

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 23-09

**Resolution to Create Yellowstone County Rural Special Improvement District No. 886M
To Maintain Dry Hydrant 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 dry hydrant installed in Southern Sky Estates Subdivision. See Exhibits A-F attached. As a condition of subdivision approval, the Board required it to install a dry hydrant and create a district to maintain the dry hydrant. MAE Investments, LLC owns all properties within the proposed district and has consented to the creation of the district. Because they have 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

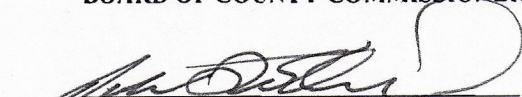
District Name:	Yellowstone County Rural Special Improvement District No. 886M
District Location:	Southern Sky Estates Subdivision. See Exhibit A
District Parcels:	29 parcels – Southern Sky Estates Subdivision, Lots 1-29, inclusive. See Exhibit B.
District Activities:	Maintain Dry Hydrant in Subdivision
District Costs:	\$725 Estimated Cost per year, Subject to Change. See Exhibit C
District Assessment Method:	Per Parcel. See Exhibit D
District Assessment:	\$25 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,

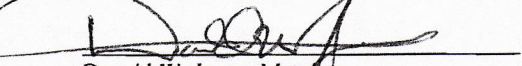
The Yellowstone County Board of County Commissioners creates Yellowstone County Rural Special Improvement District No. 886M to maintain the dry hydrant in Southern Sky Estates Subdivision. The specifics of the District are contained in the petition. The Board's assessment for the District will appear on the property owners 2023 tax statement.

Passed and Adopted on the 31st day of January 2023.

BOARD OF COUNTY COMMISSIONERS, YELLOWSTONE COUNTY, MONTANA


John Ostlund, Chair


Mark Morse, Member


Donald W. Jones, Member

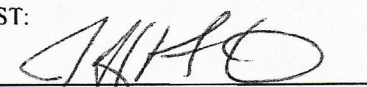
ATTEST:

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

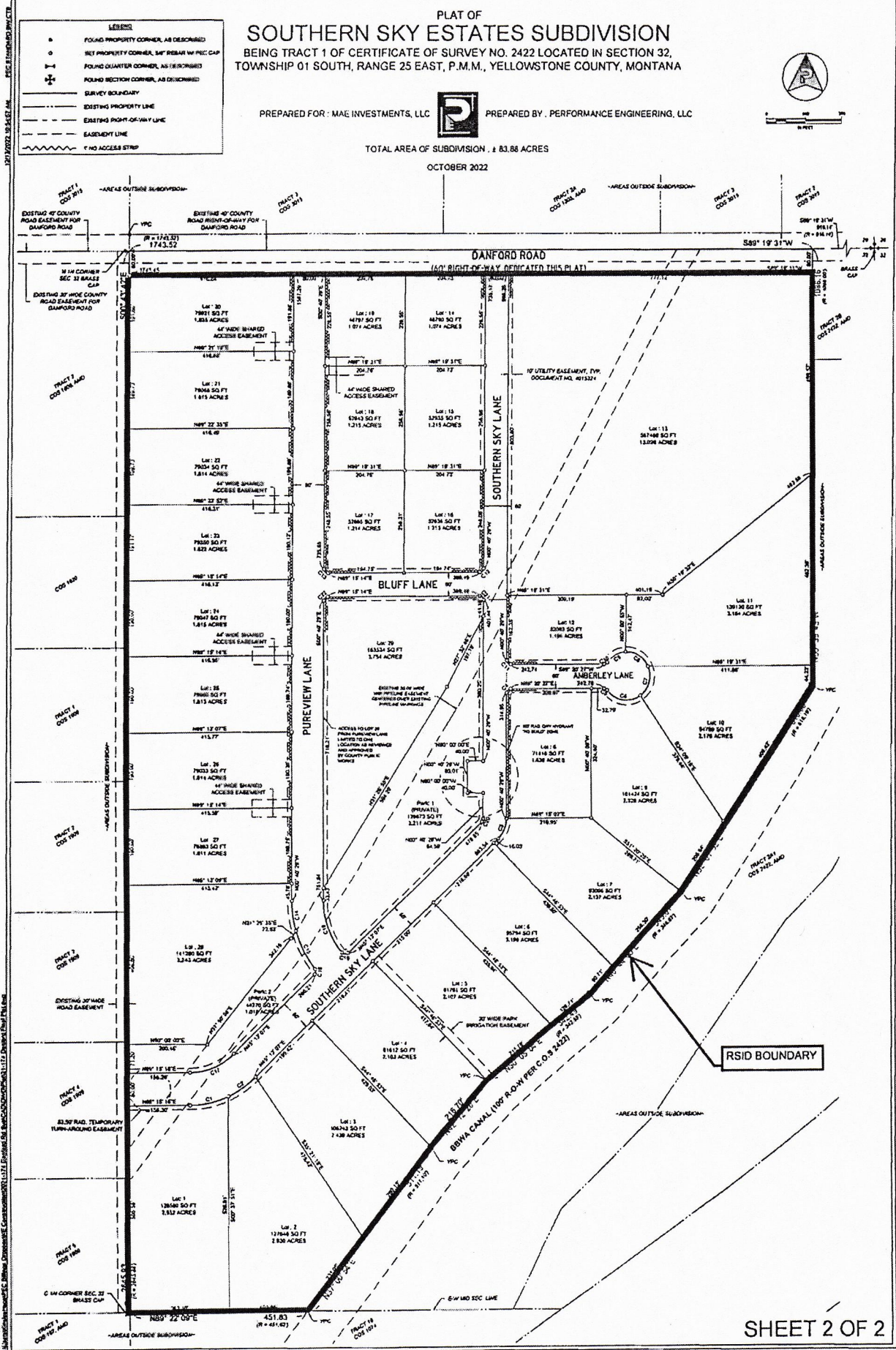
PREPARED FOR: MAE INVESTMENTS, LLC



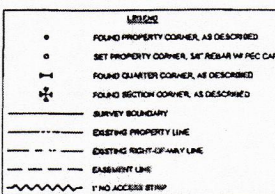
PREPARED BY: PERFORMANCE ENGINEERING, LLC

TOTAL AREA OF SUBDIVISION: ± 83.88 ACRES

OCTOBER 2022



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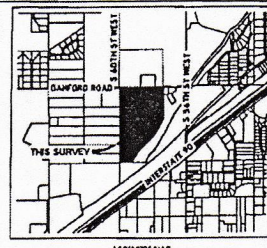
PLAT OF
SOUTHERN SKY ESTATES SUBDIVISION
 BEING PARCEL 1 OF CERTIFICATE OF SURVEY NO. 2422 LOCATED IN SECTION 32,
 TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

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



TOTAL AREA OF SUBDIVISION : ± 63.88 ACRES

OCTOBER 2022



VICINITY MAP

LEGAL DESCRIPTION AND OWNER CERTIFICATION

KNOW BY ALL THESE PRESENTS that the undersigned hereby certifies that they have caused to be surveyed, subdivided, and plotted in this plat, map, and shown as shown on this plat, said 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 a gross area of 63.88 acres, more or less, and a net area of 66.94 acres, more or less.

The undersigned hereby grants unto all fully competent, as such are defined and established by Montana Law, and capable subdivision companies, an easement for the location, maintenance, repair and removal of lines, pipes, conduits and other the same designed on the plat as Utility Easement to be used and held forever.

Said tract shall be known as SOUTHERN SKY ESTATES SUBDIVISION.

Pursuant to 76-3472(1), M.C.A., the plat subdivision requirement for this subdivision has been met by partitioned certification.

BASED ON MEASUREMENTS

Readings shown on this survey were determined from an OPLS station at
 Latitude: 45° 44' 41.51"
 Longitude: 108° 30' 26.54"
 Readings are Montana State Plane (NAD83-2011).
 Distances are ground.
 SURVEYOR'S NOTE
 Unless otherwise noted, record distances between bound measurements shown herein are WITH SLOPE corrected practices.

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. _____

MAE INVESTMENTS, LLC

Accepted 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 _____ of MAE INVESTMENTS, LLC, 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 the day and year herein above written.

Notary Public in and for the State of Montana
 Official Name _____
 Residing at _____
 My commission expires _____

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 complies with the requirements of the laws of the State of Montana and the Yellowstone County Subdivision Regulations. It is therefore approved and the subdivision is public use of any and all lands shown on the plat as being dedicated to such use are hereby accepted.

IN WITNESS 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: _____ By: _____
 Clerk and Recorder 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 conforms to the recommendations of this board.

Date _____ Position _____

CERTIFICATE OF SURVEYOR

I, the undersigned Mark W. Korman, Registered Land Surveyor, do hereby certify that this survey was done under my direct supervision of a plat 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 63.88 acres, more or less, is given.

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 Planning Act, Sections 76-3-101 through 76-3-475, M.C.A.

Dated this _____ day of _____, 20____.

Mark W. Korman, P.E. 31414.8

CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the County Attorney and it is acceptable as to form.

Dated this _____ day of _____, 20____.

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

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

Health Officer or Authorized Representative _____ Date _____
 Representative Health

CERTIFICATE OF COUNTY TREASURER

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

Dated this _____ day of _____, 20____.

Yellowstone County Treasurer _____

Curve #	Length	Radius	Delta
C1	88.84	240.00	021° 57' 48"
C2	84.30	240.00	020° 10' 20"
C3	54.07	70.00	043° 53' 26"
C4	15.71	18.00	060° 02' 12"
C5	8.42	18.00	054° 07' 21"
C6	56.35	60.00	067° 17' 16"
C7	62.54	60.00	074° 54' 22"
C8	71.78	60.00	084° 33' 14"
C9	54.12	60.00	052° 38' 14"
C10	8.83	18.00	051° 16' 36"
C11	15.71	18.00	066° 58' 48"
C12	15.76	18.00	066° 58' 44"
C13	15.73	18.00	066° 04' 12"
C14	78.25	360.00	015° 27' 23"
C15	110.02	360.00	011° 44' 11"
C16	14.30	10.00	083° 08' 30"
C17	122.89	180.00	044° 02' 08"
C18	144.74	210.00	036° 38' 23"
C19	163.2	18.00	064° 26' 10"
C20	8.81	18.00	041° 53' 26"
C21	15.73	18.00	066° 04' 16"
C22	15.70	18.00	066° 34' 43"

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 Replacement (\$25 per lot per year)	\$ 725
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: \$725

Total Number of Assessment Lots = 29

Estimated Annual Maintenance Assessment per Lot = \$25.00

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

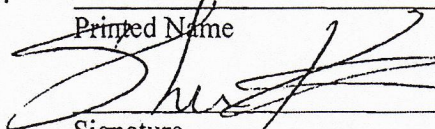
NAME	TELEPHONE NUMBER
1. <u>Sheri Kirscheemann</u> Printed Name (Chairman)  Signature Member, MAE Investments, LLC	<u>406-855-0486</u>
2. _____ Printed Name _____ Signature	_____
3. _____ Printed Name _____ Signature	_____
4. _____ Printed Name _____ Signature	_____
5. _____ Printed Name _____ Signature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

EXHIBIT G

4027380 WD

08/23/2022 04:03 PM Page 1 of 2 Fees: \$16.00

eRecorded For Yellowstone County, MT

Jeff Martin, Clerk & Recorder

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 

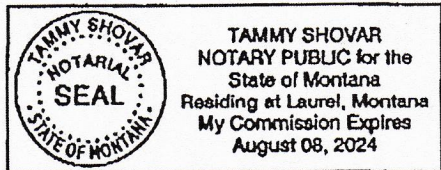
Sheri Kirschenmann, Member

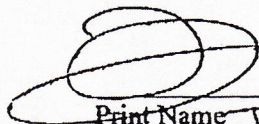
STATE OF MONTANA)

: ss.

County of Yellowstone)

On this 23rd 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: _____