

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21-31

Resolution to Create Yellowstone County Rural Special Improvement District No. 864M To Maintain Public Road in Creekside Estates 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 construct and maintain a public improvement. When all the owners of the land in the proposed district do not consent to the creation of the 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. When all the owners of the land in the proposed district consent to the creation of a district, the board does not have to hold a public hearing. The board can create the district with a resolution without a hearing.

WHEREAS, the Yellowstone County Board of County Commissioners received a petition from John Poukish to create a rural special improvement district to maintain the road Poukish constructed and granted an easement to the public in Creekside Estates Subdivision, Creek Crossing Road. Poukish developed the subdivision. As a condition of subdivision approval, the Board required Poukish to construct and grant an easement to the public and create a district to maintain the road. Poukish owns all the land in the subdivision. Poukish has consented to the creation of the district. Because Poukish has consented to the creation of the district, the Board does not have to hold a hearing to create the district. The Board only has to pass a resolution to create the district. See Exhibits attached.

District Summary

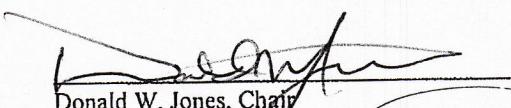
District Name:	Yellowstone County Rural Special Improvement District No. 864M
District Location:	Creekside Estates Subdivision
District Parcels:	5 parcels – Creekside Estates Subdivision All Lots
District Activities:	Maintain Public Road in Subdivision
District Costs:	\$791.85 Estimated Annual Cost for Entire District Subject to Change
District Assessment Method:	Per Parcel
District Assessment:	\$158.37 Annual Assessment Per Parcel Subject to Change
District Duration:	Indefinite
District Engineer:	Michael Black, Yellowstone County Public Works Department

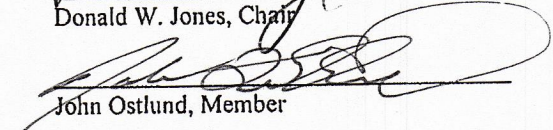
NOW THEREFORE, BE IT RESOLVED,

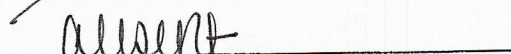
The Yellowstone County Board of County Commissioners creates Yellowstone County Rural Special Improvement District No. 864M to maintain the public road in Creekside Estates Subdivision. The specifics of the District are contained in the petition.

Passed and Adopted on the 11th day of May 2021.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Donald W. Jones, Chair


John Ostlund, Member


Denis Pitman, Member

ATTEST:


Jeff Martin, Clerk and Recorder

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

COVER SHEET

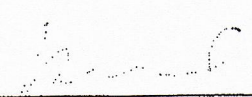
TO: YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this 20TH day of APRIL, 1921.

Petitioner/Initiator (and/or) Contact Person:

NAME: John Poukish
ADDRESS: 306 EBY Creek RD
Eagle, Co 81631
PHONE NO:

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



Date

LIST ALL ADDITIONAL ATTACHMENTS:

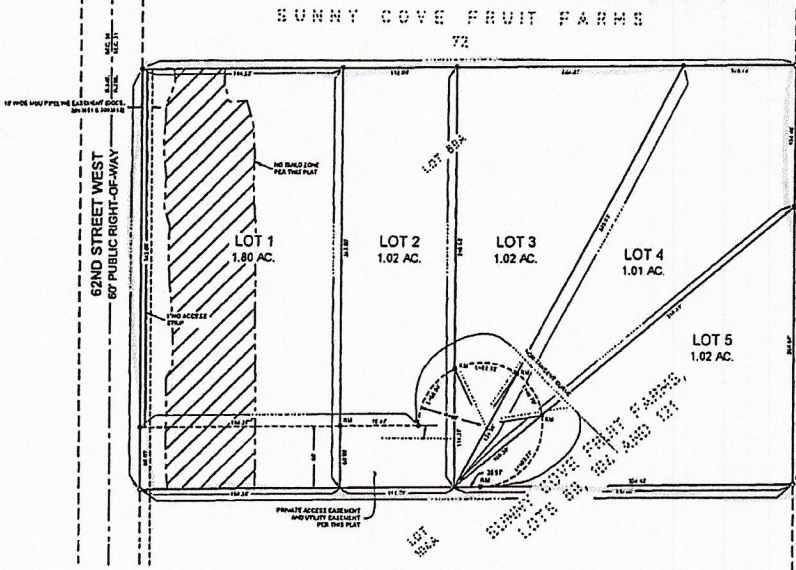
EXHIBIT A

SUBDIVISION PLAT AND CONDITIONS OF APPROVAL OF CREEKSIDE ESTATES

LOCATED IN THE SW1/4 OF SECTION 31, T.1N., R.25E., P.M.M., YELLOWSTONE COUNTY, MONTANA

SUNNY COVE FRUIT FARMS
72

AMENDED PLAT OF
LOT 71, SUNNY COVE
FRUIT FARMS



LEGAL DESCRIPTION AND CERTIFICATE OF LOCATION
 I, JOHN FOUNDER, JUNIOR, of the County of Yellowstone, State of Montana, do hereby certify that the above described land is situated in the SW1/4 of Section 31, Township 1 North, Range 25 East, Principal Meridian, Yellowstone County, Montana.

LEGAL DESCRIPTION AND CERTIFICATE OF LOCATION

I, JOHN FOUNDER, JUNIOR, of the County of Yellowstone, State of Montana, do hereby certify that the above described land is situated in the SW1/4 of Section 31, Township 1 North, Range 25 East, Principal Meridian, Yellowstone County, Montana.

CONTAINING THE EASES AND NET AREA OF 1.80 ACRES MORE OR LESS SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES HEREON, SUBJECT TO THE USE OF RECORDS.

AND FURTHER, I HEREBY CERTIFY THAT I AM NOT PROVIDING FOR OR CONSIDERING WHETHER PUBLIC UTILITY, POWER OR SERVICE TO PROVIDE TELEPHONE, TELEGRAPH, ELECTRIC POWER, GAS, CABLE TELEVISION, WATER, OR OTHER SERVICES TO THE PUBLIC, THE RIGHTS OF AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND REVISION OF SUCH LINES AND OTHER FACILITIES IN OTHER LOTS, IN THE AREA EACH AREA LOCATED ON THIS PLAT AS A UTILITY EASEMENT TO HAVE AND REMAIN FOREVER AND

PURVES, FEDERAL, STATE AND LOCAL PUBLIC UTILITIES, AND/OR CONDITIONS OF SUBDIVISION APPROVAL THAT MAY AFFECT THE USE OF THE PROPERTY, INCLUDING THE LOCATION, SIZE AND USE ARE SHOWN HEREON OR AS OTHERWISE STATED, AND

FURTHER, I HEREBY CERTIFY THAT I HAVE OBTAINED AND REVIEWED ALL SHIFTS OF THE PLAT AND ALL ENCUMBRANCES RECORDED AND FILED IN CONNECTION WITH THE PLAT AND THAT THE USE OF THE PROPERTY IS FINALLY UNENCUMBERED TO CONTACT THE LOCAL PLANNING DEPARTMENT AND BECOME INFORMED OF ANY LIMITATIONS ON THE USE OF THE PROPERTY PRIOR TO SUBDIVISION.

FURTHER, ALL OF THE PLAT OF THE REBEARMS PUBLIC UTILITIES HAVE BEEN INSTALLED AND OR SECURITY RECALIBRATED PURSUANT TO TITLE 106, MCA.

FURTHER, THAT THE ABOVE DESCRIBED LAND IS TO BE OWNED BY CREEKSIDE ESTATES, AND THAT THE PLAT IS SUBJECT TO THE FINAL PLAT FILE PREVIOUSLY REVIEWED AND APPROVED BY THE COUNTY CLERK.

BY JOHN FOUNDER, JUNIOR
 STATE OF _____
 COUNTY OF _____
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ BY JOHN FOUNDER, JUNIOR
 NOTARY PUBLIC

CERTIFICATE OF PLANNING BOARD APPROVAL

THIS PLAT HAS BEEN APPROVED FOR THE YEAR BY THE YELLOWSTONE COUNTY BOARD OF PLANNING AND CONFORMS TO THE RECOMMENDATIONS OF THE BOARD.

BY _____ DATE _____

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY THAT ALL LEGAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND DUE ON THE LAND ABOVE DESCRIBED ARE PAID FOR THE YEAR 2011.

BY _____ DATE _____

CERTIFICATE OF COUNTY ATTORNEY

THIS INSTRUMENT HAS BEEN REVIEWED BY THE COUNTY ATTORNEY AND IS ACCEPTABLE TO HIM.

BY _____ DATE _____

CERTIFICATE OF COUNTY COMMISSIONER APPROVAL

THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF YELLOWSTONE, MONTANA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THIS PLAT OF CREEKSIDE ESTATES, AND APPROVE THIS PLAT BY THE APPLICANT OF THE PUBLIC.

DATED THIS _____ DAY OF _____, 2011.

BY _____ DATE _____

BY _____ DATE _____

BY _____ DATE _____

BY _____ DATE _____

BY _____ DATE _____

CLERK AND RECORDER FILING INFORMATION

IN _____ SEC. _____ A. _____
 10 10 10
 SHEET 1 OF 1
 CREEKSIDE ESTATES
 A SUBDIVISION OF YELLOWSTONE COUNTY

- LEGEND**
- ⊗ - SETS PLAT NEAR WHERE LOT 71 LANDS (17 WALLS)
 - ⊙ - FOUND BY MEASUREMENT (17 WALLS)
 - ⊕ - FOUND BY THE 6" X 6" DIM (17 WALLS)
 - ⊖ - FOUND BY THE 6" X 6" DIM (17 WALLS)
 - ⊗ - RECORD OF APPROVAL FOR SUNNY COVE FRUIT FARMS, LOTS 71, 72 AND 73
 - ⊕ - REFERENCE ENCUMBRANCE
 - ⊖ - FENCIBLE BOUNDARY

CERTIFICATE OF LANDOWNER - CONDITIONS OF APPROVAL

THE LANDOWNER HEREBY CERTIFIES THAT THE SCALE OF THE PLAT AND DIMENSIONS SHOWN ON THIS PLAT REPRESENT REQUIREMENTS BY THE GOVERNMENT FOR FINAL PLAT APPROVAL AND THAT ALL CONDITIONS OF PLAT APPROVAL, INCLUDING THE PLAT OF THE BOUNDARIES HAVE BEEN REVIEWED, AND THE INFORMATION SHOWN IS CORRECT AS OF THE DATE OF THE CERTIFICATE. I HEREBY CERTIFY THAT I HAVE OBTAINED AND REVIEWED ALL SHIFTS OF THE PLAT AND THAT THE USE OF THE PROPERTY IS FINALLY UNENCUMBERED TO CONTACT THE LOCAL PLANNING DEPARTMENT AND BECOME INFORMED OF ANY LIMITATIONS ON THE USE OF THE PROPERTY PRIOR TO SUBDIVISION.

BY _____
 STATE OF _____
 COUNTY OF _____
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY JOHN FOUNDER, JUNIOR
 NOTARY PUBLIC

MEASURER'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED MEASURER IN THE STATE OF MONTANA.

DATE _____

MEASURER'S LICENSE NO. 15784

PREPARED BY
IMEG
 124 N. 25th St. Ste. 1114 PO Box 1000
 Billings, MT 59101
 406.329.1111
 www.imeg.com



10	10	10
10	10	10
10	10	10

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT C

ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
Weed Spraying/mowing of road side ditches	\$ 75 /yr
	\$

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Snow Removal	\$ 240.00 /Yr
	\$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Chip Seal (Assumed once every 8 years)	\$ 125/ yr
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: 440.00 /yr

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT D
METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

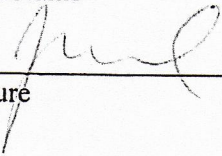
Front Footage

Other (Describe)

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT E

PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT
RECOMMENDATIONS FOR AD HOC COMMITTEE

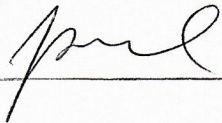
NAME	TELEPHONE NUMBER
1. <u>John Poukish</u> (Chairman)	<u>970-390-1898</u>
Printed Name	
Signature 	
2. _____ Printed Name	_____
Signature _____	
3. _____ Printed Name	_____
Signature _____	
4. _____ Printed Name	_____
Signature _____	
5. _____ Printed Name	_____
Signature _____	

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

SECTION 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
Creekside Estate Lots 1-5	John Poukish		X	