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RESOLUTION NO. 28828

A RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT DISTRICT NO. 535, IN THE COUNTY OF YELLOWSTONE, STATE OF MONTANA, FOR THE PURPOSE OF SECURING AND PROVIDING ENERGY AND MAINTENANCE FOR NEW MERCURY VAPOR COLOR IMPROVED STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATED RATE FOR ENERGY AND MAINTENANCE THEREOF, AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS.

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WHEREAS, The Board of County Commissioners of Yellowstone County, Montana, on August 24, 1971, passed Resolution No. 28616, a resolution of intention to create a Rural Special Improvement District designated as No. 535, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, for September 21, 1971, at 10:00 A.M., and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said notice, all protests were heard and considered; and

$\frac{1}{2}$  WHEREAS, the County Clerk and Recorder reported that persons having property to be assessed in said District, representing approximately 1 $\frac{1}{2}$  percent of the property included in said District, protested against the creation of said District; and the Board of County Commissioners, being satisfied that said percentage was correct and that said protests were insufficient to stop the creation of said District, after hearing and giving consideration to all protests against the creation or extent of the proposed District, or any matter pertaining thereto, overruled and denied said protests, and each of them.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF YELLOWSTONE COUNTY, MONTANA:

Section 1: That the Board of County Commissioners of

Yellowstone County, Montana, does hereby create a Rural Special Improvement District, to be known and designated as Rural Special Improvement District No. 535, for the purpose of securing and providing energy and maintenance for new mercury vapor color improved street lights for lighting said District.

Section 2.: That the boundaries of Rural Special Improvement District No. 535, are as set forth in Resolution of Intention No. 28616, on file in the office of the County Clerk and Recorder of Yellowstone County, Montana, and by this reference are incorporated herein and made a part hereof.

Section 3: That the Board of County Commissioners hereby finds and determines that each of the lots, blocks, pieces and parcels of land, situated within the boundaries of said District, are especially benefited and affected by said improvements, and each and all of the lots, blocks, pieces and parcels, more particularly described in said Resolution No. 28616 and by this reference incorporated and made a part hereof, are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

Section 4: That the general character of the improvements to be made is hereby declared to be as described in said Resolution No. 28616, and is by this reference incorporated and made a part hereof.

Section 5: That the County of Yellowstone, Montana, will contract with The Montana Power Company for supplying electrical energy to and maintenance of said street lighting system, with the estimated cost thereof for the first year to be computed as follows:

- 78.00
- (a) The rate of \$78.00 per year for the electrical energy, operation and maintenance of each unit, consisting of a fixture, pole and conductor supplying energy thereto.

That The Montana Power Company shall install, and at all times own, the above described lighting fixtures, poles, cables and other incidental equipment.

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Section 6: That based upon the above figures, the estimate of the cost of said District per year is the sum of \$1,716.00. Due to the difference in time the lighting service starts and the time assessments can be levied, the first assessment may cover a period of operation of the District shorter or greater than one year. The estimate of the total cost of the District to be covered by the first assessment is \$2,717.00.

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2917.00

Section 7: That the entire cost of said District shall be paid by an annual assessment against the property in said District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as "Rural Special Improvement District No. 535 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefor.

Section 8: That reference is hereby made to Resolution of Intention No. 28616, the maps, specifications, boundaries, perimeter and data pertaining to the District, in the office of the County Clerk and Recorder, for further particulars, all of which are made a part hereof.

PASSED by the Board of County Commissioners this 28th day of September, 1971.

E. F. Carlson  
Chairman

[Signature]  
Commissioner

[Signature]  
Commissioner

Attest: Merrill H. Klundt  
County Clerk & Recorder  
By [Signature] Deputy  
County Clerk and Recorder