

RESOLUTION NO. 13-57
**RESOLUTION CREATING RURAL SPECIAL
IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #574M
(EMERALD HILLS WESTGATE SUBDIVISION - ROAD)**

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 maintain roads. 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; and

WHEREAS, the Yellowstone County Board of County Commissioners passed Resolution 13-42 on July 25, 2013 to meet these requirements; and

WHEREAS, the Yellowstone County Board of County Commissioners created Rural Special Improvement District No. 574 on May 20, 1975 to reconstruct the roads and make improvements, including curb and gutter, in Emerald Hills Westgate Subdivision. At the time of RSID 574 creation, a maintenance district was not created to maintain the improvements. The Board would like to create a District to maintain the improvements within district boundaries, as shown in Exhibit A (map) in Yellowstone County, Montana; and,

WHEREAS, the properties included within the boundaries of the district are described in Exhibit B; and,

WHEREAS, all of the costs of the district shall be assessed equally on a per lot method for existing and future lots; and,

WHEREAS, the cost estimate as shown in Exhibit C is only an estimate of annual costs and is subject to cost fluctuations due to maintenance utilization levels and changes in material and labor costs of performing necessary maintenance; and,

WHEREAS, the property assessment amount is subject to adjustment and will be established annually by the Board of County Commissioners; and,

WHEREAS, the district shall be considered to exist perpetually unless included within another district providing the same services or assumed by a municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, deeming the public interest or convenience require the creation of the rural special improvement maintenance district, intends to create the following described Rural Special Improvement Maintenance District to maintain improvements:

1. **NUMBER OF DISTRICT.** The Rural Special Improvement Maintenance District shall be designated as District No. 574M.
2. **DESCRIPTION OF DISTRICT.** The exterior boundaries of the District are shown in Exhibit A and described in Exhibit B.

3. **DESCRIPTION OF IMPROVEMENTS, DESCRIPTION OF MAINTENANCE, METHOD OF ASSESSMENT AND ESTIMATED COSTS.** Assessments collected on behalf of this district shall be used for the maintenance of curb, gutter and road located within district boundaries, as estimated in Exhibit C. All of the costs of the district shall be assessed equally on a per lot method for existing and future lots.

4. **DURATION.** The district shall be deemed to be perpetual in nature unless absorbed and replaced by another district or municipality.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 27^h day of August, 2013.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


James E. Reno, Chairman


John Ostlund, Member

Against - voted no
Bill Kennedy, Member

(SEAL)
ATTEST:

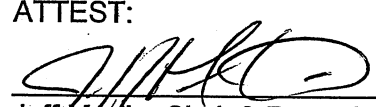

Jeff Martin, Clerk & Recorder
Yellowstone County, Montana

EXHIBIT A

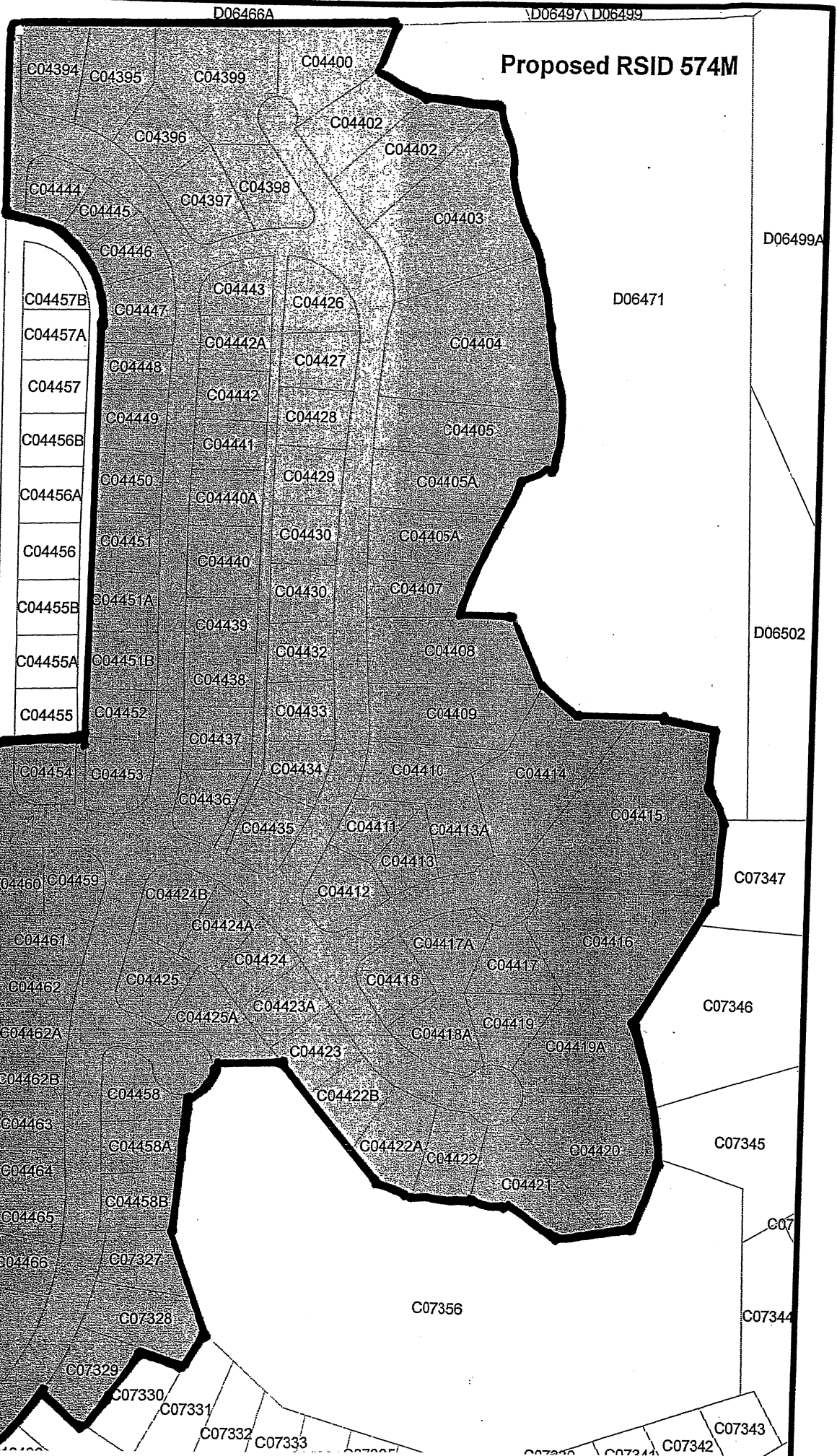


EXHIBIT B
LEGAL DESCRIPTIONS

**TAX
CODE**

PROPERTY LEGAL DESCRIPTIONS

1	C04394	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 1
2	C04395	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 2
3	C04396	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 3
4	C04397	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 4
5	C04398	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 5
6	C04399	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 6
7	C04400	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 7
8	C04402	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 8 - 9, 51410 SQUARE FEET, COMBO W/C4401 (05)
9	C04403	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 10
10	C04404	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 11
11	C04405	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 12
12	C04405A	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 13 - 14, (COMBO W/C4406) (08)
13	C04407	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 15
14	C04408	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 16
15	C04409	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 17
16	C04410	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 18
17	C04411	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 19
18	C04412	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 20
19	C04413	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 21
20	C04413A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 22
21	C04414	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 23
22	C04415	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 1, Lot 24
23	C04416	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 25
24	C04417	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 26
25	C04417A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 27
26	C04418	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 28
27	C04418A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 29
28	C04419	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 30
29	C04419A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 31
30	C04420	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 32
31	C04421	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 33
32	C04422	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 34
33	C04422A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 35
34	C04422B	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 36
35	C04423	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 37
36	C04423A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 38
37	C04424	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 39
38	C04424A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 40
39	C04424B	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 41
40	C04425	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 42
41	C04425A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 1, Lot 43
42	C04426	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 1
43	C04427	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 2
44	C04428	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 3
45	C04429	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 4
46	C04430	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 5 - 6
47	C04432	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 7
48	C04433	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 8

EXHIBIT B
LEGAL DESCRIPTIONS

TAX CODE	PROPERTY LEGAL DESCRIPTIONS
49 C04434	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 9
50 C04435	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 10
51 C04436	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 11
52 C04437	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 12
53 C04438	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 13
54 C04439	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 14
55 C04440	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 15
56 C04440A	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 16
57 C04441	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 17
58 C04442	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 18
59 C04442A	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 19
60 C04443	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 2, Lot 20
61 C04444	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 1
62 C04445	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 2
63 C04446	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 3
64 C04447	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 4
65 C04448	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 5
66 C04449	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 6
67 C04450	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 7
68 C04451	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 8
69 C04451A	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 9
70 C04451B	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 10
71 C04452	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 11
72 C04453	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 12
73 C04454	EMERALD HILLS WESTGATE SUBD, S20, T01 N, R27 E, BLOCK 3, Lot 13
74 C04458	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 4, Lot 1
75 C04458A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 4, Lot 2
76 C04458B	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 4, Lot 3
77 C04459	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 1
78 C04460	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 2
79 C04461	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 3
80 C04462	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 4
81 C04462A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 5
82 C04462B	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 6
83 C04463	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 7
84 C04464	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 8
85 C04465	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 9
86 C04466	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 10
87 C04466A	EMERALD HILLS WESTGATE SUBD, S29, T01 N, R27 E, BLOCK 5, Lot 11A, (99)
88 C07327	EMERALD HILLS WESTGATE SUB 2ND, S29, T01 N, R27 E, BLOCK 4, Lot 4
89 C07328	EMERALD HILLS WESTGATE SUB 2ND, S29, T01 N, R27 E, BLOCK 4, Lot 5
90 C07329	EMERALD HILLS WESTGATE SUB 2ND, S29, T01 N, R27 E, BLOCK 4, Lot 6

Exhibit C

Estimated Annual Maintenance Cost

Maintenance Activities:

Chip Seal - Every 7 years
Road patching & crack seal
Curb & Gutter Maintenance

Chip Seal recommended within 1-3 years (estimate 2015):	
2013 Cost Estimate - Chip Seal	\$75,000
District Cash Balance	\$21,000
Estimated Cash Needed	\$54,000
Estimated # of years until chip seal	2
Estimated Assessment needed per year	\$27,000
Number of properties within district boundaries	90
Estimated Annual assessment per property for the first two years	<u>\$300</u> *

Estimated annual assessment per property after chip seal is completed to meet future chip seal cycle needs \$ 150

NOTE:

* 8/27/13 - BOCC voted to assess \$150 per property

Estimated annual maintenance costs have been provided for the purpose of establishing a maintenance and operation budget for the maintenance of improvements.

Annual assessment may need to be adjusted up or down in the future based on actual costs incurred to maintain improvements.