

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 23-08

**Resolution to Create Yellowstone County Rural Special Improvement District No. 885M  
To Maintain Public Roads in Southern Sky 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 or pass a resolution of intent. The board can create the district with a resolution without a hearing.

WHEREAS, the Yellowstone County Board of County Commissioners received a petition from Sheri Kirschenmann of MAE Investments, LLC, to create a rural special improvement district to maintain the roads constructed and dedicated to the public in Southern Sky Estates. See Exhibits A-F attached. As a condition of subdivision approval, the Board required it to construct and dedicate the roads to the public and create a district to maintain the roads. MAE Investments, LLC. owns all properties within the proposed district and has consented to the creation of the district. Because it 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.

**District Summary**

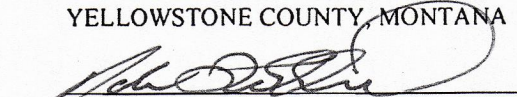
District Name:	Yellowstone County Rural Special Improvement District No. 885M
District Location:	Southern Sky Estates. See Exhibit A
District Parcels:	29 parcels – Southern Sky Estates Subdivision, Lots 1-29, inclusive. See Exhibit B
District Activities:	Maintain Public Roads in Subdivision
District Costs:	\$9,010.00 Estimated Cost per year, Subject to Change. See Exhibit C
District Assessment Method:	Per Parcel. See Exhibit D
District Assessment:	\$310.68 Annual Assessment Per Parcel Subject to Change
District Duration:	Indefinite
District Engineer:	Michael Black PE., Yellowstone County Public Works Department

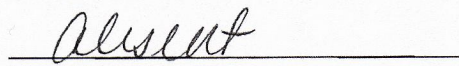
NOW THEREFORE, BE IT RESOLVED,

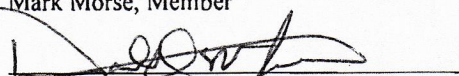
The Yellowstone County Board of County Commissioners creates Yellowstone County Rural Special Improvement District No. 885M to maintain the public roads in Southern Sky Estates Subdivision. The specifics of the District are contained in the petition. The Board's assessment for the District will appear on the property owners 2023 tax statement.

Passed and Adopted on the 31<sup>st</sup> day of January 2023.

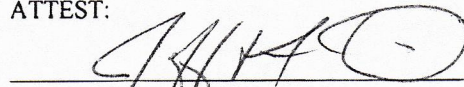
BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
John Ostlund, Chair

  
Mark Morse, Member

  
Donald W. Jones, Member

ATTEST:

  
Jeff Martin, Clerk and Recorder



# EXHIBIT A

## PLAT OF SOUTHERN SKY ESTATES SUBDIVISION BEING TRACT 1 OF CERTIFICATE OF SURVEY NO. 2422 LOCATED IN SECTION 32, TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : MAE INVESTMENTS, LLC



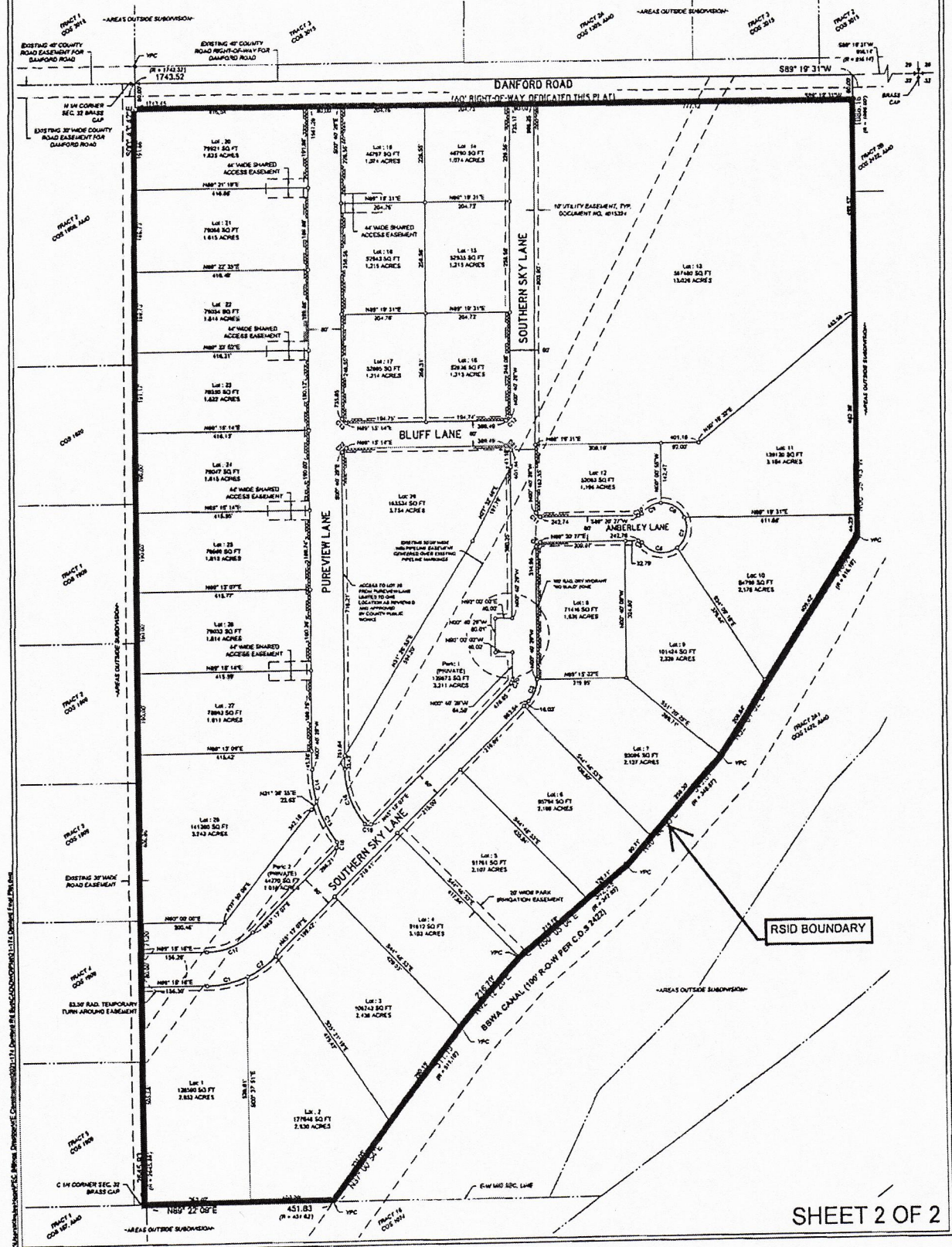
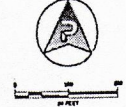
PREPARED BY : PERFORMANCE ENGINEERING, LLC

TOTAL AREA OF SUBDIVISION : ± 83.88 ACRES

OCTOBER 2022

**LEGEND**

- FOUND PROPERTY CORNER, AS DESCRIBED
- SET PROPERTY CORNER, 5/8" IRON 1/4" PEG CAP
- FOUND QUARTER CORNER, AS DESCRIBED
- FOUND SECTION CORNER, AS DESCRIBED
- SURVEY BOUNDARY
- - - EXISTING PROPERTY LINE
- - - EXISTING RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- ~ ~ ~ FNO ACCESS STRIP





PLAT STANDARD PROJECT  
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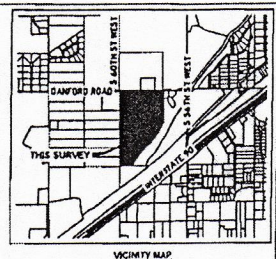
LEGEND	
○	FOUND PROPERTY CORNER, AS DESCRIBED
○	SET PROPERTY CORNER, SEE REBAR W/ REC CAP
○	FOUND QUARTER CORNER, AS DESCRIBED
○	FOUND SECTION CORNER, AS DESCRIBED
—	SURVEY BOUNDARY
—	EXISTING PROPERTY LINE
—	EXISTING RIGHT-OF-WAY LINE
—	EASEMENT LINE
—	1-NO ACCESS STRIP

PLAT OF  
**SOUTHERN SKY ESTATES SUBDIVISION**  
 BEING PARCEL 1 OF CERTIFICATE OF SURVEY NO. 2422 LOCATED IN SECTION 32,  
 TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: MAE INVESTMENTS, LLC      PREPARED BY: PERFORMANCE ENGINEERING, LLC



TOTAL AREA OF SUBDIVISION: ± 83.88 ACRES  
 OCTOBER 2022



**LEGAL DESCRIPTION AND OWNER CERTIFICATION**  
 KNOW BY ALL THESE PRESENTS that the undersigned hereby certifies that they have caused to be surveyed, subdivided, and platted in its last, best, and truest and shown on the plat, said tract being Parcel 1 of Certificate of Survey No. 2422 located in Section 32, Township 01 South, Range 25 East, P.M.M., Yellowstone County, Montana, said tract comprising a gross area of 83.88 acres, more or less, and a net area of 83.88 acres, more or less.  
 The undersigned hereby grants unto all utility companies, in such any defined and established by Montana Law, and public utility companies, in accordance with the location, maintenance, repair and removal of lines, poles and across the areas depicted on the plat as Utility Easement to have and hold forever.  
 Said tract shall be known as SOUTHERN SKY ESTATES SUBDIVISION.  
 Pursuant to 76-3421(1), M.C.A., the plat dedication required for this subdivision has been met by payment of dedication.

MAE INVESTMENTS, LLC

Plotted Name \_\_\_\_\_  
 Title \_\_\_\_\_

STATE OF MONTANA }  
 County of Yellowstone }

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ known to me to be the person who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal this day and year herein above written.

Notary Public in and for the State of Montana  
 Plotted Name \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My commission expires on \_\_\_\_\_

**CERTIFICATE OF APPROVAL**

STATE OF MONTANA }  
 County of Yellowstone }

We hereby certify that we have examined the plat of SOUTHERN SKY ESTATES SUBDIVISION and find that said plat conforms with the requirements of the laws of the State of Montana and the Yellowstone County Subdivision Regulations. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are hereby accepted.

As WITNESSES WHEREOF, we have set our hands and the seal of Yellowstone County, Montana this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS By \_\_\_\_\_ Commissioner  
 YELLOWSTONE COUNTY, MONTANA By \_\_\_\_\_ Commissioner  
 Attest: \_\_\_\_\_ Clerk and Recorder      By \_\_\_\_\_ Chairman

**NOTICE OF APPROVAL**

STATE OF MONTANA }  
 County of Yellowstone }

This plat has been approved for filing by the Yellowstone County Board of Planning and Zoning in accordance with the recommendations of this board.

Date \_\_\_\_\_      President  
 \_\_\_\_\_  
 Executive Secretary

**CERTIFICATE OF SURVEYOR**

I, the undersigned John W. Williams, Registered Land Surveyor, do hereby certify that this survey was done under my direct supervision of a tract of land being Parcel 1 of Certificate of Survey No. 2422 located in Section 32, Township 01 South, Range 25 East, P.M.M., Yellowstone County, Montana.

Said tract containing 83.88 acres, more or less, in gross.  
 Said tracts are subject to all easements and right-of-ways of record or apparent on the ground.

The accompanying plat was prepared in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-425, M.C.A.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

John W. Williams, PLS 51718

**CERTIFICATE OF COUNTY ATTORNEY**

This document has been approved by the County Attorney and it is ascertainable to him.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Reviewed by \_\_\_\_\_

**CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT**

This subdivision Plat has been reviewed and approved by the Yellowstone Health Department and State Department of Environmental Health.

Health Officer or Authorized Representative \_\_\_\_\_ Date \_\_\_\_\_  
 Yellowstone Health

**CERTIFICATE OF COUNTY TREASURER**

I hereby certify, pursuant to Section 76-3-411(1)(b), M.C.A., that the accompanying plat has been duly examined and that all property taxes and special assessments levied and listed on the land have been paid.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Yellowstone County Treasurer \_\_\_\_\_

**BASIS OF BEARINGS**

Bearings shown on this survey were determined from an OPUS position of  
 Latitude: 45° 41' 41.51"  
 Longitude: 108° 39' 38.50"  
 Bearings are Montana State Plane (NAD83-2011).

**SURVEYOR'S NOTE**

Unless otherwise noted, round distance between found monuments shown herein are within local accepted practice.

**SUBDIVISION IMPROVEMENTS & AGREEMENT**

Document No. \_\_\_\_\_

Curve #	Length	Radius	Delta
C1	88.88	240.00	023° 51' 49"
C2	84.80	240.00	020° 42' 26"
C3	38.27	70.00	041° 53' 38"
C4	18.71	10.00	080° 02' 13"
C5	8.62	18.00	085° 07' 31"
C6	88.55	80.00	082° 17' 48"
C7	85.64	80.00	078° 54' 22"
C8	71.78	80.00	068° 02' 14"
C9	55.13	80.00	053° 38' 14"
C10	8.82	10.00	051° 02' 38"
C11	13.71	10.00	048° 38' 48"
C12	13.70	10.00	048° 38' 48"
C13	18.72	18.00	050° 04' 13"
C14	78.28	260.00	015° 27' 33"
C15	148.02	260.00	021° 44' 11"
C16	14.58	18.00	083° 02' 30"
C17	132.87	180.00	044° 02' 08"
C18	144.74	210.00	038° 38' 23"
C19	18.52	18.00	084° 38' 18"
C20	8.04	10.00	044° 53' 38"
C21	18.72	10.00	080° 04' 18"
C22	13.70	10.00	048° 38' 48"







## EXHIBIT C

### ESTIMATED ANNUAL MAINTENANCE COST

#### FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
Maintenance and repair of signage	\$ As Needed
	\$

#### WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Snow Removal (3 times per year)	\$ 1,500
	\$

#### SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
Maintain Roadside Ditches and Culverts	\$ 300
Roadside Weed Control	\$ 300

#### SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Maintenance and repair of sidewalks	\$ As Needed
Road Chip Seal (*Every 7 Years)	\$ 6910

\*Yellowstone County Public Works recommends an annual assessment of \$0.04661/SF of pavement for future chip seal. Estimate is based on approximately 9,400 LF of 24-ft wide road.

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: \$9,010

Total Number of Assessment Lots = 29

Estimated Annual Maintenance Assessment per Lot = \$310.68



# EXHIBIT D

## METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)

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EXHIBIT E

PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT  
RECOMMENDATIONS FOR AD HOC COMMITTEE

NAME	TELEPHONE NUMBER
1. <u>Sheri Kirschenmann</u> (Chairman) <u>406-855-0486</u> <u>Printed Name</u> Member, MAE Investments, LLC <u>Signature</u>	
2. _____ <u>Printed Name</u> _____  _____ <u>Signature</u>	
3. _____ <u>Printed Name</u> _____  _____ <u>Signature</u>	
4. _____ <u>Printed Name</u> _____  _____ <u>Signature</u>	
5. _____ <u>Printed Name</u> _____  _____ <u>Signature</u>	







After recording return to:

MAE Investments LLC  
c/o Sheri Kirschenmann  
P.O. Box 81565  
Billings, MT 59108

WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby expressly acknowledged, IS 2 LLC, P.O. Box 81565, Billings, MT 59108 ("Grantor"), hereby grants unto MAE Investments LLC, P.O. Box 81565, Billings, MT 59108 ("Grantee"), all of Grantor's right, title and interest in the real property located in Yellowstone County, Montana, which is more particularly described as follows:

PARCEL 1 OF CERTIFICATE OF SURVEY 2422, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN SECTION 32, TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA.

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, and interest in the real property, possession, claim, and demand whatsoever as well in law as in equity, of Grantor in or to the said premises and every part and parcel thereof unto Grantee.

TO HAVE AND TO HOLD unto the Grantee, and to its successors and assigns forever, subject to the following:

(a) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excepted under (1), (2), or (3) are shown by the public records;

(b) All existing easements and rights-of-way apparent or of record, and any easements, liens or encumbrances, or claims thereof, whether or not shown by the public records;

(c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in areas, or any other facts that would be disclosed by an accurate and complete survey of the real property and whether or not shown by the public records;

(d) All applicable building, use, zoning, health, sanitation, environmental and similar laws, restrictions, ordinances, rules and regulations as well as all waiver or agreements given to or entered into with governmental entities;

(e) Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of the real property or by making inquiry of persons in possession thereof;



(f) Any lien or right to a lien, for services, labor or material heretofore or hereinafter furnished, imposed by law and not shown by the public records;

(g) County road rights-of-way, not recorded and indexed as a conveyance of record in the office of the Yellowstone County Clerk and Recorder pursuant to Title 70, Chapter 21, Mont. Code Ann.;

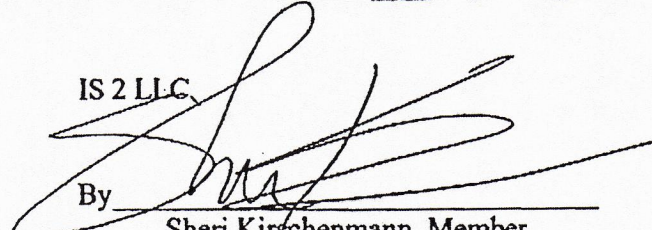
(h) Taxes and assessments for the current year and subsequent years;

(i) Any right, title or interest in any minerals, mineral rights, or related matters, including but not limited to oil, gas, coal and other hydrocarbons, sand, gravel or other common variety materials, whether or not shown by the Public Records; and

(j) All covenants, conditions, declarations, restrictions, waivers, instruments, agreements, documents and other matters of record, and all reservations, restrictions and exceptions in recorded conveyances or other recorded documents.

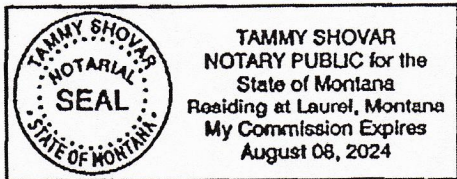
EXCEPT with reference to the items referred to in paragraphs (a) through (j) inclusive, this Deed is given with the usual covenants expressed in Section 30-11-110, Mont. Code Ann. (2021).


IN WITNESS WHEREOF, Grantor has executed this instrument this 23 day of August, 2022.

IS 2 LLC  
By   
Sheri Kirschenmann, Member

STATE OF MONTANA     )  
  : ss.  
County of Yellowstone    )

On this 23<sup>rd</sup> day of August, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Sheri Kirschenmann, known to me to be a member of IS 2 LLC, the limited liability company that executed the within instrument, and acknowledged to me that such limited liability company executed the same.



  
Print Name Tammy Shovar  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_