

RURAL SPECIAL IMPROVEMENT DISTRICT NO. 122

Resolution Creating District.

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4 The following Resolution, introduced by Commissioner
5 Payney, who moved its adoption, was seconded by
6 Commissioner Wicks, and was unanimously passed
7 and adopted.

8 A resolution creating Rural Special Improvement
9 District No. 122, being a thickly populated district in Yellowstone
10 County, Montana, designating the boundaries thereof, and passing
11 on the protests made.

12 WHEREAS, the Board of County Commissioners of said
13 county gave notice of the passage of the Resolution of Intention
14 by causing the same to be published in two issues of the Billings
15 Times, a weekly newspaper published nearest to the place where
16 said Rural Special Improvement District No. 122 is to be created;
17 and also caused to be posted within the boundaries of such district
18 a copy of such notice in three public places, and a copy of such
19 notice to be mailed to every person, firm, or corporation owning
20 property within the proposed district at their last known place
21 of residence upon the same day that such notice was first
22 published and posted, the first publication of this notice being
23 on the 17th day of November, 1949. A copy of said notice and
24 proof of its posting, publishing and mailing is on file with the
25 County Clerk of this county and is identical with the notice
26 prescribed and set forth in the Resolution of Intention. This
27 said notice described the general character of the improvement
28 so proposed to be made and contained the estimated cost thereof
29 and designated December 5, 1949, at eleven o'clock A. M. as the
30 time when, and the office of the board of county commissioners in
31 the courthouse at Billings, Montana, as the place where the said
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1 Board would hear and pass upon all protests that might be made
2 against the making of such improvements or the creation of such
3 district, and the said notice referred to the resolution of
4 intention, on file in the office of the county clerk, for the
5 description of the boundaries of such district, and the number of
6 said district was stated in the notice.

7 WHEREAS, the Board of County Commissioners met
8 in regular session on the said 5th day of December, 1949 at
9 11:00 o'clock A. M., at their office in the courthouse in
10 Billings, Montana, and a written protest having been filed by
11 Peter Yegen, Jr. and also by the C. B. & Q. Railway Company, the
12 Board proceeded to hear the testimony offered in support of said
13 protests. Peter Yegen, Jr. appeared and gave oral testimony in
14 support of his protest, and Paul C. Jordan appeared and testified
15 orally for the C. B. & Q. Railway Company. Upon the conclusion
16 of the testimony, the Board, upon unanimous vote, took the matter
17 of the protests filed and of the creation of the district under
18 advisement. Mr. O. E. Dockstader also appeared at said hearing
19 on behalf of Marshall Wells and reaffirmed their written request
20 asking that certain lands in and near Block 255 of the original
21 town, now city, of Billings, Montana also be incorporated and
22 included within the boundaries of the proposed district.

23 AND WHEREAS, the Board of County Commissioners
24 of Yellowstone County, Montana having this day met in regular
25 session, and the matter of creation of the said proposed improve-
26 ment district, passing upon the protests filed, and extending the
27 boundaries of the proposed district coming on for final decision
28 and determination, and it appearing to the Board that the public
29 interest requires the creation of said improvement district,

30 NOW, THEREFORE, be it hereby resolved as follows:
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32 1. That there is hereby created a rural special

1 improvement district, to be known and described as Rural
2 Special Improvement District No. 122, in Yellowstone County,
3 Montana.

4 2. That the general character and purpose of the
5 improvement to be made in said district are as follows:

6 To provide and install cast iron water mains,
7 together with necessary valves and fittings, in 2nd, 3rd and 4th
8 Avenues North and in North 9th, North 10th, North 11th, North
9 12th, North 13th, North 14th and North 15th Streets and along
10 U. S. Highway No. 10 in the area extending from U. S. Highway
11 #10 on the east to North 16th Street on the West and from 1st
12 Avenue on the South to 6th Avenue North on the North. The
13 location of the pipe lines and the boundaries of the district to
14 be improved and assessed are as shown on the district plat.

15 3. That the protest filed by Peter Yegen, Jr.
16 be, and the same hereby is, overruled for the reason that it
17 satisfactorily appears to the Board that the lands owned by him
18 and proposed to be included within the boundaries of said
19 district are not now amply served with water, and that said lands
20 will receive substantial benefits from the proposed improvements.

21 4. That the protest filed by the C. B. & Q.
22 Railway Company be, and the same hereby is, allowed for the reason
23 that it appears that the lands included within the right of way
24 of said railroad and sought to be included within the boundaries
25 of said district, will never have occasion to be served with
26 water due to the need of maintaining required clearances at all
27 times for trains; that the boundaries of said proposed improve-
28 ment district are hereby amended so as to exclude the right of
29 way of the C. B. & Q. Railway Company. This exclusion having
30 been made at the request of the C. B. & Q. Railway Company, it
31 is ordered that at no time shall the said C. B. & Q. Railway
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1 be authorized to connect to the mains of said improvement district,
2 for the purpose of providing water upon its said right of way,
3 without the permission of the Board of County Commissioners
4 being first had and obtained.

5 5. A written request by the owners of the area
6 in and about Block 256 of the original town, now city, of
7 Billings, Montana for inclusion within the boundaries of said
8 improvement district, having been received in addition to the
9 request of the owners of Block 255, heretofore received, and it
10 appearing to the Board that 100% of the owners of said lands
11 have joined in said request, and that said owners are willing to
12 bear any extraordinary expenses in connection with extending the
13 boundaries of said district so as to include their lands, and
14 that, therefore, no prejudice can result to the owners of the
15 premises within the original proposed boundaries of said
16 improvement district, be it further resolved that said requests
17 be granted upon the condition that all extraordinary expenses
18 in connection with said improvement occasioned by said extension
19 of the boundaries of said district be paid for by the owners of
20 the lands thereby affected in cash, either into the funds of said
21 improvement district, or direct to the contractor, at the request
22 of the engineer in charge of said district. It shall be the
23 duty of the engineer to keep a record of all such extraordinary
24 expenses and to see that payment therefor is made before final
25 connection of the water mains is made, serving the lands in such
26 extended area.

28 6. That the boundaries of said improvement
29 district shall be, and the same are hereby declared to be, the
30 same as described and set forth in the said Resolution of
31 Intention, adopted November 16, 1949, with the exception that
32 the right of way of the C. B. & Q. Railway Company shall be

1 excluded from said district, and that the lands described in
2 said written requests for extension of said boundaries, shall be
3 included. As so modified, the boundaries of said improvement
4 district are hereby declared to be as follows:

5 Beginning at the intersection of the center lines
6 of the alley between North 15th Street and North 16th Street
7 and 3rd Avenue North of the City of Billings; extending thence
8 northwesterly along the center line of the said alley to an
9 intersection with the center line of 4th Avenue North; thence
10 northeasterly along the center line of 4th Avenue North to an
11 intersection with the center line of North 15th Street; thence
12 northwesterly along the center line of North 15th Street to an
13 intersection with the center line of 6th Avenue North; thence
14 northeasterly along the center line of 6th Avenue North to an
15 intersection with the center line of North 13th Street; thence
16 southeasterly along the center line of North 13th Street to
17 an intersection with the North right of way line of the
18 C. B. & Q. Railroad; thence southwesterly along the said railway
19 right of way line to an intersection with the center line of
20 North 15th Street; thence southeasterly along the center line
21 of North 15th Street to an intersection with the South right
22 of way line of the C. B. & Q. Railroad; thence northeasterly
23 along the said railway right of way line to an intersection with
24 the center line of U. S. Highway No. 10; thence South along
25 the center line of U. S. Highway No. 10 to an intersection with
26 the center line of 1st Avenue North; thence southwesterly along
27 the center line of 1st Avenue North to an intersection with
28 the center line of 12th Street North; thence northwesterly
29 along the center line of 12th Street North to an intersection
30 with the center line of 2nd Avenue North; thence southwesterly
31 along the center line of 2nd Avenue North to an intersection
32 with the center line of North 14th Street; thence northwesterly
along the center line of North 14th Street to an intersection
with the center line of 3rd Avenue North; thence northeasterly
along the center line of 3rd Avenue North to an intersection
with the center line of the alley between North 13th Street and
North 14th Street; thence northwesterly along the center line of
said alley to an intersection with the center line of 4th
Avenue North; thence southwesterly along the center line of
4th Avenue North to an intersection with the center line of the
alley between North 14th and North 15th Streets; thence south-
easterly along the center line of said alley to an intersection
with the center line of 3rd Avenue North; thence southwesterly
along the center line of 3rd Avenue North to the point of be-
ginning.

7. That the name of the engineer who shall have
charge of said work is C. E. Durland, County Surveyor of
Yellowstone County, Montana.

Passed by the Board of County Commissioners of
Yellowstone County, Montana, this 10th day of January, 1950.

ATTEST: Earl Knight,
Clerk.

Paul Bagerman
Chairman.