

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21-56

**Resolution to Change Improvements Maintained by
Yellowstone County Rural Special Improvement District No. 790M**

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. There is no explicit authority as to how a board is supposed to change the improvements maintained by a district. Because there is no explicit authority as to how a board is supposed to change the improvements maintained by a district, it is logical a board should use the same procedure to create a district to change the improvements maintained by a district.

WHEREAS, the Yellowstone County Board of County Commissioners created Yellowstone County Rural Special Improvement District No. 790M to maintain the roads and dry hydrant in West King Commercial Park Subdivision. Resolution No. 10-32. 4E Properties owns Tract 1A of Amended Certificate of Survey No. 1054 that is adjacent to the Subdivision. 4E Properties intends to subdivide its land and use the dry hydrant in the Subdivision to meet its requirement for a dry hydrant. To use the dry hydrant to meet its requirement for a dry hydrant, it would have to join the District used to maintain the dry hydrant. The District used to maintain the dry hydrant in the Subdivision is not used to solely maintain the dry hydrant. It also maintains the roads in the Subdivision. 4E Properties does not intend to have any internal roads that would need a district to maintain them. To allow 4E Properties to fund the maintenance of the dry hydrant, the Board intends to modify the District to remove the maintenance of the dry hydrant and to create a new district that will include both West King Commercial Park Subdivision and the subdivision developed by 4E Properties to maintain the dry hydrant. The District will continue to maintain the roads in West King Commercial Park Subdivision and just include the land in the Subdivision.

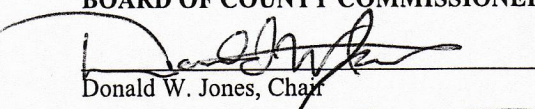
WHEREAS, on August 10, 2021, the Yellowstone County Board of County Commissioners passed a resolution of intent to change the improvements maintained by Rural Special Improvement District No. 790M and set a public hearing on the change for September 21, 2021. On August 13, 2021, the Yellowstone County Clerk and Recorder mailed notice of the hearing to all property owners in the District. On August 13, 2021 and August 20, 2021, the Yellowstone County Clerk and Recorder published notice of the public hearing in the *Yellowstone County News*. On September 21, 2021, the Board held a public hearing on the change. The Board heard comments and considered protests. The Board did not receive enough protests to prevent the change. The Board believes the change is in the best interest of the public.

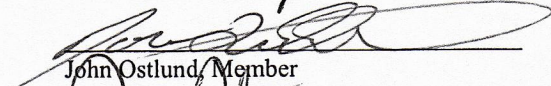
NOW THEREFORE, BE IT RESOLVED,

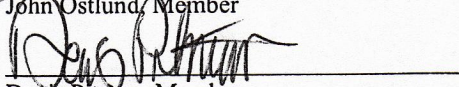
The Yellowstone County Board of County Commissioners changes the improvements Yellowstone County Rural Special Improvement District No. 790M maintains. The Board removes the maintenance of the dry hydrant from the District. The maintenance of the dry hydrant will be placed in a new district. The District will continue to maintain the roads in West King Commercial Park Subdivision.

Passed and Adopted on the 21st day of September 2021.

BOARD OF COUNTY COMMISSIONERS YELLOWSTONE COUNTY, MONTANA


Donald W. Jones, Chair


John Ostlund, Member


Denis Pitman, Member

ATTEST:


Jeff Martin, Clerk and Recorder

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1 of 1