

RESOLUTION NO. 11-98
**RESOLUTION CREATING RURAL SPECIAL
IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #799M
(CURLY WILLOW SUBDIVISION – DRY HYDRANT)**

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, have been presented with a valid petition to create a Rural Special Improvement Maintenance District which shall be known as RSID #799M for Curly Willow Subdivision, described in Exhibit B as Lots 1,2,3,4 & 5 Curly Willow Subdivision and more particularly shown in Exhibit A (map) in Yellowstone County, Montana; and,

WHEREAS, under MCA 7-12-2102(2), a petition was presented to create a rural special improvement district that contains the consent of all (100%) of the owners of property to be included in the district (Exhibit F); and,

WHEREAS, all of the costs of the district shall be assessed equally on a per lot method for existing and future lots (Exhibit D); and,

WHEREAS, the cost estimate as shown in Exhibit C is only an estimate of annual costs and is subject to cost fluctuations due to maintenance utilization levels and changes in material and labor costs of performing necessary maintenance; and

WHEREAS, the property assessment amount is subject to adjustment and will be established annually by the Board of County Commissioners; and,

WHEREAS, the district shall be considered to exist perpetually unless included within another district providing the same services or assumed by a municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, deeming the public interest or convenience require the creation of the rural special improvement maintenance district, intends to create the following described Rural Special Improvement Maintenance District:

1. **NUMBER OF DISTRICT.** The Rural Special Improvement Maintenance District shall be designated as District No. 799M.
2. **DESCRIPTION OF DISTRICT.** The exterior boundaries of the District are shown in Exhibit A and described in Exhibit B.
3. **DESCRIPTION OF IMPROVEMENTS, DESCRIPTION OF MAINTENANCE, METHOD OF ASSESSMENT AND ESTIMATED COSTS.** Assessments collected on behalf of this district shall be used for the maintenance of the Dry Hydrant located within the district as estimated in Exhibit C. All of the costs of the district shall be assessed equally on a per lot method for existing and future lots (Exhibit D).
4. **DURATION.** The district shall be deemed to be perpetual in nature unless absorbed and replaced by another district or municipality.


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 maintenance, the amount of assessments, and how the assessments should be spent. The Commissioners request a list of some individuals who are willing to serve on the Ad Hoc Committee (Exhibit E).

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 8th day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



John Ostlund, Chairman



James E. Reno, Member

Bill Kennedy, Member

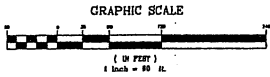
(SEAL)
ATTEST:



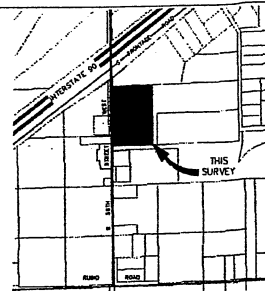
Jeff Martin, Clerk & Recorder
Yellowstone County, Montana

EXHIBIT A

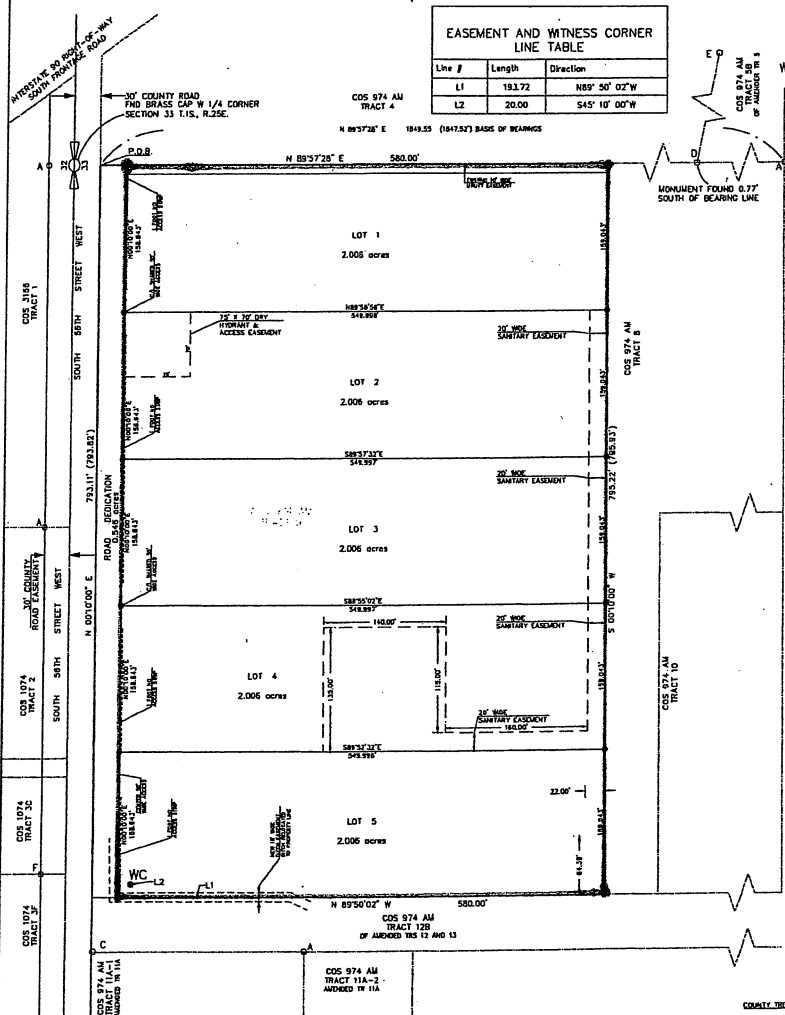
CURLY WILLOW SUBDIVISION
BEING TRACT 9 OF AMENDED
CERTIFICATE OF SURVEY NO. 974
SITUATED IN THE SE1/4 SECTION 33, T.1S., R.25E., P.M.M.
YELLOWSTONE COUNTY, MONTANA



DATE: MARCH, 2010
 PREPARED FOR: CHIL, Inc., a Montana corporation and
 HERTZ PLUMBING & HEATING, INC., a Montana corporation
 PREPARED BY: TIMOTHY GRANT
 SCALE: 1"=80'
 BASIS OF BEARINGS: NORTH LINE OF TRACTS 8 & 9
 C O S 974 AMENDED N 89°37'28" E



EASEMENT AND WITNESS CORNER LINE TABLE		
Line #	Length	Direction
L1	183.72	N89° 30' 02" W
L2	20.00	S45° 10' 00" W



- MONUMENT LEGEND**
- = SET 5/8" REBAR WITH PLASTIC CAP MARKED T GRANT L5
 - = FOUND AS NOTED
 - = SET WITNESS CORNER, 5/8" REBAR WITH PLASTIC CAP MARKED T GRANT L5
 - A FOUND 5/8" REBAR WITH ATLAS 27555 YPC
 - B FOUND 5/8" REBAR WITH BROKON YPC
 - C FOUND 5/8" REBAR BENT WITH H U LUND 18275 YPC
 - D FOUND 5/8" REBAR WITH TRIFLEX 25255 YPC
 - E FOUND 5/8" REBAR WITH H MEYERS 22015 RPC
 - F FOUND 5/8" REBAR WITH H U LUND 18275 YPC

CERTIFICATE OF ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS: That CHIL, Inc., a Montana corporation and HERTZ PLUMBING & HEATING, INC., a Montana corporation, the owners of the following described tract of land, have caused to be surveyed, subdivided and platted into blocks, lots and strata as shown on this amended plat. Said tract of land being situated in the SE 1/4 of Section 33, T.1S., R.25E., P.M.M., Yellowstone County, Montana, being more particularly described as follows:

Beginning at a point on the east right-of-way line of South 56th Street West, said point also being the southeast corner of Tract 4 of Amended Certificate of Survey 974, recorded under document No. 948582 in the office of Clerk and Recorder of Yellowstone County, Thence N 89°37'28" E along the north line of said Tract 4 for a distance of 580.00 feet to the northeast corner of Tract 8 of said C O S 974; Thence S 00°10'00" W along the east line of said Tract 8 for a distance of 785.32 feet to the south east corner of said Tract 8; then a point on the north line of Tract 12B of Amended Tract 13 and 13 of Amended Certificate of Survey No. 974 recorded under document No. 2462173 in the office of Clerk and Recorder of Yellowstone County, Thence N 89°30'02" W along the north line of said Tract 12B for a distance of 580.00 feet to the northwest corner of said Tract 12B; said corner also being a point on the east right-of-way line of South 56th Street West; Thence N 80°10'00" E along the said east right-of-way line of said South 56th Street West for a distance of 781.11 feet to the Point of Beginning.

Together with and subject to all covenants, easements, and restrictions of record. Said property contains 10,824 gross acres and 10,820 net acres.

No part land dedication is required for a minor subdivision per Section 78-3-81(3)(a), M.C.A.

The undersigned hereby grants unto all utility companies, or such other defined and established under Montana Law, and cable television companies an easement for the location, installation, maintenance, repair and removal of their lines, wires, pipes, conduits and other facilities on the plat as "Utility Easement" to have and to hold forever. Said tract of land it to be known and designated as "CURLY WILLOW SUBDIVISION" and any and all lands included shown and designated on roads, streets, avenues and parks are hereby donated to the Public forever.

Dated this ____ day of _____, 20__.

By: Rad Lorenz (as to an undivided 50% interest)
 OE: CHIL, Inc., a Montana corporation

STATE OF MONTANA } ss
 County of Yellowstone } ss

On this ____ day of _____, 20__ before me, the undersigned a Notary Public for the State of Montana, personally appeared Rad Lorenz of CHIL, Inc., a Montana corporation known to me to be the person whose name is subscribed to the written instrument, and acknowledge to me that they executed the same.

Notary Public in and for the State of Montana

Print Name: _____
 Residing in: _____
 My commission expires: _____

Dated this ____ day of _____, 20__.

By: Rad Lorenz (as to an undivided 50% interest)
 OE: HERTZ PLUMBING & HEATING, INC., a Montana corporation

STATE OF MONTANA } ss
 County of Yellowstone } ss

On this ____ day of _____, 20__ before me, the undersigned a Notary Public for the State of Montana, personally appeared Rad Lorenz of HERTZ PLUMBING & HEATING, INC., a Montana corporation known to me to be the person whose name is subscribed to the written instrument, and acknowledge to me that they executed the same.

Notary Public in and for the State of Montana

Print Name: _____
 Residing in: _____
 My commission expires: _____

CERTIFICATE OF SURVEY

STATE OF MONTANA } ss
 County of Yellowstone } ss

I, Timothy A. Grant, a Registered Land Surveyor in the State of Montana, do hereby certify that I have performed the survey shown on this subdivision plat to be known as CURLY WILLOW SUBDIVISION and that said survey was made in March, 2010, that said survey is true and complete as shown and the monuments found and set out of the character and copy the positions shown thereon.

Dated this ____ day of _____, 2010.

Timothy A. Grant
 STATE OF MONTANA } ss
 County of Yellowstone } ss

On this ____ day of _____, 20__ before me, the undersigned a Notary Public for the State of Montana, personally appeared Timothy A. Grant known to me to be the person whose name is subscribed to the written instrument, and acknowledge to me that they executed the same.

Notary Public in and for the State of Montana

Print Name: _____
 Residing in: _____
 My commission expires: _____

CERTIFICATE OF APPROVAL

STATE OF MONTANA } ss
 County of Yellowstone } ss

We hereby certify that we have examined the annexed Plat of "AARON HERTZ SUBDIVISION", and find that said plat conforms with the requirements of the laws of the State of Montana and that the plat meets the requirements of the Montana Health Department and the State Department of Environmental Quality, as in and to the satisfaction of the Public use of any and all lands shown on this plat as being dedicated to such use are acceptable.

In WITNESS WHEREOF, we have set our hands and the seal of Yellowstone County, Montana, this ____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS
 YELLOWSTONE COUNTY, MONTANA

Attest: _____
 Clerk and Recorder

By: _____
 Commissioner

By: _____
 Commissioner

By: _____
 Chairman

HEALTH DEPARTMENT

DATED: _____

COUNTY TREASURER'S CERTIFICATION

I hereby certify, pursuant to Section 78-3-81(3)(a), M.C.A., that all real property taxes and special assessments assessed and levied on the land described above and encompassed by the attached "SUBDIVISION PLAT", have been paid.

Dated this ____ day of _____, 20__.

Yellowstone County, Montana
 Treasurer

COUNTY ATTORNEY

THIS SUBDIVISION PLAT HAS BEEN REVIEWED BY THE COUNTY ATTORNEY'S OFFICE AND IS ACCEPTABLE TO FORM.

DATE: _____
 REVIEWED BY: _____

SUBDIVISION APPROVEMENT AGREEMENT
 Document No. _____

DRY HYDRANT EASEMENT
 Document No. _____

CLINIC AND RETROACTIVE INFORMATION

EXHIBIT B
LEGAL DESCRIPTIONS

PROPERTY LEGAL DESCRIPTIONS

Curly Willow Subdivision lots 1, 2, 3, 4, 5

EXHIBIT C

ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
Maintain Dry Hydrant	\$ 500 (100 per property)
	\$

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST:

\$500

EXHIBIT D
METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)

EXHIBIT E

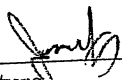
PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT RECOMMENDATIONS FOR AD HOC COMMITTEE

NAME

TELEPHONE NUMBER

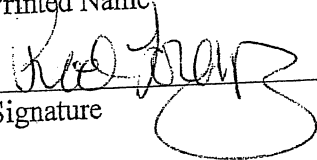
1. Jason Hertz (Chairman)
Printed Name

406 591 1042

Signature 

2. Bob Lorenz
Printed Name

591-1850

Signature 

3. _____
Printed Name

Signature _____

4. _____
Printed Name

Signature _____

5. _____
Printed Name

Signature _____

EXHIBIT F

CONSENT OF PROPERTY OWNERS IN PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT

WE, THE UNDERSIGNED property owners, hereby provide the following information for consideration in the possible creation of an RSID. It is our understanding that if support exists for the RSID, information will be provided to the County and a public hearing scheduled regarding the creation of this district. Following the public hearing, the County Commissioners shall take action on whether or not to create the district. Should the County Commissioners create the district, WE, as property owners, understand that we shall bear the costs of the district as formally approved by the County Commissioners.

PROPERTY LEGAL DESCRIPTION	OWNER (PRINTED NAME)	OWNER SIGNATURE	IN FAVOR	OPPOSED
Curly Willow Sub	CmyL Inc by Cindy Lorenz, President	CmyL Inc by Cindy Lorenz President		
Curly Willow Sub	HEITZ Plumbing & Heating Inc by SABO	HEITZ Plumbing & Heating Inc By S. Sabo, President HEITZ		