

RESOLUTION NO. ~~03-49~~

RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT
DISTRICT KNOWN AS R.S.I.D. #691 AND MAINTENANCE
DISTRICT KNOWN AS R.S.I.D. #691M
SUN VALLEY ROAD

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, ("Commissioners") met in regular session and executed a Resolution of Intent to Create a Rural Special Improvement District #691 and Maintenance District #691M for properties within Sun Valley Road, as described in Exhibit A and more particularly shown in Exhibit B (map) and,

WHEREAS, the Clerk and Recorder published the Notice of the passage of Resolution of Intent to Create the District in the Billings Gazette on March 28th and April 4th, 2003, 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 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 described below;
2. That the costs of improvements and providing maintenance and repair shall be borne by owners of the property included within the boundaries of the Rural Special Improvement District with all existing and future lots being assessed an equal amount based upon the total cost of improvements and maintenance;
3. That 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 roadways located within the boundaries of this District;
4. That the Commissioners have been presented with a valid Petition signed by more than 60% of the freeholders of the proposed District to create the proposed district;
5. That the County and City have passed a joint resolution approving the process of consideration of district formation due to the inclusion of one city lot within the proposed RSID;

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

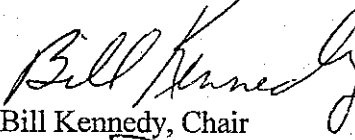
1. The Commissioners have acquired jurisdiction to create a Rural Special Improvement District No. 691 and Maintenance District No. 691M to provide for the annual maintenance, operation and preservation of the repaired and improved roadway system. These improvements and costs are more particularly described in Exhibit E. The estimated maintenance costs are shown in Exhibit F.

2. The total project cost, individual property assessment, and annual assessments per property are estimated and described in Exhibit D. The individual effected properties and property attributes are shown in Exhibit C. The boundaries of the district are shown on the map in Exhibit A and are more particularly described in Exhibit B.
3. The number of the Rural Special Improvement District is No. 691 and the number of the Maintenance District is No. 691M.
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 properties shall be the sum of \$49,000, as more particularly described in Exhibits C and D and spread over a period of ten years.
5. All lots and tracts accessing their property from the improved streets will benefit from the 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. Assessments are to be made on property tax statements beginning in November, 2003 or in November, 2004 if the assessment deadline for the 2003 tax statement is missed. The first year's assessment may include more than one year's interest and subsequently the first year's payment may be higher than the second thru tenth year's assessments. Property owners 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 \$2,450.00. If the original assessment is financed over a ten year period at a 6.5% estimated interest rate, the annual cost is estimated at \$340.80 for each full assessment on a district property.
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 7-12-2185(3), 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 C.
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 the assessments, and how the assessments should be spent. The Petitioners have submitted a list of some individuals who are willing to serve on the Ad Hoc Committee. (See Exhibit G.)

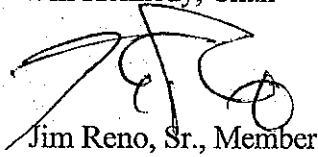
PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 20th day of May, 2003.

Board of County Commissioners
Yellowstone County, Montana

(SEAL)

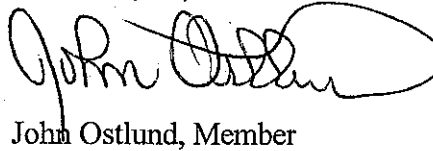


Bill Kennedy, Chair



Jim Reno, Sr., Member

ATTEST:



John Ostlund, Member

Tony Nave
Clerk and Recorder

MAY 13 2003

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**YELLOWSTONE COUNTY
DOCUMENT ROUTING SLIP & AGENDA REQUEST**

Title of Document Resolution Creating RS10 691 - Sun Valley

Document/Contract/Grant Agreement is: New Renewal

ORIGINATING DEPARTMENT: FINANCE **Copy Requested
Has originating department addressed the concerns listed below?

PURPOSE OF DOCUMENT: Street Paving

Date Needed/Agenda Date: 5/20/03

DEPARTMENTS THAT NEED TO REVIEW DOCUMENT:

COUNTY ATTORNEY

Receipt date: _____ Date out: _____ Reviewed by Ennis **Copy Requested
Comments appears legally sufficient

FINANCE

Receipt date: _____ Date out: 5/12 Reviewed by (ST) **Copy Requested
Comments OK - see email from engineer, property owners want to proceed

OTHER

Receipt date: _____ Date out: _____ Reviewed by _____ **Copy Requested
Comments _____

OTHER

Receipt date: _____ Date out: _____ Reviewed by _____ **Copy Requested
Comments _____

OTHER

Receipt date: _____ Date out: _____ Reviewed by _____ **Copy Requested
Comments _____

** Please check box if your department would like a copy after execution

ENGINEERING, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
STATE 300 CROSSING
SUITE 200 WEST
BILLINGS, MONTANA 59101-1244
PHONE 255-3333
FAX 255-3334



SUN VALLEY ROAD RSID
STREET IMPROVEMENTS
SITUATED IN THE S 1/2 OF SEC. 20, T. 1 N., R. 26 E., P.M.M.
BILLINGS, MONTANA
BOUNDARY EXHIBIT

CAD FILE	255-3333
DATE PLOTTED	8/20/02
PROJECT NO.	255-3333
PROJECT NAME	SUN VALLEY ROAD RSID
SCALE	AS SHOWN
FILE EXTENSION	.DWG
PROJECT MANAGER	J. G.
DATE	8/20/02

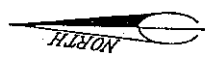
SUN VALLEY ROAD

SITUATED IN THE S 1/2 OF SEC. 20, T. 1 N., R. 26 E., P.M.M.
BILLINGS, YELLOWSTONE COUNTY, MONTANA

RSID FOR STREET IMPROVEMENTS

PREPARED FOR : YELLOWSTONE COUNTY
 PREPARED BY : ENGINEERING, INC.
 SCALE : 1" = 400'

AUGUST, 2002
 BILLINGS, MONTANA



LOT 6 IS WITHIN
 BILLINGS CITY LIMITS

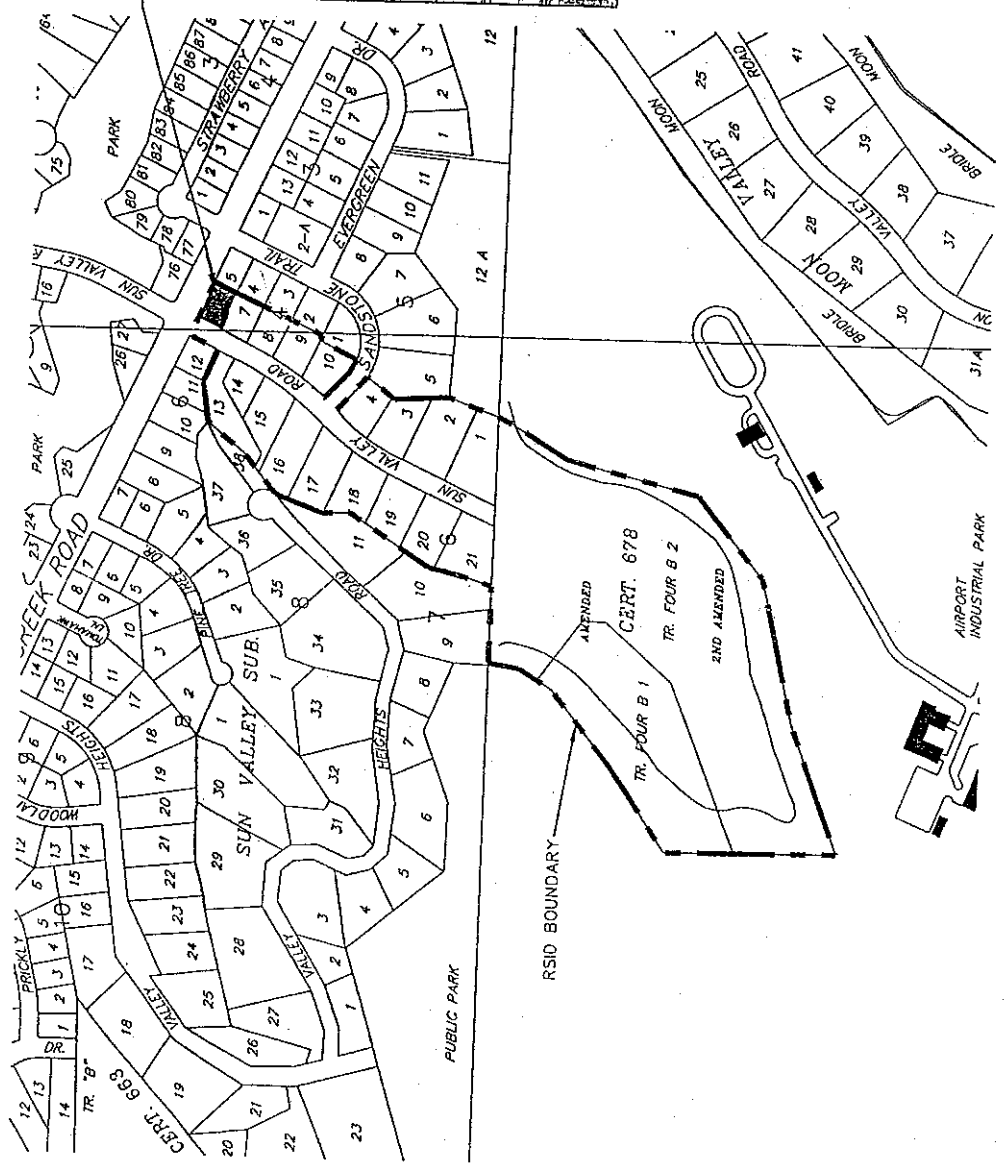
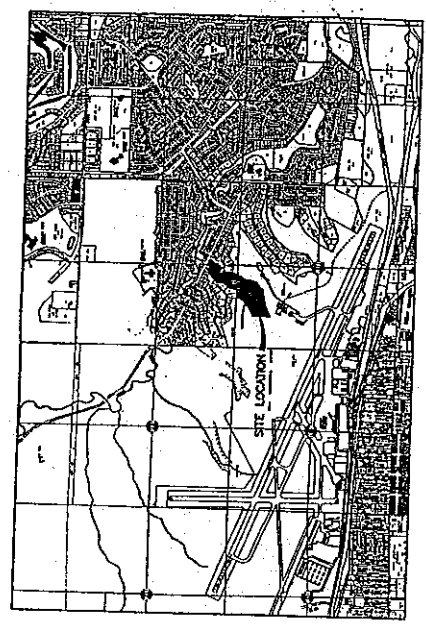


Exhibit B

DATE: 18-Sep-02

SUN VALLEY ROAD RSID - TABULATED VOTE SUMMARY

CITY →

#	Legal Owner(s)	Subdivision or C/S	Block	Lot/Tract	Date Ballot Received	In Favor	Opposed	No Response
1	Euell, Jason T. & Shauna A.	Sun Valley, 3rd Filing	4	6	9-Aug-02	1		
2	Reich, Dick D. & Paula F.	Sun Valley, 3rd Filing	4	7				1
3	Gellner, David & Heather	Sun Valley, 3rd Filing	4	8	14-Aug-02	1		
4	Jensen, Dale J. & Deborah J.	Sun Valley, 3rd Filing	4	9	21-Aug-02	1		
5	Strong, Sue Elaine	Sun Valley, 3rd Filing	4	10	30-Aug-02	1		
6	Samuelson, Theodore J. & Mary Ellen	Sun Valley, 3rd Filing	5	1	20-Aug-02		1	
7	Eneboe, James M. & Kathryn	Sun Valley, 3rd Filing	5	2				1
8	Zimmerman, Richard J. JR. & Laura L.	Sun Valley, 3rd Filing	5	3	13-Aug-02	1		
9	Griffin, Max & Jeanine	Sun Valley, 3rd Filing	6	13	12-Aug-02		1	
10	Jette, Christian A. & Paige	Sun Valley, 3rd Filing	5	4	18-Sep-02	1		
11	Miller, Russell D. & Ella F.	Sun Valley, 3rd Filing	6	14	12-Aug-02	1		
12	Juhola, Jack J. & Linda C.	Sun Valley, 3rd Filing	6	15	12-Aug-02	1		
13	Gleed, Brent J. & Mary L.	Sun Valley, 3rd Filing	6	16	8-Aug-02	1		
14	Swarm, Charles R. JR. & Traci	Sun Valley, 3rd Filing	6	17	21-Aug-02	1		
15	Peterson, R. Clark	Sun Valley, 3rd Filing	6	18	12-Aug-02	1		
16	Ferree, Jason & Sherry L.	Sun Valley, 3rd Filing	6	19	19-Aug-02	1		
17	Sutton, Robert J. & Margaret R.	Sun Valley, 3rd Filing	6	20	9-Aug-02	1		
18	Williams, Robert J. & Judy L.	Sun Valley, 3rd Filing	6	21	8-Aug-02	1		
19	Bernhagen, Sandra Lee	C/S 678	NA	4B1	20-Aug-02	1		
20	Rietz, Sandra A.	C/S 679	NA	4B2				1

Total = 15 2 3
 % = 75 10 15

% IN FAVOR = 75

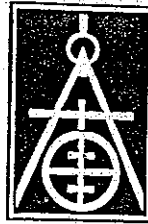
RECEIVED
 SEP 30 2002

**RESOLUTION OF INTENT TO CREATE - EXHIBIT C: RSID 691 - SUN VALLEY SUB.
- ROAD OVERLAY AND MAINTENANCE**

TAX CODE	OWNER'S NAME(S)	LOT	Block	SUBDIVISION	(A) Improved (1) or Vacant (0)	(B) Market Valuation	(C) Units of Assess.	(D) Delinq. Taxes as of 12/04/02	(E)=(C)x 2,094.97 Estimated Assessment on RSID 691	(F)=(E)x (A) Assessments on Improved Properties	(G)=(B)-(D)-(E) Positive Net Values	(H)=(B)-(D)-(E) Negative Net Values
A16708A	Euell, Jason T. & Shauna A.	6	4	Sun Valley, 3rd	1	82,523	1		\$ 2,450.00	\$ 2,450.00	\$ 77,623	
A16708B	Reich, Dick D. & Paula F	7	4	Sun Valley, 3rd	1	73,691	1		\$ 2,450.00	\$ 2,450.00	\$ 68,791	
A16709	Gellner, David & Heather	8	4	Sun Valley, 3rd	1	66,515	1		\$ 2,450.00	\$ 2,450.00	\$ 61,615	
A16709A	Jensen, Dale J. & Deborah J.	9	4	Sun Valley, 3rd	1	76,451	1		\$ 2,450.00	\$ 2,450.00	\$ 71,551	
A16709B	Strong, Sue Elaine	10	4	Sun Valley, 3rd	1	75,692	1		\$ 2,450.00	\$ 2,450.00	\$ 70,792	
A16710	Samuelson, Theodore J. & Mary Ellen	1	5	Sun Valley, 3rd	1	81,971	1		\$ 2,450.00	\$ 2,450.00	\$ 77,071	
A16710A	Eneboe, James M. & Kathryn	2	5	Sun Valley, 3rd	1	76,727	1		\$ 2,450.00	\$ 2,450.00	\$ 71,827	
A16711	Zimmerman, Richard J. Jr. & Laura L.	3	5	Sun Valley, 3rd	1	68,861	1		\$ 2,450.00	\$ 2,450.00	\$ 63,961	
A16712	Jette, Christian A. & Paige	4	5	Sun Valley, 3rd	1	79,694	1		\$ 2,450.00	\$ 2,450.00	\$ 74,794	
A16723	Griffin, Max & Jeanine	13	6	Sun Valley, 3rd	0	22,074	1	\$ 194.83	\$ 2,450.00	\$ -	\$ 19,429	
A16723A	Miller, Russell D. & Ella F.	14	6	Sun Valley, 3rd	1	81,005	1		\$ 2,450.00	\$ 2,450.00	\$ 76,105	
A16724	Juholla, Jack J. & Linda C.	15	6	Sun Valley, 3rd	1	99,567	1		\$ 2,450.00	\$ 2,450.00	\$ 94,667	
A16725	Gleed, Brent J. & Mary L.	16	6	Sun Valley, 3rd	1	82,040	1		\$ 2,450.00	\$ 2,450.00	\$ 77,140	
A16726	Swarm, Charles R. Jr. & Traci	17	6	Sun Valley, 3rd	1	99,911	1		\$ 2,450.00	\$ 2,450.00	\$ 95,011	
A16727	Peterson, R. Clark	18	6	Sun Valley, 3rd	1	65,066	1		\$ 2,450.00	\$ 2,450.00	\$ 60,166	
A16728	Fertee, Jason & Shery L.	19	6	Sun Valley, 3rd	1	72,035	1		\$ 2,450.00	\$ 2,450.00	\$ 67,135	
A16729	Sutton, Robert J. & Margeret R.	20	6	Sun Valley, 3rd	1	67,550	1		\$ 2,450.00	\$ 2,450.00	\$ 62,650	
A16729A	Williams, Robert J. & Judy L.	21	6	Sun Valley, 3rd	1	72,173	1		\$ 2,450.00	\$ 2,450.00	\$ 67,273	
D05625	Bernhagen, Sandra Lee	Tr 4B1 - C/S 678			1	119,645	1		\$ 2,450.00	\$ 2,450.00	\$ 114,745	
D05625A	Rietz, Sandra A.	Tr 4B2 - C/S 678			1	139,688	1		\$ 2,450.00	\$ 2,450.00	\$ 134,788	
TOTALS					19	1,602,879	20.0	\$ 194.83	\$ 49,000.00	\$ 46,550.00	\$ 1,507,134	\$ -
					BOND AMOUNT				\$ 49,000			
					ASSESSMENT UNITS				\$ 20.0			
					ORIGINAL ASSESSMENT PER UNIT				\$ 2,450.00			
					BOND AMOUNT				\$ 49,000			
					ASSESSMENTS ON IMPROVED PROPERTY				\$ 46,550			
					% OF IMPROVED PROPERTY TO TOTAL				95.00%			

NOTES:
Market valuation reflects the State taxable market value as of 1/01/02, unless otherwise noted.

RESOLUTION OF INTENT TO CREATE RSID 691 - EXHIBIT D	
SUN VALLEY SUBDIVISION	
ESTIMATED COST OF STREET OVERLAY - PRIVATE BOND SALE	
AS OF DEC. 04, 2002	
	3" thick mat
	BUDGET
Construction cost - Engineering Inc est. 8/29/02	32,726.97
Construction contingency - 10%	3,272.70
Inflation adjustment	750.33
TOTAL CONSTRUCTION COSTS	36,750.00
<u>DIRECT ADMIN. COSTS - PRIVATE SALE</u>	
Engineering - Precreation costs	750.00
Engineering - Design	2,000.00
Engineering - Admin, Inspection, Staking, etc	4,000.00
Advertising, title reports, postage, misc	600.00
SUBTOTAL	44,100.00
<u>INDIRECT ADMIN. & RESERVE COSTS</u>	
County RSID Revolving Fund Collateralization - 5% of debt issue	2,450.00
County Administration - 5% of debt issue	2,450.00
RSID Debt Reserve - None required, 95% developed	0.00
TOTAL ESTIMATED DEBT REQUIREMENT	\$ 49,000.00
	=====
Number of parcels in district boundary	20.00
Cost per parcel - assessed on equal basis	\$ 2,450.00
Est. annual cost @ 6.5% over 10 years	\$ 340.80
Est. annual cost @ 6.75% over 12 years	\$ 304.36
Est. annual cost @ 7.0% over 15 years	\$ 269.00



ENGINEERING, INC.

Consulting Engineers and Land Surveyors

Date: August 29, 2002
Project: 02094

ENGINEER'S ESTIMATE OF PROBABLE COST

Sun Valley Road R.S.I.D.

PROJECT 02094

FOR

Paving of Existing Gravel Road

TO IMPROVE SUN VALLEY ROAD FROM A 30 FT GRAVEL ROAD TO A 24 FT WIDE 3-INCH THICK ASPHALT ROAD FROM ALKALI CREEK ROAD TO ITS TERMINUS 1250 LF SOUTH.

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	UNIT	TOTAL PRICE
SCHEDULE I - STREETS						
101	1	LS	MOBILIZATION AND INSURANCE (5%)	@ \$1,636.35	/LS =	\$1,636.35
102	50	CY	UNCLASSIFIED EXCAVATION	@ \$7.50	/CY =	\$375.00
103	575	TN	ASPHALT SURFACE COURSE	@ \$35.00	/TN =	\$20,125.00
104	37	TN	ASPHALT OIL	@ \$175.00	/TN =	\$6,540.63
105	1	EA	STREET MONUMENT	@ \$300.00	/EA =	\$300.00
106	1	EA	RELOCATE EXISTING STREET & STOP SIGN	@ \$250.00	/EA =	\$250.00
107	1	LS	STORM DRAINAGE CONTROL	@ \$2,500.00	/LS =	\$2,500.00
108	1	LS	TRAFFIC CONTROL DURING CONSTRUCTION	@ \$1,000.00	/LS =	\$1,000.00
SUBTOTAL SCHEDULE I - STREETS						\$32,726.97

SUBTOTAL CONSTRUCTION COST	=	\$32,726.97
CONSTRUCTION CONTINGENCY (10%)	=	\$3,272.70
TOTAL CONSTRUCTION AND CONTINGENCY	=	\$35,999.67

ESTIMATED ADMINISTRATIVE COSTS BY RURAL SPECIAL IMPROVEMENT DISTRICT		
RSID PREPARATION COSTS	=	\$750.00
ENGINEERING DESIGN	=	\$2,000.00
CONSTRUCTION SURVEYING AND STAKING	=	\$3,000.00
C.A., INSPECTION, QUALITY CONTROL & TESTING	=	\$1,000.00
OWNERSHIP REPORTS, ADVERTISING, PRINTING, & POSTAGE	=	\$350.00
SUBTOTAL ESTIMATED ADMINISTRATIVE COSTS	=	\$7,100.00
SUBTOTAL CONSTRUCTION AND ADMINISTRATIVE	=	\$43,099.67

REVOLVING FUND BACKING OF DEBT - 5% OF BOND ISSUE (MANDATORY)	=	\$2,580.82
RESERVE FUND BACKING OF DEBT - 4% OF BOND ISSUE (REQUIRED)	=	\$2,064.65
COUNTY ADMINISTRATION - ATTORNEY, FINANCE, COMMISSIONERS; 5% OF BOND ISSUE	=	\$2,580.82
UNDERWRITERS ISSUANCE COSTS 2.5% OF BOND ISSUE	=	\$1,290.41
SUBTOTAL BOND COSTS	=	\$8,516.70
TOTAL R.S.I.D. BOND COST	=	\$51,616.37
NUMBER OF LOTS	=	20
TOTAL ESTIMATED COST PER ASSESSMENT UNIT	=	\$2,580.82

See Exhibit 1

EXHIBIT F

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

SECTION C
ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow plowing/ice control	\$ 100.00/year
	\$

WINTER MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow plowing/ice control	\$ 300.00/year
	\$

SPRING MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow plowing/ice control	\$ 100.00/year
	\$

SUMMER MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Road Maintenance (i.e. chip seal, patching etc.)	\$ 550.00/year
Weed Control	\$ 250.00/year

TOTAL ESTIMATED ANNUAL MAINTENANCE COST:	\$ 1,300.00/year
CHIP SEAL (Every 7 years)	\$ 65.00/lot/year
30,000 SF of Road @ 10.5¢/SF	\$ 3,150.00
CRACK SEALANT	\$ 450.00/year
200 LF @ 50¢/LF	\$ 100.00/year
	\$ 550.00/year

Exhibit G

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

SECTION F PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT RECOMMENDATIONS FOR AD HOC COMMITTEE

	NAME	TELEPHONE NUMBER
1.	Brent and Mary Gleed _____ Printed Name Russ and Ella Miller _____ Signature	252-5919 _____
2.	Russ and Ella Miller _____ Printed Name _____ Signature	248-1472 _____
3.	Jack Juhola _____ Printed Name _____ Signature	252-0063 _____
4.	_____ _____ Printed Name _____ Signature	_____ _____
5.	_____ _____ Printed Name _____ Signature	_____ _____
6.	_____ _____ Printed Name _____ Signature	_____ _____

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)