

**RESOLUTION NO. 98-90**

**RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT DISTRICT  
KNOWN AS R.S.I.D. #664 AND MAINTENANCE DISTRICT KNOWN AS R.S.I.D. #664M  
DANIELS SUBDIVISION**

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, met in regular session and executed a Resolution of Intent to Create a Rural Special Improvement District and a Rural Special Improvement Maintenance District #664/664M in the area known as Daniels Subdivision and contiguous property for the purpose of paving and maintaining said streets, as shown in Exhibit A; and,

WHEREAS, the Clerk and Recorder published the Notice of the passage of Resolution of Intent to Create said District in the Billings Gazette on August 21 & 28, 1998, and mailed a copy of the Notice to every person, firm or corporation owning property in the District; and,

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that:

1. That the public interest or convenience requires the creation of a Rural Special Improvement District and Maintenance District as hereinafter described;
2. That the costs of the repair and improvements and providing maintenance shall be borne by owners of the property included within the boundaries of the Rural Special Improvement District with all lots being assessed an equal amount based upon the total cost of the improvements, except for Lots 3 & 4, Block 5 of Daniels Subdivision which will be assessed 1/2 the amount charged the other properties;
3. The purpose of forming the District is to provide not only for the necessary repairs and improvements, but to ensure for the future operation, maintenance and preservation of the roadway so repaired;
4. That the Commissioners have been presented with a valid Petition to create the proposed District;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Yellowstone County as follows:

1. The Commissioners have acquired jurisdiction to order proposed improvements, and they do hereby create Rural Special Improvement District #664 for the purpose of improving the roadway system and to create a Special Maintenance District #664M to provide for the annual maintenance, operation and preservation of the repaired and improved roadway system. Such improvements are more particularly described in Exhibit C & C-1, attached hereto and by this reference incorporated herein.
2. The projected annual assessments per property are hereby described and designated on

Exhibit B attached hereto, and H.L. Ostermiller shall construct the improvements as noted in #1. The boundaries of said District are shown on the map attached hereto as Exhibit A.

3. The number of the Rural Special Improvement District shall be **No.664** and the number of the Maintenance District thereof shall be **No.664M**.

4. The estimated costs of the repairs and improvements, including construction costs, incidental expenses, engineering fees, legal fees, administrative costs, exclusive of interest charges, that will be assessed against the property shall be the sum of \$41,097, as more particularly described in Exhibits B and D attached hereto and spread over a period of seven (7) years.

5. All lots accessing their property from the improved streets will benefit from proposed R.S.I.D. and shall be assessed for the improvements and subsequent road maintenance. All lots will be assessed an equal amount based upon the total cost of the improvements, except for Lots 3 & 4, Block 5, Daniels Subdivision, which will be charged a 1/2 assessment each. Assessments are to be made on property tax statements beginning in November, 1998 or in November, 1999 if the assessment deadline for the 1998 tax statement is missed (See Exhibit D). The first year's assessment may include more than one (1) year's interest and subsequently the first year's payment may be higher than the second through seventh year's assessments. Property owner will have an opportunity to pay off their original principal assessment without interest at the time of original assessment. The estimated original assessment per lot is \$1027.41; over a seven (7) year 9% Estimated Annual Debt Assessment, the annual cost is estimated at \$204.14 for each lot.

6. Prior to authorizing the use of the County's revolving fund to secure the payment of rural special improvement district bonds that will be issued to fund the cost of constructing and upgrading the improvements in the District, the Commissioners shall take into consideration the factors enumerated in 7-23-3285(3)(1997), M.C.A. The factors that the Commissioners shall take into consideration when determining whether it is in the public interest to secure the payment of rural special improvement district bonds with the County's revolving fund are compiled in Exhibit B attached hereto and with this reference incorporated herein.

7. The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for the maintenance and the amount of such assessments, and how said assessments should be spent. The Commissioners ask that the Petitioners submit a list of some individuals who are willing to serve on the Ad Hoc Committee.

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Resolution Creating  
R.S.I.D.#664/664M

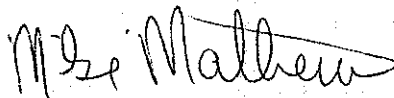
PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County,  
Montana, this 15<sup>th</sup> day of September, 1998.

Board of County Commissioners  
Yellowstone County, Montana

(SEAL)

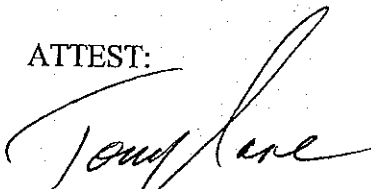


Bill Kennedy, Chair

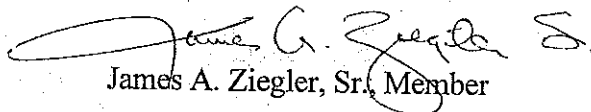


Mike Mathew, Member

ATTEST:



Tony Nave  
Clerk and Recorder



James A. Ziegler, Sr., Member

NOTE: Lots 3 & 4, Block 5 shall be excluded from R.S.I.D. #664M  
(Maintenance District - Daniels Subdivision).



EXHIBIT B - RSID 664  
 DANIELS SUB - STREET IMPROVEMENTS  
 AS OF SEPT 11, 1998

TAX CODE	LOT	BLOCK	SUBDIV.	OWNER'S NAME	IMPROVED (1) or VACANT (0)	MARKET VALUATION	OTHER Outstanding Assessments	Delinquent Taxes	Estimated Assessment on RSID #	Positive Net Values	Negative Net Values
1	A24622	9	1	Daniels	0	13,018	0	0	1,027.41	11,991	
2	A24623	1	2	Daniels	1	58,196	0	0	1,027.41	57,169	
3	A24624	2	2	Daniels	1	64,192	0	0	1,027.41	63,165	
4	A24625	3	2	Daniels	1	55,402	0	0	1,027.41	54,375	
5	A24626	4	2	Daniels	1	58,128	0	0	1,027.41	57,101	
6	A24627	5	2	Daniels	1	63,635	0	0	1,027.41	62,608	
7	A24628	6	2	Daniels	1	50,709	0	0	1,027.41	49,682	
8	A24629	7	2	Daniels	1	60,347	0	0	1,027.41	59,320	
9	A24630	8	2	Daniels	1	59,621	0	0	1,027.41	58,594	
10	A24631	9	2	Daniels	1	57,401	0	0	1,027.41	56,374	
11	A24632	1	3	Daniels	1	53,029	0	0	1,027.41	52,002	
12	A24633	2	3	Daniels	1	63,056	0	0	1,027.41	62,029	
13	A24634	3	3	Daniels	1	69,187	0	0	1,027.41	68,160	
14	A24635	4	3	Daniels	1	60,321	0	0	1,027.41	59,294	
15	A24636	5	3	Daniels	0	25,270	0	0	1,027.41	24,243	
16	A24637	1	4	Daniels	1	66,898	0	0	1,027.41	65,871	
17	A24638	2	4	Daniels	1	61,548	0	0	1,027.41	60,521	
18	A24639	3	4	Daniels	1	70,038	0	0	1,027.41	69,011	
19	A24640	4	4	Daniels	1	57,868	0	0	1,027.41	56,779	
20	A24641	5	4	Daniels	1	70,541	0	0	1,027.41	69,514	
21	A24642	6	4	Daniels	1	63,311	0	0	1,027.41	62,284	
22	A24643	7	4	Daniels	1	62,490	0	0	1,027.41	61,463	
23	A24644	8	4	Daniels	1	66,802	0	0	1,027.41	65,775	
24	A24645	9	4	Daniels	1	54,058	0	0	1,027.41	53,031	
25	A24646	10	4	Daniels	1	68,720	0	0	1,027.41	67,693	
26	A24647	11	4	Daniels	1	4,514	0	0	513.71	4,000	
27	A26173	3	5	Daniels	1	4,513	0	0	513.71	3,999	
28	A26174	4	5	Daniels	0	64,197	0	0	1,027.41	63,170	
29	A24649	5	7	Daniels	1	60,133	0	0	1,027.41	59,106	
30	A24650	10	8	Daniels	1	64,077	0	0	1,027.41	63,050	
31	A24651	4	8	Daniels	1	70,769	0	0	1,027.41	69,742	
32	A24652	10	8	Daniels	1	62,287	0	0	1,027.41	61,260	
33	A24653	5	9	Daniels	1	66,647	0	0	1,027.41	65,620	
34	A24654	10	9	Daniels	1	150,796	0	0	1,027.41	149,769	
35	D05165	C/S 1064 Tract 1		Jack Hyde	1	33,482	0	0	1,027.41	32,455	
36	D05166	C/S 1064 Tract 2 (partial)		Jack Hyde	1	66,921	0	525	1,027.41	65,894	
37	D05111	C/S 1603 Tract 2		Daniel & Pamela Shepard	0	51,486	0	0	1,027.41	50,459	
38	D05162	C/S 135 Tract 1		Olga, Alfred, & Leroy Dipasquale	1	32,928	0	0	1,027.41	31,901	
39	D05163	W1/2NW1/4NW1/4SE1/4		Olga, Alfred, & Leroy Dipasquale	1	84,740	0	0	1,027.41	83,713	
40	D05164	E1/2NW1/4NW1/4SE1/4		John Smart	0	104,021	0	0	1,027.41	102,994	
41	D05124A	C/S 1175 Tract 24		Michael & Melinda Oedekoven	1		0	0	1,027.41		

TOTALS

35 2,433,103 0 525 41,096 2,392,007 0

PERCENT DEVELOPED 87.50%

NOTE: Lots 3&4 Block 5 Daniels sub are only being assessed 1/2 assessment due to improvements agreement with the City of Billings.  
 rsid/664\_list

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# Contract/Proposal

## H.L. OSTERMILLER CONSTRUCTION, INC.

302 Quiet Water Ave.  
BILLINGS, MONTANA 59105-2049  
PHONE (406) 252-3588  
FAX (406) 252-1850

EXHIBIT C

PROPOSAL SUBMITTED TO <b>YELLOWSTONE COUNTY</b>		PHONE	256-2793	DATE	AUG 11, 1998
CONTACT PERSON	P. O. BOX 35003	FAX	256-2777	JOB NAME	
STREET		CITY, STATE AND ZIP CODE	JOB LOCATION		STREET IMPROVEMENTS FOR DANIELS SUBDIVISION BILLINGS, MT
BILLINGS, MT 59107		ARCHITECT	DATE OF PLANS	JOB PHONE	
		N/A			

**ASPHALT SURFACE COURSE:** Supply & place 2" compacted asphalt. \$32,900.00

**BOND:** For asphalt bid price. \$ 950.00

THIS BID REFLECTS 4,140 LF OF 24' WIDE STREET & 415 LF OF 20' WIDE STREET (Hawthorne).  
SEE ATTACHED STREET PLAN.

THIS BID WAS PREPARED USING PREVAILING WAGE RATES.

**NOT IN BID: PERMITS, TESTING, TAXES, SURVEYING OR FEES.**

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:  
**THIRTY-THREE THOUSAND EIGHT HUNDRED FIFTY** dollars (\$ 33,850.00 )

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature *Harvey L. Ostermiller*  
Harvey L. Ostermiller  
Note: This proposal may be withdrawn by us if not accepted within 30 days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_ Signature \_\_\_\_\_  
Signature \_\_\_\_\_

EXHIBIT D

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DANIELS SUB RSID 664  
 ESTIMATED COST OF STREET OVERLAY WITH PRIVATE FINANCING  
 AS OF SEPT 11, 1998

Construction cost – Ostemiller Construction	<u>BUDGET</u>
Construction contingency	33,850
	1,926
TOTAL CONSTRUCTION COSTS	----- 35,776
 <u>OTHER COSTS:</u>	
Legal fee	0
Engineering	0
Advertising – mailing –misc	300
Title reports / testing	500
SUBTOTAL	----- 36,576
 <u>DEBT ISSUANCE COSTS – PRIVATE FINANCING:</u>	
County RSID Revolving Fund Collateralization – 5% of debt	2,055
County Administration – 5% of debt	2,055
RSID Debt Reserve – 1% of debt (80–90% developed)	411
TOTAL ESTIMATED DEBT REQUIREMENT	----- 41,097 =====
 TOTAL COST	
NUMBER OF PROPERTIES TO BE ASSESSED	41,097
	40
ASSESSMENT based on equal cost per property	<span style="border: 1px solid black; padding: 2px;">\$1,027.41</span>
Estimated annual assessment at 9% @ 7 yrs	\$204.14
 rsid/664_cost	