

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 23-21

**Resolution to Create Yellowstone County Rural Special Improvement District No. 889M
To Maintain Dry Hydrant in The Highlands Ranch 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 Kim and Thomas Troop of The Highlands Ranch LLC, to create a rural special improvement district to maintain the dry hydrant installed in The Highlands Ranch Subdivision. See Exhibits A-F attached. As a condition of subdivision approval, the Board required them to install a dry hydrant and create a district to maintain the dry hydrant. The Highlands Ranch 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. 889M
District Location:	The Highlands Ranch Subdivision. See Exhibit A
District Parcels:	5 parcels – The Highlands Ranch Subdivision, Lots 1-5, Tract 1 C.O.S. #3815, Situated NW ¼ of Section 14, T. 1 N., R. 24 E., P.M.M. See Exhibit B.
District Activities:	Maintain Dry Hydrant in Subdivision
District Costs:	\$125 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. 889M to maintain the dry hydrant in The Highlands Ranch 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 14th day of February 2023.

BOARD OF COUNTY COMMISSIONERS, YELLOWSTONE COUNTY, MONTANA

absent
John Ostlund, Chair

[Signature]
Mark Morse, Member *Chair Pro-Tem*

[Signature]
Donald W. Jones, Member

ATTEST:
[Signature]
Jeff Martin, Clerk and Recorder

Petition to Create Special Improvement District for The Highland Ranch Subdivision – Dry Hydrant

On February 6, 2023, Mark English, a Deputy Yellowstone County Attorney assigned to the Civil Division, reviewed a petition to create a rural special improvement district to maintain a dry hydrant to be installed with the construction of The Highland Ranch Subdivision. The petition appears legally sufficient.

The petition indicates what land will be included in the district (The Highland Ranch Subdivision), what public infrastructure will be maintained (dry hydrant), what will be done to maintain the infrastructure (inspection), the cost to maintain the infrastructure (\$125), how the cost will be paid by the landowners in the district (per parcel) and whether all the landowners consent to the creation of the district (all consent, only developer).

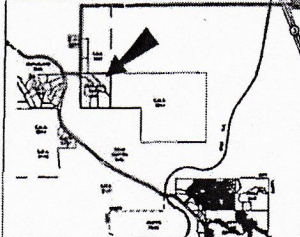
Because all the landowners consented to the creation, the County does not have to hold a hearing to create the district.

EXHIBIT A


PLAT OF
THE HIGHLANDS RANCH SUBDIVISION
 BEING TRACT 1 OF CERTIFICATE OF SURVEY No. 3815
 SITUATED IN THE NW1/4 OF SECTION 14, T. 1 N., R. 24 E., P.M.M.
 IN YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: THE HIGHLANDS RANCH, LLC
 PREPARED BY: SANDERSON

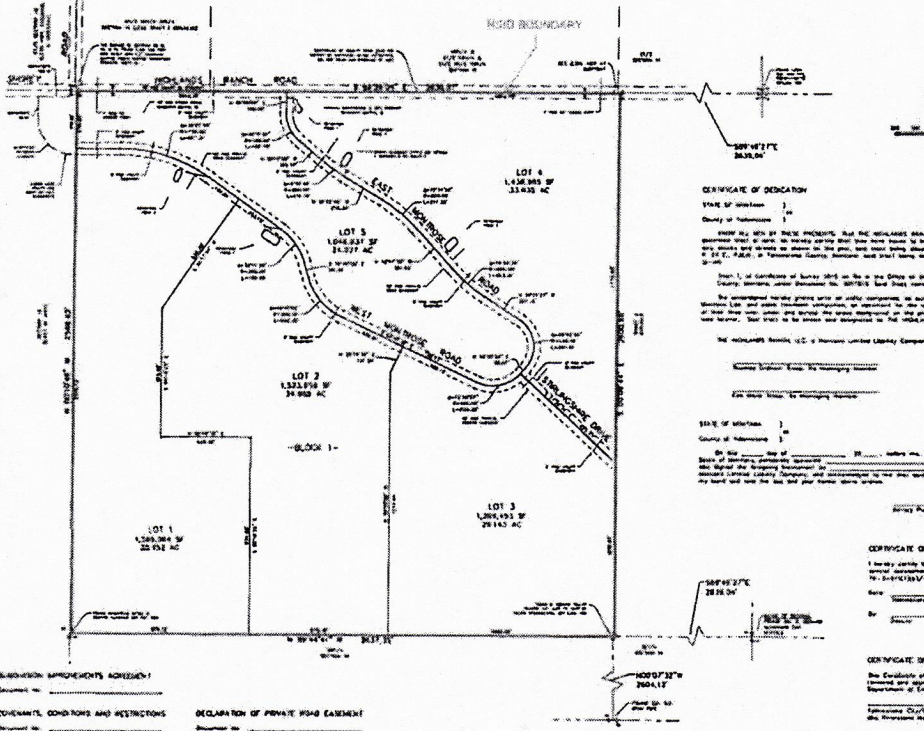
DECEMBER, 2022
 BILLINGS, MONTANA



NOT TO SCALE



STATE OF MONTANA)
 County of Yellowstone)



CERTIFICATE OF DONATION

STATE OF MONTANA)
 County of Yellowstone)

Know all men by these presents, that THE HIGHLANDS RANCH, LLC, the grantor of the following described tract of land, has hereby granted that tract more herein to the GRANTEE, Sanderson , and its heirs, assigns and assigns forever, and the grant is hereby made in the presence of 2 (2) witnesses, all of whom are named on the plat, and the same being executed in the presence of 2 (2) witnesses, all of whom are named on the plat, and the same being recorded in the public records of Yellowstone County, Montana, and all other things herein contained are hereby acknowledged as true and correct.

Given under my hand and the seal of the State of Montana, this 20th day of December, 2022.

The undersigned hereby grants unto the GRANTEE, Sanderson , all the right, title and interest in and to the above described tract of land, together with all the right, title and interest therein, unto the GRANTEE, Sanderson , and its heirs, assigns and assigns forever, and the grant is hereby made in the presence of 2 (2) witnesses, all of whom are named on the plat, and the same being recorded in the public records of Yellowstone County, Montana, and all other things herein contained are hereby acknowledged as true and correct.

The HIGHLANDS RANCH, LLC, a Montana Limited Liability Company

 Executive Director and the Grantor

STATE OF MONTANA)
 County of Yellowstone)

On this _____ day of _____, 2022, before me, the undersigned County Clerk for the State of Montana, personally appeared _____, known to me to be the person the legal and proper owner of the above described tract of land, and acknowledged to me that he or she executed the foregoing instrument, and that he or she executed the same for the purposes and consideration therein expressed. Witness my hand and seal this _____ day of _____, 2022.

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all fees properly due and all other matters have been paid and that the foregoing instrument is a true and correct copy of the original as recorded in my office.

Date: _____
 State: Yellowstone County, Montana
 By: _____
 County Clerk

CERTIFICATE OF SHERIFF'S RETURN

The Certificate of Survey/Plat and this deed have been received and approved by the Sheriff's Office and do hereby certify that they are in the public records of Yellowstone County, Montana.

Date: _____
 Sheriff: _____

CERTIFICATE OF COUNTY ATTORNEY

The document has been reviewed by the County Attorney's Office and is correct and in compliance with the law.

Date: _____
 Reviewed by: _____

SECTION IMPROVEMENTS AGREEMENT
 Instrument No. _____

COVENANTS, CONDITIONS AND RESTRICTIONS
 Instrument No. _____

DECLARATION OF PRIVATE ROAD EASEMENT
 Instrument No. _____

DECLARATION OF PRIVATE ACCESS EASEMENT
 Instrument No. _____

SHEET 1 OF 2

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	\$ 125.00
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: \$125.00

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>Kim Troop</u> (President)	<u>503-820-8020</u>
2. <u>Kim Troop</u> Printed Name Signature	
3. <u>Thomas Troop</u> (Treasurer)	<u>406-366-0148</u>
Printed Name Signature <u>Thomas Graham Troop</u>	
4. _____ Printed Name Signature	_____
5. _____ Printed Name Signature	_____
6. _____ Printed Name Signature	_____

EXHIBIT G

File No: B2229907T

Subdivision Guarantee

Issued by

Old Republic Title Insurance Company

Liability: \$1,000.00

Premium: \$200.00

Effective Date: October 5, 2022, at 05:00 PM

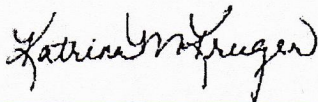
Guarantee No: SG08016536

1. Assured: Sanderson Stewart and Yellowstone County, Montana
2. The estate or interest in the land described or referred to in this Commitment is **Fee Simple**
3. Title to the **Fee Simple** estate or interest in the land is at the Effective Date vested in:
The Highlands Ranch, LLC, a Montana limited liability company
4. The land referred to in this Commitment is described as follows:

That part of the NW1/4 Township 1 North, Range 24 East, M.P.M., Yellowstone County, Montana, described as Tract 1 of Certificate of Survey No. 3815, on file in the office of the Clerk and Recorder of said County, under Document No. 4017819.

Countersigned
FMT of Billings LLC

By



Authorized Signatory