

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21- 23

Resolution to Dissolve Yellowstone County Rural Special Improvement District No. 702M

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. If all the property owners in a proposed district agree to the creation of a district, a board only has to pass a resolution to create the district. The board does not have to hold a public hearing. 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 2003, with Resolution No. 03-72, the Yellowstone County Board of County Commissioners created Yellowstone County Rural Special Improvement District No. 702M to maintain a public road that abuts Coyote Subdivision, a portion of South Frontage Road. Attached as Exhibit A is a copy of the resolution.

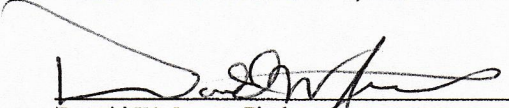
WHEREAS, on April 28, 2021, the Yellowstone County Public Works Department received a request from the owner of all the land in Yellowstone County Rural Special Improvement District No. 702M to dissolve the District. There is only one owner of both parcels in the District (C14715 & C14718). The owner wants the County to dissolve the District because it is not needed to maintain the road. Yellowstone County maintains the road as a thoroughfare. See Exhibit B attached.

NOW THEREFORE, BE IT RESOLVED,


The Yellowstone County Board of County Commissioners dissolves Rural Special Improvement District No. 702M that maintained a portion of the South Frontage Road that abuts Coyote Subdivision. The District is not needed to maintain the road. The County maintains the road as a thoroughfare. Yellowstone County shall refund any funds held by the District to the landowner in the District.

Passed and Adopted on the 11th day of May 2021.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Donald W. Jones, Chair


John Ostlund, Member


Denis Pitman, Member

ATTEST:

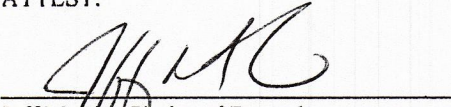

Jeff Martin, Clerk and Recorder

EXHIBIT A

RESOLUTION NO. 03-77

RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #702M COYOTE 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 Maintenance District #702M for Coyote Subdivision, 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 June 13th and June 20th, 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. The public interest or convenience requires the creation of a Rural Special Improvement Maintenance District as hereinafter described;
2. The costs of providing maintenance shall be borne by owners of the property included within the boundaries of the Rural Special Improvement Maintenance District with all existing and future lots being assessed an equal amount on a per lot basis;
3. The purpose of forming the District is to provide the maintenance, preservation, and repair of the streets located within the boundaries of this District;
4. The Commissioners have been presented with a valid Petition to create the proposed District;

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 Maintenance District No. 702M to provide for the annual maintenance, preservation and repair of the roadway system. The costs are more particularly described in Exhibit C. The estimated costs shown do not preclude other eligible street maintenance expenditures.
 2. All of the costs of the District shall be assessed equally on a per lot basis for all existing and future lots. (See Exhibit D.) The boundaries of this District are shown on the map attached as Exhibit B and described in Exhibit A.
 3. The number of the Rural Special Maintenance District thereof shall be No. 702M.
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Resolution Creating
R.S.I.D.# 702M

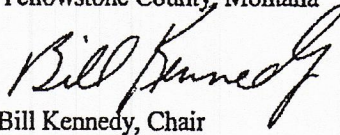
4. All lots accessing their property from the streets will benefit from proposed R.S.I.D. and shall be assessed for road maintenance. All lots will be assessed an equal amount based upon the total cost of the maintenance.

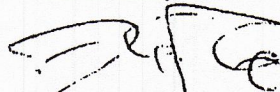
5. The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for the maintenance and the amount of the assessments, and how the assessments should be spent. The Commissioners ask that the Petitioners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

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 24th day of June, 2003.

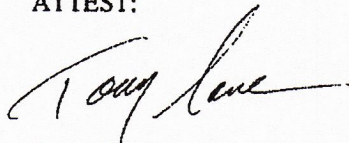
Board of County Commissioners
Yellowstone County, Montana

(SEAL)


Bill Kennedy, Chair


Jim Reno, Sr., Member

ATTEST:



Tony Nave
Clerk and Recorder

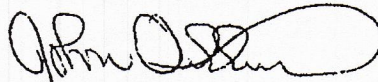

John Ostlund, Member

EXHIBIT A: LEGAL DESCRIPTION

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

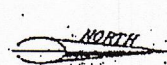
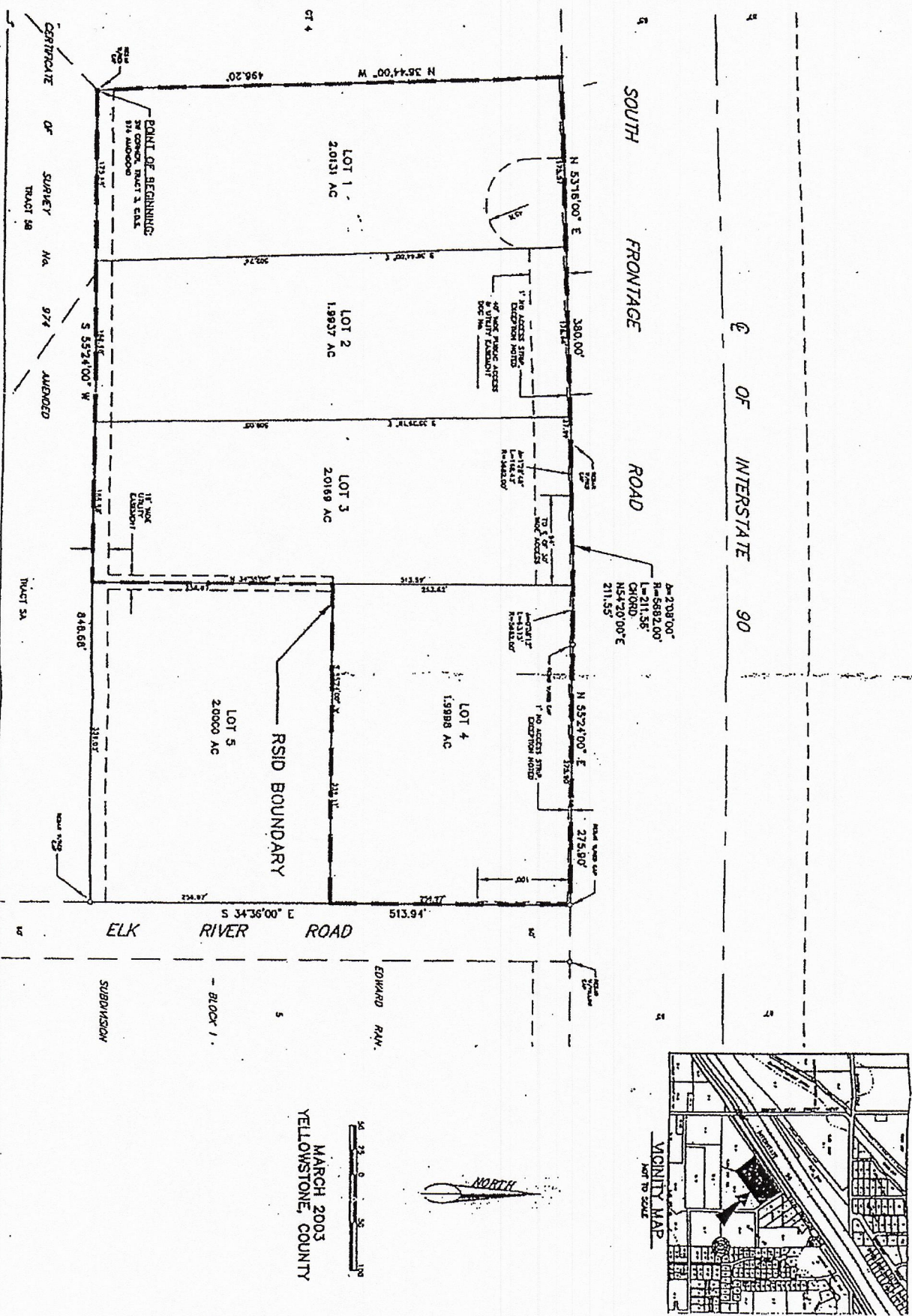
SECTION B
LEGAL DESCRIPTIONS

PROPERTY LEGAL DESCRIPTIONS

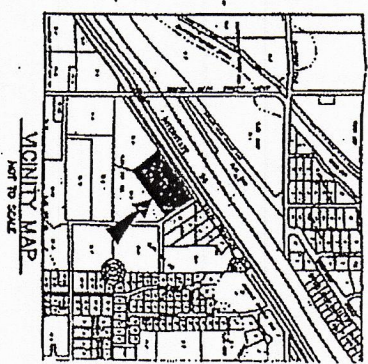
Lots 1 through 4 of Coyote Subdivision

RESOLUTION OF INTENT TO CREATE RSUD / UZMHP / UOUL

EXHIBIT B: MAP



MARCH 2003
YELLOWSTONE, COUNTY



PETITION TO CREATE RSID 702M-CUYOTE SUBDIVISION
EXHIBIT D: ESTIMATED COSTS

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

SECTION C
ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
Grading and Blading	\$ 100.00
Snow Plowing/Ice Control	\$ 50.00

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Grading and Blading	\$ 100.00
Snow Plowing/Ice Control	\$ 100.00

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
Grading and Blading	\$ 100.00
Snow Plowing/Ice Control	\$ 50.00

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Grading and Blading	\$ 100.00
Weed Control	\$ 150.00 /

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: \$ 750.00

