

RESOLUTION NO. 08-86
**RESOLUTION CREATING RURAL SPECIAL
IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #778M
(SUNNY COVE FRUIT FARMS SUBDIVISION-ROADS)**

WHEREAS, a Petition signed by more than sixty percent (60%) of the Freeholders of the proposed district has been submitted to the Board of County Commissioners for creation of a rural special improvement maintenance district for the maintenance of a portion of 60th St. West and Colton Avenue, Colton Avenue between 60th Street West and 62nd Street West, as shown in Exhibit A (map) in Yellowstone County, Montana; and,

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 #778M for Sunny Cove Fruit Farms Subdivision, for the maintenance of a portion of 60th St. West and Colton Avenue, Colton Avenue between 60th Street West and 62nd Street West, as shown in Exhibit A (map) in Yellowstone County, Montana; and

WHEREAS, the boundaries of the district are described as Lot 58, 59, 70, 71, 90, 91, 102, 103A and 103B of Sunny Cove Fruit Farms Subdivision, Yellowstone County, Montana (Exhibit B) and,

WHEREAS, Lots 57 and 72 have access to 62nd Street West, which is paved, therefore, they have been excluded from the district, 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 22nd and August 29th, 2008, 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 of Yellowstone County, Montana met in regular session to hear all written or verbal testimony either for or against the creation of said proposed District; and

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

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 for the 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 for the maintenance and repair of roads located within the boundaries of this District;
4. That the Commissioners have been presented with a valid Petition to create the proposed District;
5. That the Commissioners have heard all protests against creation of the District and deem them to be insufficient.
6. The Commissioners have jurisdiction to create a Rural Special Improvement Maintenance District No. 778M to provide for the annual maintenance, operation and preservation of roads.


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

1. The Commissioners create Rural Special Improvement Maintenance District No. 778M to provide for the annual maintenance, operation and preservation of roads.
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 A). The estimated maintenance costs are more particularly described in Exhibit C. The estimated maintenance costs shown do not preclude other eligible road expenditures. The boundaries of this District are shown on the map attached as Exhibit A and described in Exhibit B.
3. The number of the Rural Special Improvement Maintenance District thereof shall be No. 778M.
4. All lots within the district will benefit from proposed R.S.I.D. and shall be assessed for maintenance. All lots will be assessed an equal amount based upon the total cost of the maintenance.
5. The district shall be considered a district to exist perpetually unless included within another district providing the same services or transferred to a municipality.
6. 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 30th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


James E. Reno, Chairman


John Ostlund, Member


Bill Kennedy, Member

(SEAL)
ATTEST:

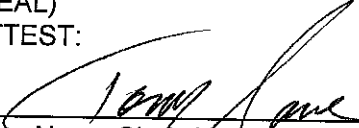
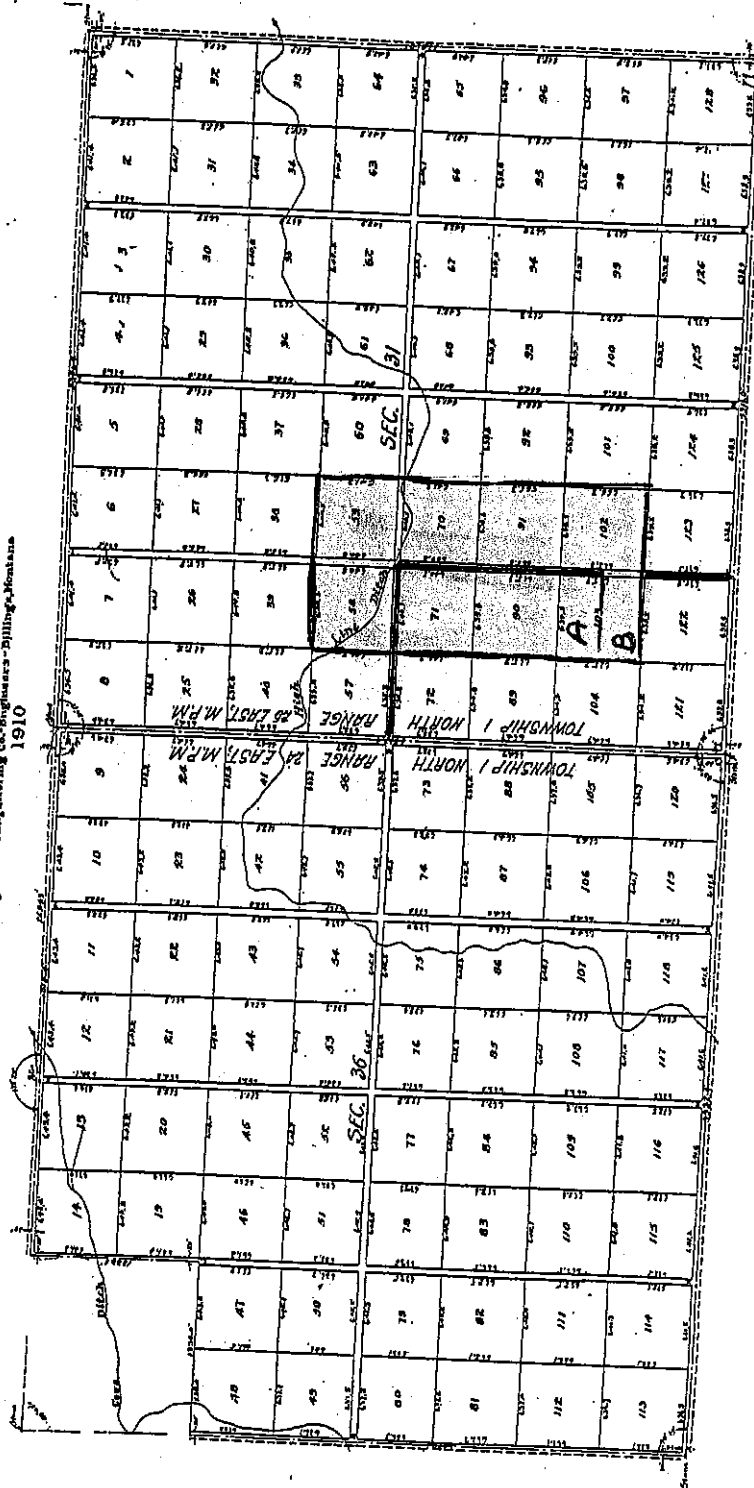

Tony Nave, Clerk & Recorder
Yellowstone County, Montana

EXHIBIT A

PLAT OF THE SUNNY COVE FRUIT FARMS IN SEC. 36 T.1.N.R.24 E. & SEC. 31 T.1.N.R.25 E.M.P.M.

Henry Gathers Engineering Co.-Engineers-Billings-Montana
1910



ABSTRACT GUARANTY COMPANY

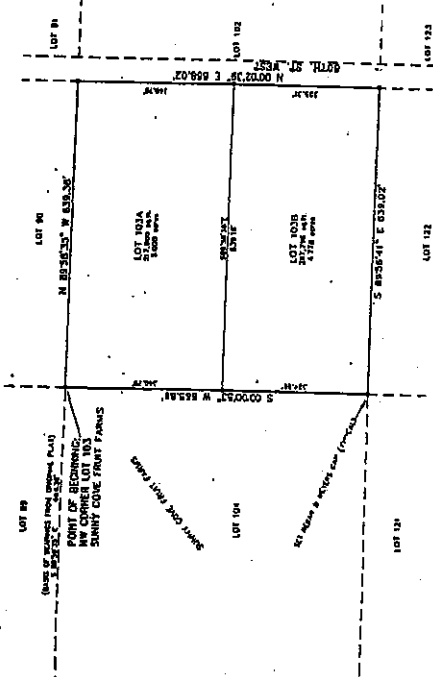
WHILE THIS U.S.A. PHOTOGRAPHIC REPRODUCTION OF THE RECORDED PLAT, THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH A RE-SURVEY.

— PROPOSED CITY OF BILLINGS STREET

- - - EXISTING ROAD

SUNNY COVE FRUIT FARMS SUBDIVISION AMENDING LOT 103 LOCATED IN SW1/4 SECTION 31, T.1N.R.25E., P.M.M., YELLOWSTONE COUNTY, MT.

FOR: KENMARK CORPORATION & MARK ALLEN FEB. 2001 BY: HENRY A. MEYERS R.L.
COUNTY TREASURER STATUTORY



I hereby certify that all the proper laws and local ordinances have been paid for. I have also verified that the plat is correct in every respect. Being, Henry A. Meyers County Treasurer.

DATE: Feb 20 2001
COUNTY ATTORNEY'S SIGNATURE: [Signature]
COUNTY ATTORNEY'S STATEMENT: [Signature]

DATE: Feb 20 2001
COUNTY ATTORNEY'S SIGNATURE: [Signature]
COUNTY ATTORNEY'S STATEMENT: [Signature]

DATE: Feb 20 2001
COUNTY ATTORNEY'S SIGNATURE: [Signature]
COUNTY ATTORNEY'S STATEMENT: [Signature]

STATE OF MONTANA
County of Yellowstone

On this 20th day of February, 2001, the above described property was presented to the Board of County Commissioners for their consideration and approval.

CERTIFICATE OF APPROVAL
STATE OF MONTANA
County of Yellowstone

On this 20th day of February, 2001, before me, a Notary Public, appeared Henry A. Meyers and Mark Allen, known to me to be the persons whose names are subscribed to the foregoing plat, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

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County of Yellowstone

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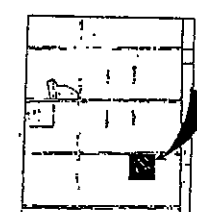
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STATE OF MONTANA
County of Yellowstone



PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT B

LEGAL DESCRIPTIONS

PROPERTY LEGAL DESCRIPTIONS

Lot 59 Sunny Cove Fruit Farms

Lot 58 Sunny Cove Fruit Farms

~~Lot 57 Sunny Cove Fruit Farms~~ Not in district

Lot 71 Sunny Cove Fruit Farms

Lot 70 Sunny Cove Fruit Farms

Lot 90 Sunny Cove Fruit Farms

Lot 91 Sunny Cove Fruit Farms

Lot 102 Sunny Cove Fruit Farms

Lot 103 A Sunny Cove Fruit Farms

Lot

Lot 103 B Sunny Cove Fruit Farms

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT C

ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$ 3000.00
	\$

\$300.00 PER Lot

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: _____

~~10 lots \$300/lot = \$3,000/yr~~
 9 lots \$300/9 lots = \$333/yr

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT D
METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)
