

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 19-56

**Resolution to Dissolve Yellowstone County Rural Special Improvement District No. 40L**

WHEREAS, pursuant to Sections 7-12-2101 through 7-12-2113 of the Montana Code Annotated, a board of county commissioners has the authority to create a rural special improvement district to fund the construction and maintenance of public improvements. To create a district, a board should pass a resolution of intent, set a public hearing, provide notice of the public hearing, receive protests, hold a public hearing, consider protests and pass a resolution that either creates or does not create the district. There is no explicit authority as to how a board is supposed to dissolve a district. Because there is no explicit authority as to how a board is supposed to dissolve a district, it is logical a board should use the same procedure to create a district to dissolve a district.

WHEREAS, in 1938, the Yellowstone County Board of County Commissioners created Yellowstone County Rural Special Improvement District No. 40L to maintain the lighting of Industrial Subdivision. The District does not serve any purpose because the lighting is now provided by MDT. Attached is a copy of the resolution that created the District, a map of the District, a list of the properties and property owners in the District. The Board will transfer the remaining funds to the general fund to pay remaining Northwestern Energy bills.

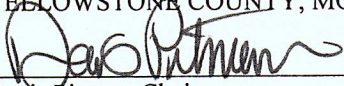
WHEREAS, on August 6, 2019, the Yellowstone County Board of County Commissioners passed a resolution of intent to dissolve Rural Special Improvement District No. 40L and set a public hearing on the dissolution of the District for September 17, 2019. On August 9, 2019, the Yellowstone County Clerk and Recorder mailed notice of the hearing to all property owners in the District. On August 9, 2019 and August 16, 2019, the Yellowstone County Clerk and Recorder published notice of the public hearings in the *Billings Gazette*. On September 17, 2019, the Board held a public hearing on the dissolution of the District. The Board heard comments on the District and considered protests as to the dissolution of the District. The Board did not receive enough protests to prevent the dissolution of the District. There were no property owners that protested the dissolution of the District. The Board believes that it is in the best interest of the public to dissolve the District.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners dissolves Rural Special Improvement District No. 40L that maintained the lighting of Industrial Subdivision. The District is not needed as MDT now provides the lighting.

Passed and Adopted on the 17<sup>th</sup> day of September, 2019.

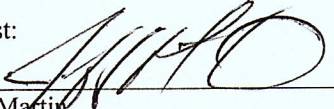
BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
\_\_\_\_\_  
Denis Pitman, Chair

  
\_\_\_\_\_  
Donald W. Jones, Member

  
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John Ostlund, Member

Attest:

  
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Jeff Martin  
Yellowstone County Clerk and Recorder