

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21- 24

Resolution to Dissolve Yellowstone County Rural Special Improvement District No. 707M

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. 03-102, the Yellowstone County Board of County Commissioners created Yellowstone County Rural Special Improvement District No. 707M to maintain the public road that abuts Mortensen Subdivision, a portion of Noblewood Drive. Attached as Exhibit A is a copy of the resolution.

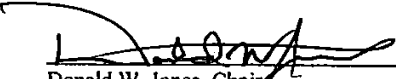
WHEREAS, on April 16, 2021 , the Yellowstone County Public Works Department received a request from the owner of all the land in Yellowstone County Rural Special Improvement District No. 707M to dissolve the District. There is only one owner of the land in the District (C14683). The owner wants the County 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. 707M that maintained a portion of Noblewood Drive that abuts Mortensen Subdivision. The District is not needed to maintain the road. Yellowstone 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 4th 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~~/02

**RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT MAINTENANCE
DISTRICT TO BE KNOWN AS R.S.I.D. #707M
MORTENSEN 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 #707M for Mortensen 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 August 1 and 8, 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 Maintenance District as hereinafter described;
2. That 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. That 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. That 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. 707M to provide for the annual maintenance, grading, operation and preservation of the streets. The maintenance 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. 707M.

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Resolution Creating
R.S.I.D.# 707M

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.

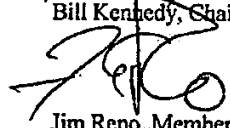
PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 12th day of August, 2003.

Board of County Commissioners
Yellowstone County, Montana

(SEAL)




Bill Kennedy, Chair



Jim Reno, Member

Absent
John Ostlund, Member

ATTEST:



Tony Nave
Clerk and Recorder

Exhibit A

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

SECTION B
LEGAL DESCRIPTIONS & OWNERSHIP REPORTS (ATTACHED)

MORTENSEN SUBDIVISION

Lot 1 Block 1

George E. & Theora J. Mumm
P.O. Box 903
Lakeside, MT 59822

Dan Mortensen - Contract for Deed Buyer
945 Noblewood Drive
Billings, MT 59101

PLAN OF VIKI **Exhibit B** SUBDIVISION

LOCATED IN THE SW1/4 SE1/4, SECTION 20, T.1N., R.27E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

FOR: DAN MORTENSEN
BILLINGS, MT.
BY: ATLAS ENGINEERS INC
BILLINGS, MT.
DATE: MAY, 2003

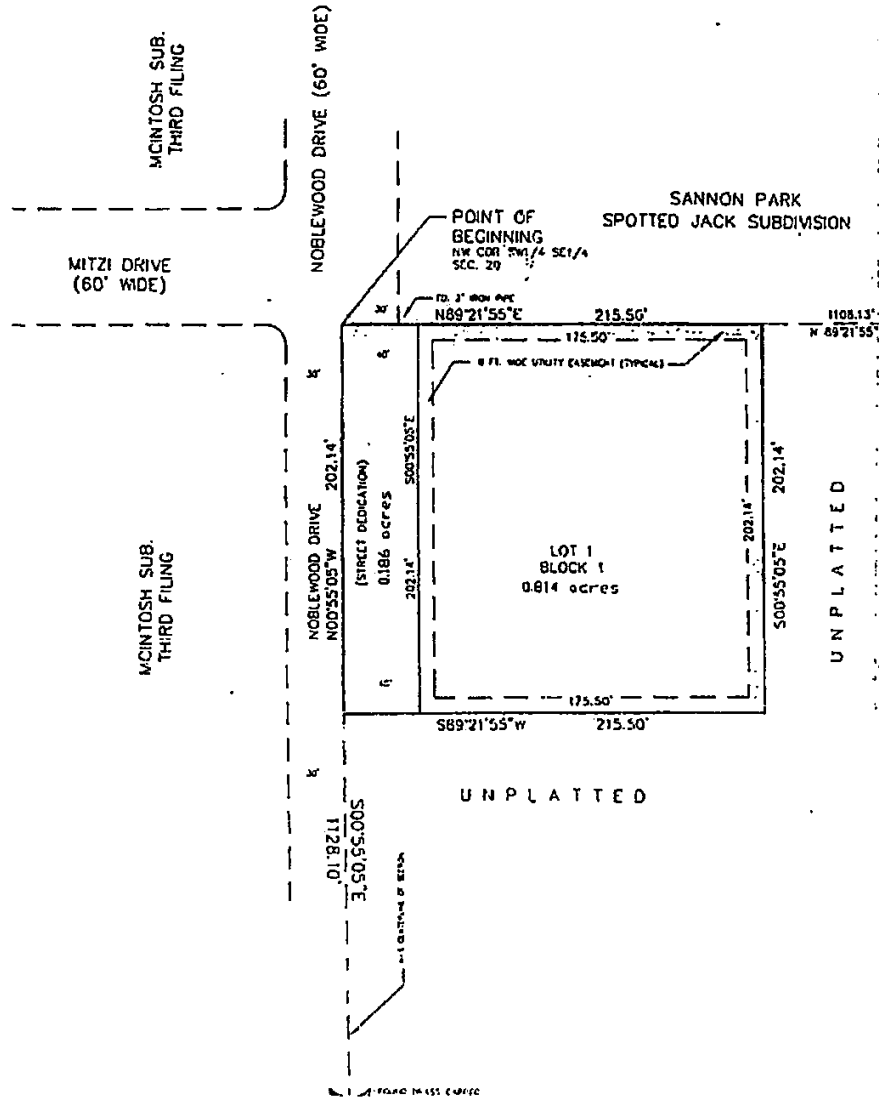


Exhibit C

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

**SECTION C
ESTIMATED ANNUAL MAINTENANCE COST**

FALL MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
	\$
	\$

WINTER MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow plowing 2 hours @ \$75.00/hour	\$ 150.00
	\$

SPRING MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
	\$
	\$

SUMMER MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
	\$
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: \$ 150.00

Exhibit D

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

**SECTION D
METHOD OF ASSESSMENT**

CHOOSE A METHOD OF ASSESSMENT:

Equal Amount: _____

Front Footage: _____

Other (Describe): _____

Square Footage (Please list the square footage for each lot within the proposed district):

Property Owner	Lot & Block, Subdivision or C/S	Total Square Footage

