

RESOLUTION NO. 2007-104

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 2005-3 TO RECREATE RURAL IMPROVEMENT DISTRICT NO. 2005-3 FOR THE PURPOSE OF CONSTRUCTING CERTAIN WATER AND WASTEWATER AND RELATED IMPROVEMENTS FOR CERTAIN BENEFITED PROPERTIES IN THE PROPOSED AMENDED DISTRICT, THE FINANCING OF SUCH IMPROVEMENTS AND THE COSTS INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND, AND MAKING DETERMINATIONS AS TO PROTESTS.

BE IT RESOLVED by the Board of County Commissioners of Lewis and Clark County, Montana (the "County"), as follows:

Section 1. Passage of Resolution of Intention. This Board, on July 17, 2007, adopted Resolution No. 2007-83 (the " Amended Resolution of Intention"), pursuant to which this Board declared its intention to amend and recreate Rural Improvement District No. 2005-3 of the County, under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, for the purpose of adding property to the District and financing costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds") and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Amended Resolution of Intention was duly published on July 23, 2007 and July 30, 2007, and mailed to property owners in the proposed Amended District, in accordance with law, and on August 28, 2007, this Board conducted a public hearing on the amendment and recreation of the District. The meeting of this Board at which this resolution was adopted is the first regular meeting of the Board following the expiration of the period ending 30 days after the first date of publication of the notice of passage of the Amended Resolution of Intention (the "Protest Period").

Section 3. Protests. Within the Protest Period, one protest was filed with the County Clerk and not withdrawn by the owners of property in the Proposed Amended District subject to assessment. That protest equals 5.94%% of the total projected assessments, 1.02% of the total taxable valuation of property in the Proposed Amended District, and 1.61% of the owners of property within the Proposed Amended District.

Section 4. Creation of the District; Insufficiency of Protests. Lewis and Clark County Rural Improvement District No. 2005-3 (the "District") is hereby recreated on the terms and conditions set forth in, and otherwise in accordance with, the Amended Resolution of Intention. The protest against the creation of the District filed during the Protest Period is hereby found to be insufficient in accordance with the requirements of Section 7-12-2112, MCA as shown by the



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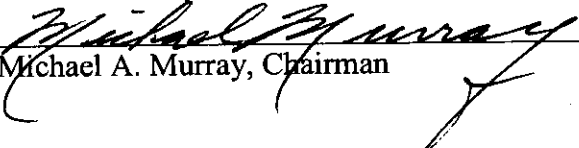
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findings in Section 3 above. The findings and determinations made in the Amended Resolution of Intention are hereby ratified and confirmed.

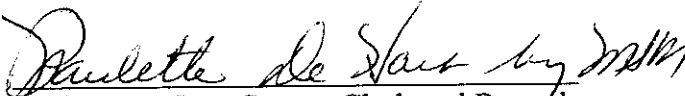
Section 5. Annual Maintenance. It is anticipated that the maintenance of the Improvements will be performed by the City of Helena, so no County rural improvement maintenance district will be created for the District.

PASSED AND ADOPTED by the Board of County Commissioners of Lewis and Clark County, Montana, this 28 day of August, 2007.

BOARD OF COUNTY COMMISSIONERS OF
LEWIS AND CLARK COUNTY, MONTANA


Michael A. Murray, Chairman

ATTEST:


Paulette DeHart, County Clerk and Recorder



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