

RESOLUTION 1990 - 82

A RESOLUTION TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR ROAD MAINTENANCE IN TREASURE STATE ACRES AND CAPITOL
MOBILE ESTATES SUBDIVISIONS AND ADJACENT LOTS

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

WHEREAS, a resolution of intent to create Rural Improvement District No. 90-5 was adopted by the Board of County Commissioners on April 3, 1990, as Resolution No. 1990-39; and

WHEREAS, legal notice of the passage of Resolution No. 1990-39 was posted in the proposed district, mailed to property owners in the proposed district, and printed in the local newspaper in accordance with the statutory requirements; and

WHEREAS, written protests were received by the Clerk and Recorder within the specified period of protest, said protests constituting 24 percent of the cost of the proposed work; and

WHEREAS, on April 24, 1990, the Board of County Commissioners held a public hearing and proceeded to hear all protests, determined that there was not sufficient protest to bar proceedings, and denied those protests submitted; and

WHEREAS, the Board has continued action on the proposed rural improvement district from time to time for the purpose of verifying necessary improvements and maintenance, related costs, and holding additional discussions with affected landowners.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby create Rural Improvement District No. 90-5 for the purpose of funding road maintenance within said district.

BE IT FURTHER RESOLVED that said district will include all parcels of the Treasure State Acres Subdivisions (Tract A, Units 1, 2, 3, 4, and 5), Minor Subdivision No. 39 (Lot 3), Capitol Mobile Estates Subdivision, Jones Minor Subdivision, certain adjacent lots as established by Certificates of Survey No. 313506, No. 454773/T, and No. 419416/0, and portions of parcels created by deeds located between Bobcat Drive and North Montana Avenue, as identified on Exhibit A, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that this proposal includes the Treasure State Acres #5 Subdivision Rural Improvement District No. 87-2 which will be incorporated into and replaced by District No. 90-5.

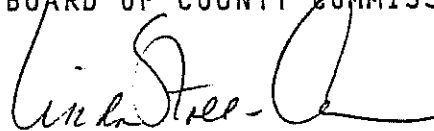
BE IT FURTHER RESOLVED that the maintenance shall include surface sealing, snow plowing and sanding, resurfacing, maintenance of drainage structures, and other maintenance and repair as necessary to preserve the road surfaces, and maintenance of drainage structures, that such maintenance shall be administered by the County Surveyor, unless the Board enters into a contractual arrangement with a representative body of the landowners within the district.

BE IT FURTHER RESOLVED that the maintenance fees shall be assessed upon each lot based upon the lot area and its relative proportion to the total lot area within the district. Estimates of annual maintenance costs are \$23,454 for the first year and \$21,414 for subsequent years, resulting in individual lot assessments ranging from approximately \$58 (for the smallest lot) to \$1,273 (for the largest lot) for the first year and from approximately \$53 to \$1,168 for the subsequent years, depending upon the size of the lot. All funds collected herein shall be spent solely for activities within the proposed maintenance district.

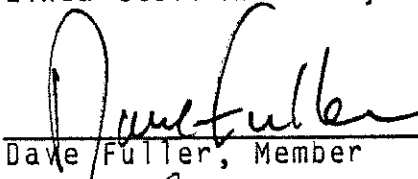
BE IT FURTHER RESOLVED that the Board recognizes the interest of the property owners in administration of the district and will consider cooperation with a representative group in determining the future levels of maintenance service, prioritization of maintenance needs, and related assessments for such maintenance.

Dated this 28th day of August, 1990

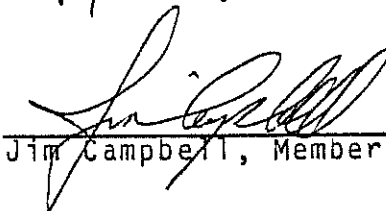
LEWIS AND CLARK COUNTY
BOARD OF COUNTY COMMISSIONERS



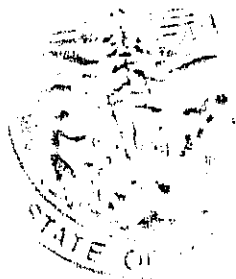
Linda Stoll-Anderson, Chairwoman



Dave Fuller, Member



Jim Campbell, Member



ATTEST:



Sue Bartlett, Clerk of the Board

CONTRACT AND AGREEMENT

THIS CONTRACT AND AGREEMENT, is made and entered into on the day and year set forth below, between Lewis and Clark County, hereinafter referred to as County, and Treasure State Homeowners Association, hereinafter referred to as Association.

WHEREAS, the Lewis and Clark County Board of Commissioners created Rural Improvement District No. 90-5 (RID No. 90-5) for the purpose of funding road maintenance within the district; and

WHEREAS, the maintenance may include surface sealing, snow plowing and sanding, sweeping, re-surfacing, maintenance of drainage structures, and other maintenance and repair as necessary to preserve the road surfaces and maintenance of drainage structures; and

WHEREAS, the maintenance is to be administered by the County's Public Works Director or other party designated by the Board of County Commissioners; and

WHEREAS, the Association represents to the Board of County Commissioners that it is a representative body of all the landowners within the district; and

WHEREAS, the Board of County Commissioners recognizes the landowners' interest in the administration of the district and desires to cooperate with the landowners in determining future levels and priority of maintenance; and

WHEREAS, the Board of County Commissioners wishes to enter into a contractual arrangement with the Association to provide for the administration of maintenance funds;

NOW, THEREFORE, the parties to this agreement, in consideration of the mutual covenants and stipulation set out herein, agree as follows:

1. Association, through its Executive Board, shall prepare and submit a budget during the regular County budget process designed to provide for road maintenance within the boundaries of RID No. 90-5. The Board of County Commissioners shall review the budget submitted and may alter said budget before final adoptions as provided for in state statutes; said review shall be for the purpose of assuring compliance with the intent of RID No. 90-5 and related legal and financial considerations. The approved budget shall be administered by the Executive Board of the Association.

2. Association, through its Executive Board, shall determine all facets of administration, including what maintenance is to be done, where it is to be done, how it is to be done, and when it is to be done.

3. Association has authority to enter into and terminate contracts with licensed, bonded and insured persons to perform any work it deems necessary to provide maintenance, subject to review and approval by the Board of County Commissioners. Association is responsible for complying with all relevant state statutes.

4. Debts and claims incurred by the Association are to be paid by the County Treasurer/Clerk only after approved by the Executive Board of the Association, and only after the County Auditor has audited such claims.

5. County is not subject to any claim or liability in an amount greater than the total amount budgeted for maintenance in any given year for RID No. 90-5.

6. Any maintenance work administered by the Association shall meet all applicable standards and requirements and shall be approved by the Board of County Commissioners or its designee prior to initiation of any work. Such inspections as may be necessary shall be conducted by an engineer employed by the Board of County Commissioners.

7. County shall cooperate and give its full assistance should the Association desire or need to perform maintenance activities, the cost of which would exceed any one year's revenue, by providing for bonds, loans, or other sources of money and allowing the Association to make payments on an installment basis. This provision is subject to availability of funds for such purposes. The Association would be obligated for all related fees and administrative costs of such financing.

8. The money available for use by the Executive Board of the Association shall be determined annually based upon the budget approved by the Board of County Commissioners.

9. County shall provide liability insurance for the county roadways to cover potential liability claims from third parties injured or damaged by defects in roadways. The premiums for said insurance shall be assessed to RID No. 90-5 at the same rate as all other county budgets. Said insurance shall not cover the Association or its Executive Board.

10. In the interest of maintaining the integrity of the road surfaces for purposes of public health and safety, County shall enforce through any and all of its power various County permits and ordinances which require individual parties to repair streets damaged by their actions or authorizations.

11. County is responsible to repair existing deterioration at the intersections of Cougar and Buffalo, Cayuse and Red Fox, Mustang and Red Fox and Glacier and Beaverhead. County shall continue to provide normal street sweeping, sanding and snow-plowing services within RID No. 90-5 at the same level of service provided on county roads in other subdivisions without additional cost to the Association. Association is responsible for the maintenance of street identification signs.

12. County shall assess Association an annual administrative fee, based upon the approved budget and at the same rate of assessment as similar county budgets.

13. The account of RID No. 90-5 shall participate in the County pooled investment program and shall accrue interest in the same manner as all other participants.

14. All revenues collected for RID No. 90-5 shall be used to provide for the maintenance, preservation, and repair of roads within the district, and related administrative costs, and for no other purpose.

15. This agreement shall coincide with the County fiscal year and shall continue from year to year, subject to the right of either party to terminate this agreement by giving written notice to the other party prior to April 1st of each year.

DATED this 16th day of MAY, 1991.

SIGNED David E. Fuller
DAVID E. FULLER, CHAIRMAN
COUNTY COMMISSIONERS

SIGNED William H. Brown
WILLIAM H. BROWN, CHAIRMAN
TREASURE STATE ACRES
HOME OWNERS ASSOCIATION

SIGNED Dennis Dirks
DENNIS DIRKS, VICE-CHAIRMAN
TREASURE STATE ACRES
HOMEOWNERS ASSOCIATION

SIGNED Jan Weber
JAN WEBER, SECRETARY
TREASURE STATE ACRES
HOMEOWNERS ASSOCIATION

SIGNED Vicki Flies
VICKI FLIES, TRUSTEE
TREASURE STATE ACRES
HOMEOWNERS ASSOCIATION

SIGNED Steve Moore
STEVE MOORE, TRUSTEE
TREASURE STATE ACRES
HOMEOWNERS ASSOCIATION

ATTEST: Martha B. McGee
MARTHA B. MCGEE, CLERK OF THE BOARD
LEWIS & CLARK COUNTY

(SEAL)

470616

MARTHA B. MCGEE,
TREAS/CLK
LEWIS & CLARK CO., MONT.

1991 MAY 17 PM 12:50

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BY Shirley Madatash

No fee

