		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-6 COS 626790-S		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-12		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-11		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-10 COS 626970S		\$156.98	\$77.59

		EXHIBIT "B"
GEOCODE	PROPERTY OWNER	LEGAL DESCRIPTION
188813208090000	DUFFY STEVEN H	SOLITAIRE TR II SUBDIT 9-4
188813208110000	KURKA KELBY D & SHAWNDELLE R (JT)	SOLITAIRE TR II SUBD LT 9-3
188813208130000	KUXHAUS TODD K	SOLITAIRE TR II SUBD LT 9-2
188813208150000	VELASQUEZ FELICIA	SOLITAIRE TR II SUBD LT 9-1
188813209010000	SNOW DANIEL N & BETH K	TSBJ #1 MAJOR SUBD LT 12-3 COS #3003920
188813209050000	JOHNSON JEROME ALLEN	
188813209100000	WORL RUSSELL P	TSBJ #1 MAJOR SUBD LT 12-1 COS #3003920
188813209150000	SMITH JAMES M & SEMANS SHERYL K	
188813209200000	BROWN KERRY S & DEBORAH L	TSBJ #1 MAJOR SUBD LT 12-7 COS #3003920
188813209250000	BALLARD CHANCY E S II & TONI D	
188813209300000	MCGIRR JOAN MARIE	TSBJ #1 MAJOR SUBD LT 12-13 COS #3003920
188813209350000	POPP JOSEPH L & BERNADINE K	TSBJ #1 MAJOR SUBD LT 12-14 COS #3003920
188813209400000	ALBERTSON DAVID J & NANCY S	TSBJ #1 MAJOR SUBD LT 12-15 COS #3003920
188813210050000	ANTHONY LAWRENCE D & MARCELLA J	TSBJ #1 MAJOR SUBD LT 12-11 COS #3003920
188813210100000	ADELBLUE JESSICA	TSBJ #1 MAJOR SUBD LT 12-8 COS #3003920
188813210150000	SMITH WILLIS R & SHARON L	TSBJ #1 MAJOR SUBD LT 12-5 COS #3003920
188813210200000	FELTON CLAYTON W	TSBJ #1 MAJOR SUBD LT 12-4 COS #3003920
188813301350000	TRIEAY IAMES & DEBORAL	1383 #1 MAJUK SUBU L! 12-9 CUS #3003920
188813401050000	GREEN I YNNE N & GARY I	T B THOMPSON MINIOD STIP COS #504254/F
188813401100000	CECRLE SUSAN & WAYNE	AMENDED I T C-1 PER COS 551709
188813401150000	CORBETT JENNIFER A	O'CONNELL TRACTS PT OF TR 36 COS 303294
188813401200000	JENSEN RONALD JAY	PT OF TR 36 COS 296994
188813401250000	WILSON LYLE F	PT TR 36
188813402010000	HOENKE EDWIN E OR FLAMMOND DON (JT)	PRICKLY PEAR CREEK EST RESIDENTIAL #1
188813402050000	DUTTON DEANN M	PRICKLEY PEAR CREEK EST PHASE I LT 2 PER
188813402100000	BREWER ANETTE & LLOYD	PRICKLY PEAR CREEK ESTATES PHASE I LT 3
188813402150000	TABORSKY CAROL R	PHS I LT 4
188813402200000	MCTAGGERT LARRY MARK & DEBRA L	LT5
18881340230000	PANCAKE SANDRALEE	LOT 7
188813402400000	GOODMAN VICKI	LOT 8
188813402450000	SEMANS RICHARD & PATSY	PRICKLY PEAR CREEK ESTATES PHASE 1 LT 9
188813402500000	BURSON CLAIRE	PRICKLEY PEAR CRK EST RES PH 1 LT 10
188813402550000	SNODDY WILLIAM M & SHARLENE	PRICKLY PEAR CRK ESTATES RES PHS LLT 11
188813402570000	ARMSTRONG TALLY D & VALERIE L	PRICKLEY PEAR CREEK EST LT 12
10001340200000	FOLION FOSTER W & LINDA L	PRICKLEY PEAR CREEK EST LT 13 & mob on 913

EXHIBIT "B"	IMPE	IMPROVEMENT	MAINTENANCE
LEGAL DESCRIPTION	AS	ASSESSMENT	ASSESSMENT
SOLITAIRE TR II SUBD LT 9-9		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-4		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-3		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-2		\$156.98	\$77.59
SOLITAIRE TR II SUBD LT 9-1		\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-3 COS #3003920		\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-2 COS #3003920	4 : 1:	\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-1 COS #3003920	0 f 8 5 0	\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-6 COS #3003920	79 7 o 200 2 P	\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-7 COS #3003920	07 10/ -M3	\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-12 COS #3003920	3(Pag 02/ Bk-	\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-13 COS #3003920		\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-14 COS #3003920	INTY	\$156.98	\$77.59
TSBJ #1 MAJOR SUBD LT 12-15 COS #3003920	COL	\$156.98	\$77.59
SBJ #1 MAJOR SUBD LT 12-10 COS #3003920		\$156.98	\$77.59
SBJ #1 MAJOR SUBD LT 12-11 COS #3003920		\$156.98	\$77.59
SBJ #1 MAJOR SUBD LT 12-8 COS #3003920		\$156.98	\$77.59
SBJ #1 MAJOR SUBD LT 12-5 COS #3003920		\$156.98	\$77.59
SBJ #1 MAJOR SUBD LT 12-4 COS #3003920	ll ty	\$156.98	\$77.59
SBJ #1 MAJOR SUBD LT 12-9 COS #3003920	our	\$156.98	\$77.59
.T 19A-1A1, COS #3022232, IN SW4	k C	\$156.98	\$77.59
T B THOMPSON MINOR SUB COS #504254/E	ari	\$156.98	\$77.59
MENDED LT C-1 PER COS 551709	C	\$156.98	\$77.59
D'CONNELL TRACTS PT OF TR 36 COS 303294		\$156.98	\$77.59
7T OF TR 36 COS 296994	1	\$156.98	\$77.59
7TR 36		\$156.98	\$77.59
RICKLY PEAR CREEK EST RESIDENTIAL #1		\$156.98	\$77.59
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EXHIBIT "B" LEGAL DESCRIPTION PRICKLEY PEAR CREEK ESTATES PHASE
PRICKLY PEAR CREEK EST PHASE I LT 15
PRICKLEY PEAR CREEK EST LT 16
PRICKLEY PEAR CREEK EST LT 18
MEADOW VALLEY MINOR SUB LT 1
MEADOW VALLEY MINOR SUB LT 3
MEADOW VALLEY MINOR-COS #555302/E (LT 4)
MEADOW VILLAGE MINOR SUBD PHASE I LOT 11
VALLEY DRIVE TR #4 LT 17-8
MEADOW VILLAGE SUBD-PHASE II LOT 47
VALLEY DRIVE TR #4 LT 17-9, COS #613157
VALLEY DRIVE TR #4 LT 17-7, COS #613157
VALLEY DRIVE TR #4 LT 17-6
VALLEY DRIVE TR #4 LT 17-5, COS #613157
TSBJ #2 MINOR SUBD TR 13-C COS #3026164
TSBJ #2 MINOR SUBD TR 13-E COS #3026164
TSBJ #2 MINOR SUBD TR 13-D COS #3026164
TSBJ #2 MINOR SUBD TR 13-B COS #3026164
TSBJ #2 MINOR SUBD TR 13-A COS #3026164
LOT 14C COS #3044177
LOT 14D COS #3044177
LOWE TRACTS TR 14B COS #3044177
LOWE TRACTS TR 14A COS #3044177

Print date: February 8, 2005 File: PrickleyPearAmendedRID.xls

\$16,294.81

\$32,965.87

