

RESOLUTION NO. 16-~~44~~
RESOLUTION CREATING RURAL SPECIAL
IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #828M
(BOTTRELL SUB- 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 #828M for Bottrell Subdivision - Dry Hydrant, described in Exhibit B as Block 1, Lots 2 through 3 inclusive; Block 1, Lots 1A through 1B inclusive; Block 1, Lots 4A through 4C inclusive; Block 1, amended Lots 1 and 4 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.

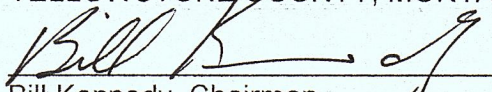
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, deeming the public interest or convenience require the creation of the rural special improvement maintenance district, intends to create the following described Rural Special Improvement Maintenance District:

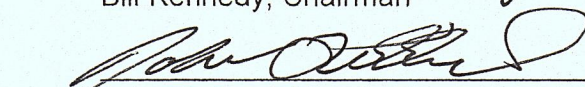
1. **NUMBER OF DISTRICT.** The Rural Special Improvement Maintenance District shall be designated as District No. 828M.
2. **DESCRIPTION OF DISTRICT.** The exterior boundaries of the District are shown in Exhibit A and described in Exhibit B.
3. **DESCRIPTION OF IMPROVEMENTS, DESCRIPTION OF MAINTENANCE, METHOD OF ASSESSMENT AND ESTIMATED COSTS.** Assessments collected on behalf of this district shall be used for the 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.

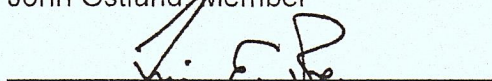
5. The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for maintenance, the amount of assessments, and how the assessments should be spent. The Commissioners request a list of some individuals who 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 5th day of April 2016.

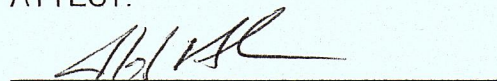
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Bill Kennedy, Chairman


John Ostlund, Member


James Reno, Member

(SEAL)
ATTEST:


Jeff Martin, Clerk & Recorder
Yellowstone County, Montana

R.S.I.D. PETITION ROUTING SHEET

828M

RSID NAME OR AREA: Bottrell Submission - Dry Hydrant

PUBLIC WORKS

①

Date Received: 3-23-16

Date Sent: 3-24-16

Reviewed By: M. Black

Comments: Appears Sufficient

CLERK & RECORDER

④

Date Received: _____

Date Sent: _____

Reviewed By: _____

Comments: _____

COUNTY ATTORNEY

②

Date Received: _____

Date Sent: _____

Reviewed By: _____

Comments: See note on back
MFE
per mike - mark now
OK
3.31.16

FINANCE

③

Date Received: 3-31-16

Date Sent: 3-31-16

Reviewed By: [Signature]

Comments: [Signature]

BOARD CLERK

Date Returned: _____

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

COVER SHEET


TO: YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this 23 day of February, ²⁰¹⁶~~19~~.

Petitioner/Initiator (and/or) Contact Person:

NAME: James Bennett
ADDRESS: 3529 Gabel Road
Billings, MT 59102
PHONE NO: 406-652-8328

I swear that all of the information presented in this petition is true and correct and the landowner's signatures (Section F) are the original true and consenting landowners.


Petitioner's Signature

2/22/16
Date

LIST ALL ADDITIONAL ATTACHMENTS:

EXHIBIT A

PLAT OF BOTTRELL SUBDIVISION

BEING THE S1/2 S1/2 NE1/4 SECTION 24, T.1S., R.25E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

FOR: DONALD G. BOTTRELL
BILLINGS, MT.

BY: ATLAS ENGINEERS INC.
BILLINGS, MT.

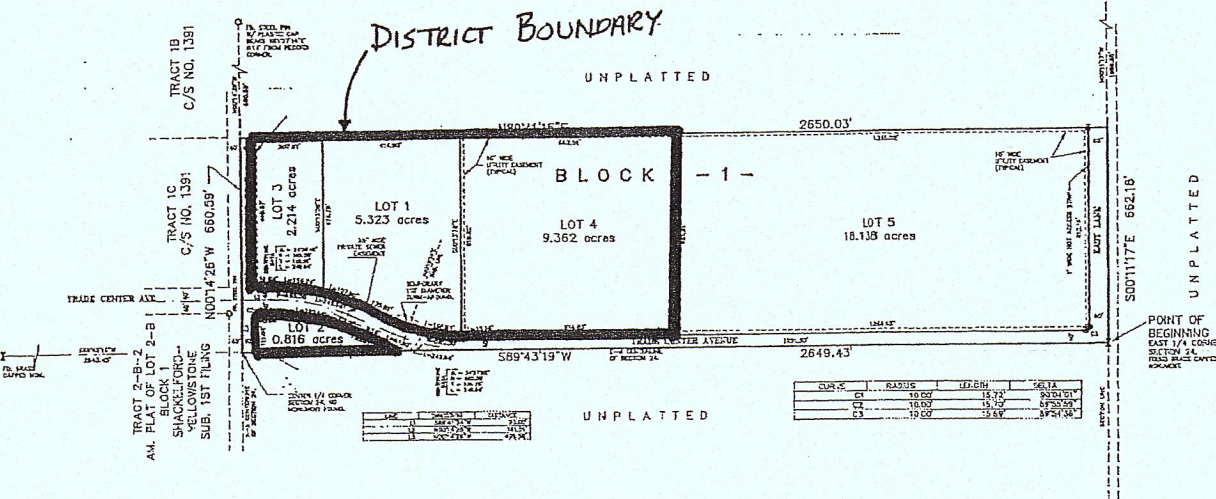
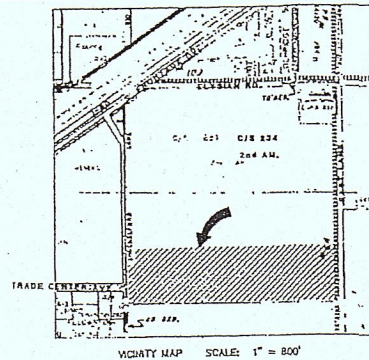
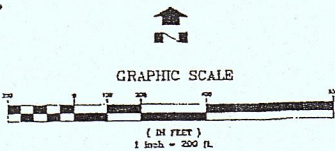
DATE: MARCH, 1996

BASE OF RECORDS
THE BASIS OF RECORDS FOR THIS PLAT IS
CERTIFICATE OF SURVEY NO. 234 SECOND AM.

PURPOSE OF SURVEY
THE PURPOSE OF THIS SURVEY IS TO CREATE
5 PARCELS FOR CONVEYANCE.

NOTIFICATION
CORNER MARKED WITH STAINLESS STEEL PIN
IS LOCATED BY A 3/8" STEEL PIN
WITH PLASTIC CAP STAMPED "ATLAS 2795 5"
SEE BY THIS SURVEY OR AS MAY BE NOTED
OTHERWISE.

CORNER MARKED WITH STAINLESS STEEL PIN
IS LOCATED AS NOTED AND SHALL REMAIN
BY THIS SURVEY OR AS MAY BE NOTED
OTHERWISE.



BEFORE THE COUNTY CLERK OF YELLOWSTONE COUNTY, MONTANA, I HEREBY CERTIFY THAT THE PLAT OF BOTTRELL SUBDIVISION WAS FILED IN MY OFFICE ON THE 22ND DAY OF MARCH, 1996, AT 2:06 P.M. IN ACCORDANCE WITH THE PROVISIONS OF THE MONTANA SUBDIVISION ACT, CHAPTER 2, TITLE 76, M.C.A. I HAVE EXAMINED THE PLAT AND FIND THAT IT CONFORMS TO THE REQUIREMENTS OF SAID ACT. I HAVE ALSO EXAMINED THE ORIGINAL SURVEY INSTRUMENT AND FIND THAT IT CONFORMS TO THE REQUIREMENTS OF SAID ACT. I HAVE ALSO EXAMINED THE ORIGINAL SURVEY INSTRUMENT AND FIND THAT IT CONFORMS TO THE REQUIREMENTS OF SAID ACT. I HAVE ALSO EXAMINED THE ORIGINAL SURVEY INSTRUMENT AND FIND THAT IT CONFORMS TO THE REQUIREMENTS OF SAID ACT.

NOTICE OF APPROVAL

STATE OF MONTANA)
County of Yellowstone) ss.
The PLAT OF BOTTRELL SUBDIVISION has been approved for filing by the Yellowstone County Board of Planning and it conforms to the requirements of the Montana Subdivision Act, Chapter 2, Title 76, M.C.A. as amended, effective 1/1/96.
Executive Secretary: *[Signature]* Resident: *[Signature]*

CERTIFICATE OF APPROVAL

STATE OF MONTANA)
County of Yellowstone) ss.
I have examined the PLAT OF BOTTRELL SUBDIVISION and find that said plat conforms with the requirements of the laws of the State of Montana. It is therefore approved by the Board of County Commissioners for filing with the Clerk and Recorder.
Dated this 20th day of May, 1996.

CERTIFICATE OF EXAMINING LAND SURVEYOR

I hereby certify that the hereto annexed PLAT OF BOTTRELL SUBDIVISION meets the conditions pursuant to the Montana Subdivision and Platting Act, 76-2-611(2)(a).
Date: May 22, 1996
[Signature]
Examining Land Surveyor

STATE OF MONTANA)
County of Yellowstone) ss. 1838875
I hereby certify that the hereto annexed PLAT OF BOTTRELL SUBDIVISION was filed for record in my office on JUL 26 1996 at 2:06 P.M. in accordance with the provisions of the Montana Subdivision Act, Chapter 2, Title 76, M.C.A. as amended, effective 1/1/96.

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
County of Yellowstone) ss.
KNOW ALL MEN BY THESE PRESENTS, that Kathleen Herman and Karen Ososki, the owners of record, do hereby certify that they have caused to be surveyed and subdivided into lots and street rights-of-way, a certain parcel of land being the S1/2 S1/2 NE1/4 of Section 24, T.1S., R.25E., P.M.M., Yellowstone County, Montana, to be hereinafter known as PLAT OF BOTTRELL SUBDIVISION, in accordance with the provisions of the laws of the State of Montana, said parcel being described as follows, to-wit: Beginning at the east one-quarter corner of said section 24; thence S89°43'19"W a distance of 2649.43 feet to the center one-quarter corner of said Section 24; thence N05°14'26"W a distance of 669.18 feet to the northwest corner of said S1/2 S1/2 NE1/4; thence on and along the north line of said S1/2 S1/2 NE1/4 NE1/4 157° a distance of 2150.03 feet to the northeast corner of said S1/2 S1/2 NE1/4; thence S09°11'17"E a distance of 662.18 feet to the point of beginning containing 49.232 gross acres and 35.053 net acres, and the lands included in the streets shown on said plat are hereby granted and donated to the use of the public for use as such forever and the undersigned hereby grants unto all public utility companies, as such are defined and established by Montana law, and Billings Telecommunications Inc., an easement for the location, maintenance, repair and removal of their lines, over, under and across the area designated on the plat as "Utility Easement" to have and hold forever.
Dated this 14th day of May, 1996.
[Signatures]
KATHLEEN HERMAN KAREN OSOSKI

STATE OF MONTANA)
County of Yellowstone) ss.
On this 9th day of May, 1996, before me, a Notary Public for the State of Montana, personally appeared KATHLEEN HERMAN, known by me to be the person who signed the foregoing instrument and acknowledged to me that she signed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year first above written.
[Signature]

Notary Public for the State of Montana
Residing at *[Address]*
My commission expires 07/31/98

STATE OF *[State]*)
County of *[County]*) ss.
On this 14th day of May, 1996, before me, a Notary Public for the State of *[State]*, personally appeared KAREN OSOSKI, known by me to be the person who signed the foregoing instrument and acknowledged to me that she signed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year first above written.
[Signature]

Notary Public for the State of *[State]*
Residing at *[Address]*
My commission expires 07/31/98

CERTIFICATE OF SURVEY

STATE OF MONTANA)
County of Yellowstone) ss.
THIS IS TO CERTIFY THAT James L. Mahn, a registered land surveyor, Montana Registration No. 2795 S, being first duly sworn, deposes and says that during the fall of 1995 and the spring of 1996 a survey was conducted and the hereto annexed plat was

I HEREBY CERTIFY THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS HAVE BEEN PAID FOR THIS PARCEL AS OF THE DATE OF THIS PLAT.
DATE: 5-25-96
YELLOWSTONE COUNTY TREASURER

FILED IN MY OFFICE ON JUL 26 1996 at 2:06 P.M. in accordance with the provisions of the Montana Subdivision Act, Chapter 2, Title 76, M.C.A. as amended, effective 1/1/96.
1838875
Jenny Mahn 1838875
Easement 1838875

EXHIBIT B

LEGAL DESCRIPTIONS

PROPERTY LEGAL DESCRIPTIONS

LOTS 2-3, BLOCK 1, BOTTRELL SUBDIVISION

LOTS 1A-1B, 4A-4C, BLOCK 1, AMENDED LOTS 1 AND 4, BOTTRELL SUBDIVISION

Lined area for additional property legal descriptions.

EXHIBIT C

TANK Already Built

ESTIMATED ANNUAL MAINTENANCE COST

District for
Maintenance Only

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
DRY HYDRANT INSPECTION BY FIRE DEPARTMENT	\$ 0
FULL TANK REPLACEMENT	\$ AS REQUIRED

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: _____

EXHIBIT D
METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)

EXHIBIT E

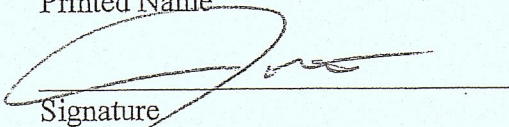
PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT RECOMMENDATIONS FOR AD HOC COMMITTEE

NAME

TELEPHONE NUMBER

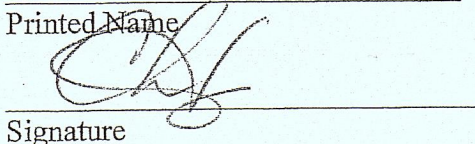
1. JAMES BENNETT (Chairman)
Printed Name

406-652-8328


Signature

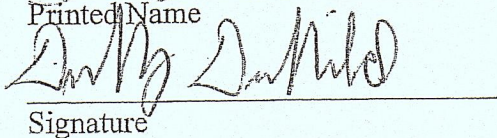
2. CHRIS HAYES
Printed Name

406-690-3979


Signature


3. Duffy Duffield
Printed Name

406-855-5828


Signature

4. Kevin McCarson
Printed Name

406-690-9274


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
Lot 1, Block 1 BOTRELL SUBDIVISION	James A. Bennett	<i>[Signature]</i>	X	
Lot 2, Block 1 BOTRELL SUBDIVISION	James A. Bennett	<i>[Signature]</i>	X	
Lot 3, Block 1 BOTRELL SUBDIVISION	James A. Bennett	<i>[Signature]</i>	X	
Lot 4, Block 1 BOTRELL SUBDIVISION	Teresa L. Bottrill	<i>[Signature]</i>	X	

ALL
 11/24
 INVESTOR