

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 20-52

Resolution to Create Yellowstone County Rural Special Improvement District No. 857M to Maintain the Road of Commanche View Subdivision

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 maintain roads. 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 creates the district. If a board receives a petition to create a district in which all the landowners in the proposed district have consented to the creation of the district, the board may create the district with just a resolution.

WHEREAS, in 2004, Jay Cederberg filed the Plat of Commanche View Subdivision that dedicated Thompson Circle as a public road. Doc. No. 331182. When Jay Cederberg filed the Subdivision, he filed a waiver of right to protest the creation of a rural special improvement district to maintain the improvements for the Subdivision. Doc. No. 331183. As part of the Subdivision Improvement Agreement (SIA) for the Subdivision Commanche View Subdivision was supposed to create a rural special improvement district to maintain Thompson Circle. Doc. No. 331183. The wavier of right to protest the creation of a rural special improvement district is page 6 of 6 of the recorded SIA. Jay Cederberg failed to create the district. The County is without a funding mechanism to maintain Thompson Circle. To create a funding mechanism to maintain Thompson Circle, the County, through the Board of County Commissioners, intends to create a district. The Board will use the waivers filed with the plat for the subdivision to create the district. Because the County will use the waivers, it can create the district with a resolution. With the waivers, all of the landowners will have agreed to the creation of the district. Exhibit 1 contains the specifics of the district such as name, location, map, parcels, property owners, activities, costs, assessment method, assessment and engineer. Below is a summary of the specifics of the district.

District Summary

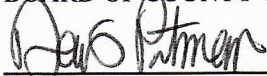
District Name:	Yellowstone County Rural Special Improvement District No. 857M
District Location:	Commanche View Subdivision (Doc. No. 331182, Nov. 09, 2004).
District Parcels:	Four parcels
District Activities:	Road Maintenance
District Costs:	\$480 Estimated Cost Per Year
District Assessment Method:	Per Parcel
District Assessment:	Annual Assessment \$120 Per Parcel Estimated
District Duration:	Perpetual
District Engineer:	Michael Black, PE; Yellowstone County Public Works Department

NOW THEREFORE, BE IT RESOLVED,

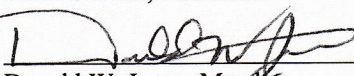
The Yellowstone County Board of County Commissioners creates Rural Special Improvement District No. 857M to maintain the road in Commanche View Subdivision. The specifics of the District are contained in Exhibit 1 attached to this Resolution. The assessment for the District will appear on the landowners 2020 tax statement.

Passed and Adopted on the 23rd day of June 2020.

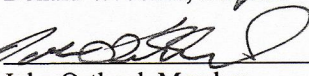
BOARD OF COUNTY COMMISSIONERS YELLOWSTONE COUNTY, MONTANA



Denis Pitman, Chairman

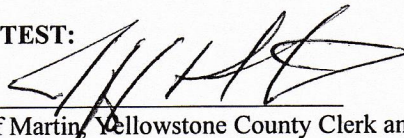


Donald W. Jones, Member



John Ostlund, Member

ATTEST:



Jeff Martin, Yellowstone County Clerk and Recorder

Exhibit 1

Yellowstone County Rural Special Improvement District No. 857M

District Summary

District Name: Yellowstone County Rural Special Improvement District No. 857M
District Location: Commanche View Subdivision (Doc. No. 3311182, Nov. 09, 2004).
District Parcels: 4 parcels
District Activities: Road Maintenance
District Costs: \$480 Estimated Cost Per Year
District Assessment Method: Per Parcel
District Assessment: Annual Assessment \$120 Per Parcel Estimated
District Duration: Perpetual
District Engineer: Michael Black, PE; Yellowstone County Public Works Department

District Name:

The name of the District shall be Yellowstone County Rural Special Improvement District No. 857M.

District Location:

Yellowstone County Rural Special Improvement District No. 857M shall include the parcels in Commanche View Subdivision. Attached is a map of Yellowstone County Rural Special Improvement District No. 857M. See Exhibit A

District Parcels:

Yellowstone County Rural Special Improvement District No. 857M shall include the four parcels in Commanche View Subdivision. The parcels are benefited by the maintenance of Thompson Circle, the only road in the Subdivision. Attached is a list of the legal description of each parcel and the current owner of each parcel in Yellowstone County Rural Special Improvement District No. 857M. See Exhibit B

District Activities:

Yellowstone County Rural Special Improvement District No. 857M shall maintain Thompson Circle, the only road in Commanche View Subdivision.

District Costs:

The Yellowstone County Public Works Department estimated cost to maintain the road in Commanche View Subdivision is approximately \$480. The actual cost may be more or less and will vary from year to year. Attached is an explanation of the maintenance costs for the Road in Yellowstone County Rural Special Improvement District No. 857M. See Exhibit C

District Assessment Method:

Yellowstone County Rural Special Improvement District No. 857M shall use the per parcel method of assessment to finance the maintenance of Thompson Circle, the only road in Commanche View Subdivision. If the number of parcels increases during the term of the District, the assessment shall be modified to account for the increased number of parcels.

District Assessment:

The Yellowstone County Finance Department estimates that annual assessment per parcel to maintain the road in Commanche View Subdivision would be approximately \$120. The assessment would appear on the tax statements for the properties. The actual assessment will vary from year to year. Attached is an explanation of the calculation of the assessment to maintain the Roads in Yellowstone County Rural Special Improvement District No. 857M. See Exhibit C and D

District Duration:

Yellowstone County Rural Special Improvement District No. 857M shall exist for indefinitely.

District Engineer:

Michael Black, PE; a civil engineer with the Yellowstone County Public Works Department, shall be the District Engineer for Yellowstone County Rural Special Improvement District No. 857M. As needed, the Yellowstone County Board of County Commissioner will appoint a District Engineer. The District Engineer shall advise the Board as to the maintenance required for the road in Commanche View Subdivision.

Yellowstone County Public Works Department
Attn: Michael Black, PE
P.O. Box 35024
Billings Montana, 59107-5024
(406) 256-2735
mblack@co.yellowstone.mt.gov

Attachments

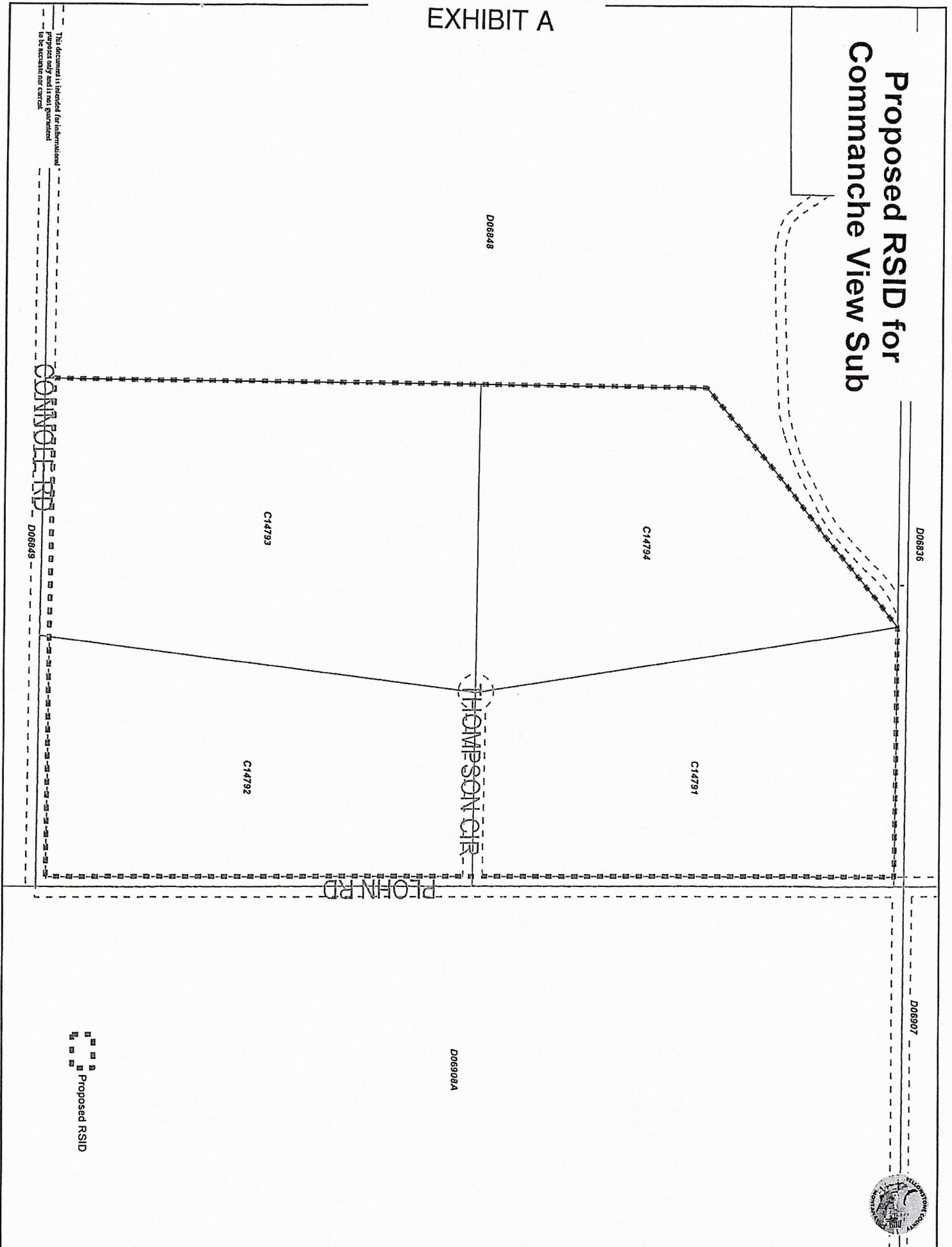
Map

Properties and Property Owner Lists

Wavier of Right To Protest (recorded Doc 3311183, Nov. 09, 2004)

Proposed RSID for Commanche View Sub

EXHIBIT A



This document is intended for informational purposes only and is not to be used for any other purpose.

Proposed RSID

EXHIBIT B

LEGAL DESCRIPTIONS

PROPERTY LEGAL DESCRIPTIONS

Lots 1 through 4, Comanche View Subdivision

EXHIBIT C

ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
Grading	\$ 200
Mow Road Edge	\$

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Snow Plowing	\$ 80
	\$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Grading	\$ 200
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST:

\$480⁰⁰

EXHIBIT D

METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)

EXHIBIT E

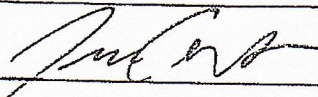
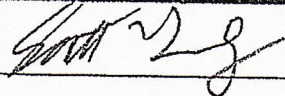
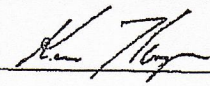
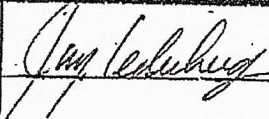
PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT RECOMMENDATIONS FOR AD HOC COMMITTEE

	NAME	TELEPHONE NUMBER
1.	<u>Jay Cederberg</u> (Chairman) Printed Name	<u>406 839 0830</u>
	<u>Jay Cederberg</u> Signature	
2.	<u>Joel Overholt</u> Printed Name	<u>406 702-3323</u>
	<u>Joel Overholt</u> Signature	
3.	<u>Scott Young</u> Printed Name	<u>406 208-8346</u>
	<u>Scott Young</u> 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
COMMANCHE VIEW SUB, S24, T02 N, R23 E, BLOCK 1, Lot 3, (05) 26.488 AC 2013	Overholt,		✓	
	Joel & McKenna			
COMMANCHE VIEW SUB, S24, T02 N, R23 E, BLOCK 1, Lot 4, (05) 20.462 AC	Young,		✓	
	Scott & Kaitlin			
COMMANCHE VIEW SUB, S24, T02 N, R23 E, BLOCK 1, Lot 2, (05) 20.623 AC	Thompson			✓
	Kenneth & Michelle			
COMMANCHE VIEW SUB, S24, T02 N, R23 E, BLOCK 1, Lot 1, (05) 21.311 AC	CEDERBERG		✓	
	Jay & Aleta			



WAIVER OF RIGHTS TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more rural special improvement district or special improvement district for the construction and/or maintenance of streets, curbs and gutter, sidewalks, driveways, survey monuments, street name signs, streetlights, streetlight energy and maintenance, traffic control devices on site and off site as determined by an overall traffic accessibility study, sanitary sewer lines, water lines, valley gutters, culverts, storm sewer lines either within or without the area to provide drainage for runoff water from the real property hereinafter described, park improvements and park maintenance district, noxious weed control, and other incidental improvements which the County of Yellowstone may require.

The Waiver and Agreement shall run with the land and shall be binding upon the undersigned, their heirs, personal representatives, successors and assigns, and shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows, to-wit:

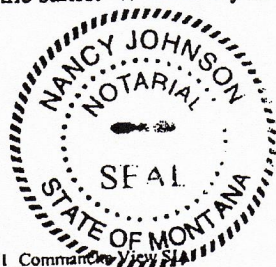
All of Commanche View Subdivision, according to the plat thereof on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana.

WAIVER signed and dated this 20th day of September, 2004.

Jay Cederberg
JAY CEDERBERG
Aleta Cederberg
ALETA CEDERBERG

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this 20th day of September, 2004, before me, a Notary Public in and for the State of Montana, personally appeared JAY CEDERBERG and ALETA CEDERBERG, known to me to be the persons who signed the foregoing instrument and acknowledged to me that they executed the same. Witness my hand and seal the day and year hereinabove written.



Nancy Johnson
Notary Public in and for the State of Montana
Printed name: NANCY JOHNSON
Residing at Billings MT
My commission expires 5 Sep 2008