

RESOLUTION 2006-44

**A RESOLUTION TO CREATE RURAL IMPROVEMENT
DISTRICT NO. 2006-1 FOR THE MAINTENANCE OF YORK ROAD**

WHEREAS, a resolution of intention to create Rural Improvement District No. 2006-1 was adopted by the Board of County Commissioners on March 9, 2006, as Resolution 2006-31; and

WHEREAS legal notice of the passage of Resolution 2006-31 was mailed to property owners in the proposed district and printed in the local newspaper in accordance with the statutory requirements; and

WHEREAS, on April 25, 2006, the Board of County Commissioners held a public hearing and proceeded to hear all protests, comments, and other matters relating to the proposed district, and determined that the boundaries of the district benefit area and the method of assessment were equitable; and

WHEREAS, the Board examined the protest received pursuant to Section 7-12-2112(1)(a) through (c) and found the following:

under part (a) the protest received constituted 40.625%; under part (b) the protest received constituted 40.040%; and under part (c) the protest received constituted 37.879% and it was determined that this was not sufficient protest to bar proceedings.

NOW, THEREFORE, BE IT RESOLVED by the Lewis and Clark County Board of County Commissioners that it does hereby create the York Road Maintenance Rural Improvement District No. 2006-1 for the purpose of equitably funding road maintenance for York Road, from the York Bar, east to the end of the hard surface portion of York Road, approximately 3.14 miles.

BE IT FURTHER RESOLVED that said maintenance district will include those parcels of land abutting and/or accessing York Road, from the York Bar, east to the end of York Road, and to the point where it connects to Vigilante Campground, 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 are hereby declared to benefit and would be assessed a flat fee for the maintenance.

BE IT FURTHER RESOLVED that the maintenance shall include contributions to a reserve account for future road patching repairs, surface treatment (e.g. chipseal), and could include the following: snowplowing, street sweeping, culvert cleaning, and any other maintenance and repair as necessary to preserve York Road, from the York Bar, east to the end of the hard surface portion of York Road, approximately 3.14 miles, 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 \$16,000.00. Each lot, as defined below, shall benefit and be assessed \$250.00 annually for said maintenance. All funds collected for the maintenance district shall be spent solely for the road maintenance activities on the portion of York Road specified above.



Lewis & Clark County

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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 Board hereby determines that the method of assessment and the assessment of the cost of maintenance against the properties benefited are equitable and in proportion to the benefit derived from said maintenance.

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.

DATED this 2nd day of May, 2006.



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BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY

Ajita L. Varone
Ajita L. Varone, Chair

ATTEST:

Paulette J. DeHart
Paulette J. DeHart, Clerk of Board

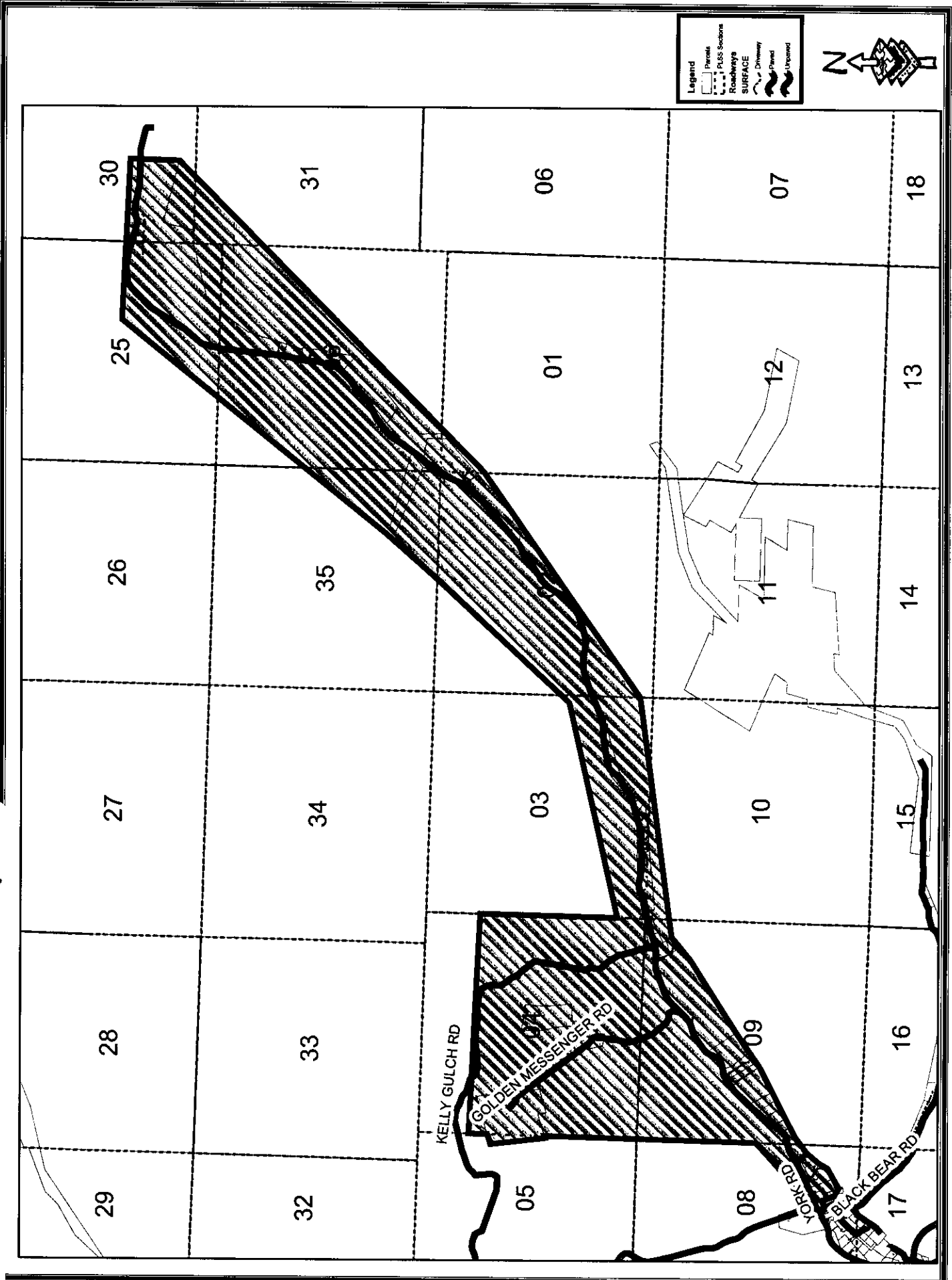
Attachments: Exhibit "A" & Exhibit "B"

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CLARK COUNTY
Lewis & Clark County

EXHIBIT "A"





Lewis & Clark County

EXHIBIT "B"
 YORK ROAD MAINTENANCE DISTRICT

GEOCODE	PROPERTY LOCATION	PROPERTY OWNER	LEGAL DESCRIPTION	RID	ASSESSMENT
199701201010000	8787 YORK RD	JUDD LEONARD R & GLORIA D TRUSTEES	TR 15 TR 14 HE #900, PT TR HE #900		\$250.00
199702101010000	8659 YORK RD	CISKE THOMAS G & LOIS A	TR IN H.E. #900 2.31 AC UP TROUT CR FROM YORK E.SIDE OF RD		\$250.00
199702101100000	8765 YORK RD	JUDD LEONARD R & GLORIA D TRUS	NENE H E #900 N OF YORK ON TROUT CR ON E SIDE OF RD		\$250.00
199703301010000	8059 YORK RD	GROVER CHRISTIAN & LINDA J	W2 PT OF HES #399 IN SW4SE4SW4		\$250.00
199703301050000	8133 YORK RD	TREINEN ROBERT E & HELEN M	TROUT CR-ABOVE YORK 2 MI. W 1/2 SUR #399 10.62 AC		\$250.00
199703401010000	8187 YORK RD	STRACHAN JAMES W JR	TROUT CRK SUB LTS 1-2 PT LT 3		\$250.00
199703401030000	0 UNKNOWN	STRACHAN JAMES W JR	TROUT CREEK SUB LT 3 LESS COS 395631		\$250.00
199703401050000	8229 YORK RD	DAVIS DARLENE A & MCBEE WILLIAM L	TROUT CRK SUB LT 4		\$250.00
199703401100000	8237 YORK RD	ROBERTS DAVID L	TROUT CRK SUB LT 5		\$250.00
199703401120000	8257 YORK RD	ROBERTS WILLIAM J	TROUT CRK SUB LT 6 UP TROUT CRK FRM YORK E SIDE OF RD		\$250.00
199703401150000	8283 YORK RD	BROWN DOUGLAS N & JUNE A	TROUT CRK SUB LTS 7-9		\$250.00
19970410101M000	0 UNKNOWN	VIRAG JOSEPH M TRUSTEE	MS # 5195A LITTLE DANDY LODGE		\$250.00
19970420101M000	0 UNKNOWN	VIRAG JOSEPH M TRUSTEE	MS #5194 GLDN MESS LD (17.86 AC) MS #9688A FAITH LODGE (20.16 AC)		\$250.00
19970430101M000	0 UNKNOWN	VIRAG JOSEPH M TRUSTEE	FAITH MILL SITE MS #9688B		\$250.00
199704401050002	8040 YORK RD	OLSON SHIRLEY	NO TITLE UP KELLY GULCH		\$250.00
199704401100002	8044 YORK RD	KOEPP DOROTHY I M	NT UP KELLY GULCH		\$250.00
199708403070000	7525 YORK RD	MILLER CAROL J	TR B IN S2 .5172 AC		\$250.00
199708403090000	7529 YORK RD	CLARK BRENDA ANN & DIANA B	PT SUR 2033 GREAT LAKES 24X40 000095768		\$250.00
199708403110000	7551 YORK RD	ROY A J III & CAROL A	M & B TR IN MIN SUR 2033 SEE BK 261 PG 721		\$250.00
199708403130000	7555 YORK RD	LIMON ROBERT P & KRISTINA L	PT SUR# 2033 1.797 AC COS #355217		\$250.00
19970840314M000	7581 YORK RD	STRATTON ROBERT D & TWYLA I	PT SUR 2033 .983 AC FLEETWOOD 26X58 000094045		\$250.00
199708403150000	7585 YORK RD	GROVER CHRISTIAN D & LINDA J	TR A IN MS 2033 SPRATT COS 469889/O		\$250.00
199708403160000	7587 YORK RD	GROVER CHRIS & LINDA	TR B IN PT MS 2033 SPRATT PER C/S 469889/O		\$250.00
199708403170000	7575 YORK RD	MICHALSON LEROY J & MINNIE M & FLORENCE	TR IN SESE		\$250.00
199708403190000	7553 YORK RD	PRICHARD MARK J	TR IN SESE PT OF SURVEY #2033		\$250.00
199708403210000	7549 YORK RD	HANNAH FREDERICK H & MARGARET	TR IN SUR 2033 FLEETWOOD 14X66 000091297		\$250.00
199708403230000	7509 YORK RD	COTE DALE & BETTY	TR G .607 AC COS #283318 TR C .39 AC COS #259719 000093679		\$250.00
199708403250000	7513 YORK RD	RIDEOUT LINDA JANE	TRACK A COS #259719 IN SE DETROITER 14X72 1979		\$250.00
199708403310000	7503 YORK RD	HOUSER MICHAEL J	TR F .868 AC		\$250.00
199708404010000	7500 YORK RD	MOON DAVID R	TR C & I C/S 283318		\$250.00
199708404030000	0 UNKNOWN	MOON DAVID R	TR D C/S 283318		\$250.00
199708404050000	0 UNKNOWN	MOON DAVID R	TR E C/S 283318		\$250.00
199708404070001	7540 YORK RD	HOUSER MICHAEL	TR IN MS #2033 FLEETWOOD 10X41 1959		\$250.00

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Lewis & Clark County

EXHIBIT "B"

GEocode	PROPERTY LOCATION	PROPERTY OWNER	LEGAL DESCRIPTION	RID	ASSESSMENT
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199708404230000	7536 YORK RD	HOUSER MICHAEL	PT PLACER SUR 2033 .32 AC		\$250.00
199709101010000	8037 YORK RD	ROBINSON FREDRIC W & JANET	TR IN NENENE C/S 336320 IN SUR 2033		\$250.00
199709101050000	8041 YORK RD	GOODMAN BRIAN S	TR IN SUR 2033 AND HES 395		\$250.00
19970910110M000	8055 YORK RD	VIRAG JOSEPH M TRUST	IN NE4NE4 TRACT A MS 5195B COS 525602/F		\$250.00
19970910115M000	8045 YORK RD	VIRAG CHARLES M & MARGARET A	IN NE4NE4 TRACT B, MS 5195B COS 525602/F		\$250.00
199709201010000	7611 YORK RD	POWER ELAINE COOPER	PT SUR 2033		\$250.00
199709201030000	7611 & 7633 YORK RD	TORICK JASON M	PT SUR 2033 ROLLOHOME 000093151		\$250.00
199709201050000	7635 YORK RD	MATKOVICK STEPHENNAOMI M	TR IN SUR 2033		\$250.00
199709201070000	0 UNKNOWN	MATKOVICH STEPHEN	TR IN PLACER SUR 2033 1.95 AC		\$250.00
199709201090000	0 UNKNOWN	TORICK JASON	TR IN PLACER 2033		\$250.00
199709201110000	7777 YORK RD	OSTRANDER RONALD R & KATHLEEN D	TRACT IN SPRATT PLACER #2033 AND HES #395		\$250.00
199709201150000	7791 YORK RD	OSTRANDER RONALD R & KATHLEEN	TR A PT SUR 2033 AND HES 395 AKA TR A-1 PER C/S #466479/B		\$250.00
199709201170000	7801 YORK RD	SLOAN RICHARD L & RHODETTA J	TR IN SUR 2033 2.217 AC TR B		\$250.00
199709201190000	0 UNKNOWN	SLOAN RICHARD L & RHODETTA J	PART OF SPRATT PLACER# 2033 AND HES # 395		\$250.00
199709201210000	0 UNKNOWN	SLOAN RICHARD L & RHODETTA J	TR IN W2 PT OF MS NO 2033 & HES #395 COS #436550/O		\$250.00
199709201240000	7945 & 7935 YORK RD	SLOAN RICHARD L & RHODETTA J	IN N2 PER COS #288049 (LESS COS #436550)		\$500.00
211325401010000	9605 YORK RD	KOEHLER GARY	INT SE4 AKA HE 7769 398		\$250.00
211335401010000	0 UNKNOWN	MCINNES WILLIAM W	TR IN HS 900 13.4 AC		\$250.00
211336101050000	9175 YORK RD	DUENSING STANLEY A & DAVID C	HE #900 PER C/S #380201		\$250.00
21133610105AG00	0 UNKNOWN	MCINNES WILLIAM W	INT W2 AKA HE 7769 398		\$250.00
211336101100000	9177 YORK RD	OBODZINSKI TADEUSZ A & VALENTINE M	PARCEL A PER C OF S #464602/B		\$250.00
211336101150000	9181 YORK RD	D'ESTERRE NORMAN J & BARBARA J	TR IN HE ENTRY #7969		\$250.00
211336101200000	0 UNKNOWN	D'ESTERRE NORMAND J & BARBARA	N OF YORK UP TROUT CRTL 1 HE 7969		\$250.00
211336101250000	9185 YORK RD	D'ESTERRE NORMAND J & BARBARA	TR IN HES # 398 IN N2		\$250.00
211336301100000	0 UNKNOWN	KIESLING VICTOR J JR & JEANNIE	TR 12		\$250.00
211336301200000	0 UNKNOWN	KIESLING VICTOR JOHN JR & JEAN	TR IN 10-11 HOMESTEAD ENTRY 900		\$250.00
211336301250000	9135 YORK RD	ROMASKO HARRY E & HAZEL M	1.75 AC N OF YORK ON TROUT CREEK FLEETWOOD 24X40 1971		\$250.00
211336301300000	9143 YORK RD	ALBRO BRIAN A	A 210.6'X170'X215.25'X230.75' TRACT LOCATED IN H.E. NO 900		\$250.00
21143030101AG00	9609 & 9611 YORK RD	MCINNES WILLIAM W	INT SW4 AKA HE 7769 398		\$500.00