

**RESOLUTION 2017-52**

**RESOLUTION TO CREATE THE CANYON FERRY CROSSING RURAL  
IMPROVEMENT DISTRICT NO. 2017-7**

WHEREAS, the Board of County Commissioners may order and create a rural improvement district upon the receipt of a petition to create a rural improvement district that contains the consent of all of the property to be included in the district, as per MCA 7-12-2102(2); and

WHEREAS, the attached letter, Exhibit "A", serving as the petition to create a rural improvement district, contains the signature of the sole owner of property to be included within the District; and

WHEREAS, the subdivision applicant for the proposed Canyon Ferry Crossing Subdivision – Phase V was granted preliminary approval on November 6, 2008; and

WHEREAS, the subdivision applicant has requested the creation of a rural improvement district to satisfy Condition of Approval No. 10 for Phase V of the Canyon Ferry Crossing Subdivision ; and

WHEREAS, the designated items set forth in MCA 7-12-2103(2) are as follows:

- (a) The designated number of the District is 2017-7.
- (b) The boundaries of the District are shown on Exhibit "B", which encompass the boundaries of the Canyon Ferry Crossing Subdivision – Phase V, with Lots 1, 18, and 19 being excluded from this District.
- (c)
  - i. The general character of maintenance for roadway improvements includes, but is not limited to, snow plowing, grading, culvert cleaning, dust control, and miscellaneous maintenance items, as detailed on Exhibit "C."
  - ii. Maintenance of roadway improvements for the preliminarily approved Phase V of the Canyon Ferry Crossing Subdivision are within the scope of service for the Canyon Ferry Crossing RID No. 2017-7.
- (d) DOWL is the engineer to have charge of the work. The estimated cost for funding said maintenance in Phase V is \$5,101.74 per year, as shown on Exhibit "C" or \$318.86 per parcel per year. All maintenance funds collected for the District will be spent solely on roadway maintenance within the District.



- (e) The method by which the costs shall be assessed is described in MCA 7-12- 2151(d): "each lot, tract, or parcel of land in the district [will] be assessed an equal amount based upon the total cost of the [maintenance of improvements]."
- (f) Pursuant to MCA 7-12-2103(2)(f), "if an increase occurs in the number of benefitted lots, tracts, or parcels within the boundaries of the proposed district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in MCA 7-21-2151(4)."

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of Commissioners, that it does hereby create the Canyon Ferry Crossing Rural Improvement District No. 2017-7 for the purpose of equitably funding road maintenance.

BE IT FURTHER RESOLVED that the Commission has determined pursuant to MCA 7-12-2108 that the contemplated work is of more than local or ordinary public benefit, and that the expense of such work is chargeable upon the lots and land fronting upon proposed improvements and upon other lots and lands not fronting on the proposed improvements, which are the property benefitted by said work and to be assessed to pay the cost and expense thereof.

BE IT FURTHER RESOLVED that the Lewis and Clark County Public Works Department is authorized and responsible for coordinating maintenance as described on Exhibit "C" within the District boundary as shown on Exhibit "B".

DATED this 13<sup>th</sup> day of June, 2017.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair

ATTEST:



Paulette DeHart, Clerk of the Board

Attachments: Exhibit "A", Exhibit "B", and Exhibit "C"



## Exhibit "A": RID Request Letter/Petition

March 7, 2017

Matt Heimel, Special Districts Planner  
Lewis & Clark County Community Development  
316 N. Park Avenue, Room 230  
Helena, MT 59624

Re: Petition to Create Rural Improvement Districts  
- Canyon Ferry Crossing Phase V, Rural Improvement District  
- Canyon Ferry Crossing Phase V, Tri-lakes Fire District System #1,  
Rural Improvement District

Dear Mr. Heimel:

The purpose of this letter is to petition the Lewis and Clark County Commission to create two separate Rural Improvement District for maintenance of a fire mitigation system and for maintenance of the internal access public roads within Canyon Ferry Crossing Phase V.

In its Final Plat Conditions of Approval decision dated November 6, 2008 the County Commission required:

7.(e) The applicant shall create a Rural Maintenance District for maintenance of the fire mitigation system.

...

10. In cooperation with the County, the Applicant shall create Rural Improvement District for the local roads.

In support of this letter Petition I state the following:

1. I am the President of Canyon Ferry Crossing, Inc., and the applicant for final plat approval of Canyon Ferry Crossing Phase V, described as: Tracts 1 and 2 of COS #3018322 and Lot 6B-1 located in the SW1/4 of Section 1, T10N, and R1W, P.M.M., Lewis and Clark County, Montana.
2. Canyon Ferry Crossing, Inc. is the sole owner of the proposed lands depicted as Lots 1 through 19 of Canyon Ferry Crossing, Phase V. Only Lots 2 through 18 will be included in the proposed RID for maintenance of the internal access public roads. Lot 6B-1, Lot 1 and Lot 19 will not be included in the proposed RID for maintenance of the internal access public roads. Canyon Ferry Crossing, Inc. consents for Lots 2 through 18 to be included in this district per MCA §7-12-2102(2). Only Lots 1 through 19 will be included in the proposed RID for maintenance of a fire mitigation system. Lot 6B-1 will not be included in the proposed RID for maintenance of a fire mitigation system. Canyon Ferry Crossing, Inc. consents for Lots 1 through 19 to be included in this district per MCA §7-12-2102(2).

**Exhibit "A": RID Request Letter/Petition**

3. The attached cost calculation is provided for consideration by the County to establish the cost of maintaining the public roads including culvert cleaning, gravel replacement and grading and for maintenance and operation of the fire mitigation system consisting of a well, tank, mains and hydrant.
  
4. Creation of these Districts will comply with the Conditions of Approval placed on Canyon Ferry Crossing Subdivision Phase V.

Respectfully submitted by:

CANYON FERRY CROSSING, INC.  
a Colorado corporation

by:

  
Peter K. Kloeppfer, its President



