

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 18 - 29

Resolution to Dissolve Yellowstone County Rural Special Improvement District No. 620M

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 1981, the Yellowstone County Board of County Commissioners created Yellowstone County Rural Special Improvement District No. 620 to pave the roads in the vicinity of the Emerald Hills Subdivision. The Board also created Yellowstone County Rural Special Improvement District No. 620M to maintain the roads. The assessment for Yellowstone County Rural Special Improvement District No. 620M is complex and inconsistent. To make the assessment less complex and more consistent, the Board intends to reform Yellowstone County Rural Special Improvement District No. 620M as a new district with a per lot assessment method and dissolve the old district contingent on the creation of the new district. The Board will not dissolve the District unless a new district is created to maintain the roads.

WHEREAS, on March 6, 2018, the Yellowstone County Board of County Commissioners passed a resolution of intent to dissolve Rural Special Improvement District No. 620M that maintains the roads in the vicinity of Emerald Hills Subdivision and set a public hearing on the dissolution of the District for April 10, 2018. On March 9, 2018, the Yellowstone County Clerk and Recorder mailed notice of the hearing to all property owners in the District. On March 9, 2018 and March 16, 2018, the Yellowstone County Clerk and Recorder published notice of the public hearings in the *Billings Gazette*. On April 10, 2018, 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. 47 out of 106 property owners protested the dissolution of the District. The Board believes that it is in the best interest of the public to dissolve the District. The Board has created a new district to maintain the roads.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners dissolves Rural Special Improvement District No. 620M that maintains the roads in the vicinity of Emerald Hills Subdivision. The Board has created a new district to maintain the roads.

Passed and Adopted on the 10th day of April 2018.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



John Ostlund, Chair



Robyn Driscoll, Member Chair Pro-Tem



Denis Pitman, Member

Attest:



Jeff Martin
Yellowstone County Clerk and Recorder

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