

**RESOLUTION NO. 18-119**  
**RESOLUTION CREATING RURAL SPECIAL**  
**IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #848M**  
**(THE NINES 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 #848M for The Nines Subdivision - Dry Hydrant, described in Exhibit B as Phase 2: Lots 14-20 (Block 1), Lots 7-10 (Block 3), Lots 15-24 (Block 4) and Phase 3: Lots 21-26 (Block 1), and Lots 25-35 (Block 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, 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. 848M.
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.




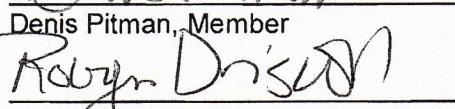
5. The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for maintenance, the amount of assessments, and how the assessments should be spent. The Commissioners request a list of some individuals who 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 11<sup>th</sup> day of December 2018.

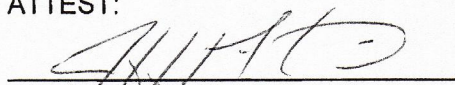
BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
\_\_\_\_\_  
John Ostlund, Chairman

  
\_\_\_\_\_  
Denis Pitman, Member

  
\_\_\_\_\_  
Robyn Driscoll, Member

(SEAL)  
ATTEST:

  
\_\_\_\_\_  
Jeff Martin, Clerk & Recorder  
Yellowstone County, Montana



# EXHIBIT A

## THE NINES SUBDIVISION - PHASES 2 & 3 RSID PETITION AREA

PREPARED FOR : P3COLEMAN, LLC.

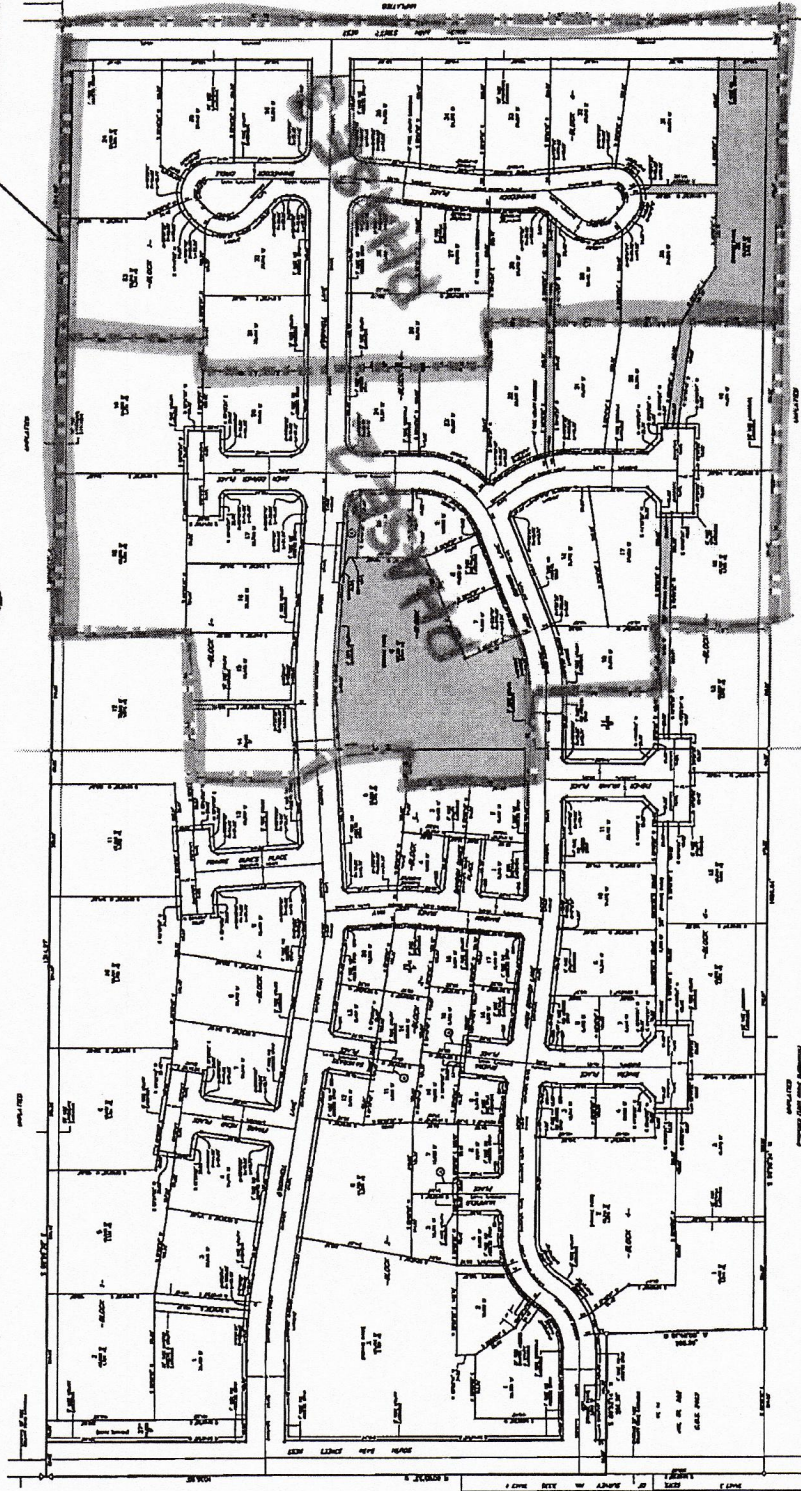
PREPARED BY : SANDERSON STEWART



SEPTEMBER, 2018  
BILLINGS, MONTANA

PRIVATE PARKS - NOT  
INCLUDED IN RSID  
ASSESSMENT

RSID BOUNDARY



NORTH

SCALE: 1"=250'







# EXHIBIT C

## ESTIMATED ANNUAL MAINTENANCE COST

### FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

### WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

### SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

### SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Dry Hydrant Maintenance and Water Level	\$ 950.00
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST:           \$950.00



# EXHIBIT D

## METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)

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# EXHIBIT G

## GUARANTEE

SUBDIVISION OR PROPOSED SUBDIVISION: **The Nines Subdivision**

Order No.: 3-131044-KS-FAT

Fee: **\$150.00**

Policy No.: 5010500-0011897e

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY, GUARANTEES:

### Yellowstone County

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH Yellowstone COUNTY SUBDIVISION REGULATIONS,

In a sum not exceeding \$5,000.00.

THAT according to those public records which, under the recording laws of the State of Montana, impart constructive notice of matters affecting the title to the lands described on the attached legal description

**Parcel A:**

**That part of SW $\frac{1}{4}$  of Section 17, Township 1 South, Range 25 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 2C, of Amended Tracts 1 and 2, Certificate of Survey No. 2467 on file in the office of the Clerk and Recorder of said County, under Document #3680202.**

**Parcel B:**

**Township 1 South, Range 25 East of the Principal Montana Meridian, in Yellowstone County, Montana.**

**Section 17: NE $\frac{1}{4}$ SW $\frac{1}{4}$**

(1) Parties having record title interest in said lands whose signatures are necessary under the requirements of Yellowstone County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

**P3Coleman, LLC**

(2) Parties holding liens or encumbrances on the title to said lands are:

A. General Taxes for the year 2018, which are a lien but not yet payable. Tax Codes: D00675B, D00675.

NOTE: The Tax Statement in the Yellowstone County, Montana, Treasurer's office is marked "Paid" covering the General Taxes for the year 2017, in the sum of \$4,751.59. Tax Codes: D00675B, D00675.



(3) Easements, claims of easements and restriction agreements of record are:

- B. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Yellowstone to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Yellowstone County.
- C. Right of Refusal and Covenants, Conditions and Restrictions recorded October 7, 1987, in Book/Roll 1313, Page 1712, under Document #1459351, but omitting any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin to the extent that such covenants, conditions or restrictions violate 42 USC 3604(c).

Amendment to Right of First Refusal and Restrictive Covenants Agreement recorded January 18, 1990, in Book/Roll 1344, Page 860, under Document #1547775.

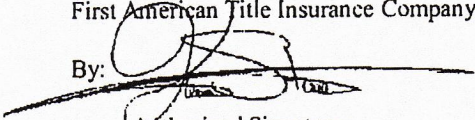
- D. Easement for access and matters incidental thereto granted to Roger A. Schwarz and Cecilia N. Schwarz, recorded October 12, 2004, under Document #3307952.
- E. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of Amended Tracts 1 and 2, Certificate of Survey No. 2467, filed August 19, 2013, as Document #3680202, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants or restrictions violate 42 USC 3604©.  
(Affects Parcel A)

End of Subdivision Guarantee.

Dated: July 27, 2018 @ 7:30AM

First American Title Insurance Company

By:

  
Authorized Signatory