RURAL SPECIAL IMPROVEMENT DISTRICT NO. 122

Resolution Creating District.

The following Resolution, introduced by Commissioner Bayney, who moved its adoption, was seconded by Commissioner Wicks, and was unanimously passed and adopted.

A resolution creating Rural Special Improvement District No. 122, being a thickly populated district in Yellowstone County, Montana, designating the boundaries thereof, and passing on the protests made.

WHEREAS, the Board of County Commissioners of said county gave notice of the passage of the Resolution of Intention by causing the same to be published in two issues of the Billings Times, a weekly newspaper published nearest to the place where said Rural Special Improvement District No. 122 is to be created; and also caused to be posted within the boundaries of such district a copy of such notice in three public places, and a copy of such notice to be mailed to every person, firm, or corporation owning property within the proposed district at their last known place of residence upon the same day that such notice was first published and posted, the first publication of this notice being on the 17th day of November, 1949. A copy of said notice and proof of its posting, publishing and mailing is on file with the County Clerk of this county and is identical with the notice prescribed and set forth in the Resolution of Intention. This said notice described the general character of the improvement

Board would hear and pass upon all protests that might be made against the making of such improvements or the creation of such district, and the said notice referred to the resolution of intention, on file in the office of the county clerk, for the description of the boundaries of such district, and the number of said district was stated in the notice.

WHEREAS, the Board of County Commissioners met in regular session on the said 5th day of December, 1949 at 11:00 o'clock A. M., at their office in the courthouse in Billings, Montana, and a written protest having been filed by Peter Yegen, Jr. and also by the C. B. & Q. Railway Company, the Board proceeded to hear the testimony offered in support of said protests. Peter Yegen, Jr. appeared and gave oral testimony in support of his protest, and Paul C. Jordan appeared and testified orally for the C. B. & Q. Railway Company. Upon the conclusion of the testimony, the Board, upon unanimous vote, took the matter of the protests filed and of the creation of the district under advisement. Mr. O. E. Docksteader also appeared at said hearing on behalf of Marshall Wells and reaffirmed their written request asking that certain lands in and near Block 255 of the original town, now city, of Billings, Montana also be incorporated and included within the boundaries of the proposed district.

AND WHEREAS, the Board of County Commissioners of Yellowstone County, Montana having this day met in regular session, and the matter of creation of the said proposed improvement district, passing upon the protests filed, and extending the boundaries of the proposed district coming on for final decision

improvement district, to be known and described as Rural Special Improvement District No. 122, in Yellowstone County, Montana.

2. That the general character and purpose of the improvement to be made in said district are as follows:

To provide and install cast iron water mains, together with necessary valves and fittings, in 2nd, 3rd and 4th Avenues North and in North 9th, North 10th, North 11th, North 12th, North 13th, North 14th and North 15th Streets and along U. S. Highway No. 10 in the area extending from U. S. Highway #10 on the east to North 16th Street on the West and from 1st Avenue on the South to 6th Avenue North on the North. The location of the pipe lines and the boundaries of the district to be improved and assessed are as shown on the district plat.

3. That the protest filed by Peter Yegen, Jr. be, and the same hereby is, overruled for the reason that it satisfactorily appears to the Board that the lands owned by him and proposed to be included within the boundaries of said district are not now amply served with water, and that said lands will receive substantial benefits from the proposed improvements.

4. That the protest filed by the C. B. & Q. Railway Company be, and the same hereby is, allowed for the reason that it appears that the lands included within the right of way of said railroad and sought to be included within the boundaries of said district, will never have occasion to be served with water due to the need of maintaining required clearances at all times for trains; that the boundaries of said proposed improve-

excluded from said district, and that the lands described in said written requests for extension of said boundaries, shall be included. As so modified, the boundaries of said improvement district are hereby declared to be as follows:

Beginning at the intersection of the center lines of the alley between North 15th Street and North 16th Street and 3rd Avenue North of the City of Billings; extending thence northwesterly along the center line of the said alley to an intersection with the center line of 4th Avenue North; thence northeasterly along the center line of 4th Avenue North to an intersection with the center line of North 15th Street; thence northwesterly along the center line of North 15th Street to an intersection with the center line of 6th Avenue North; thence northeasterly along the center line of 6th Avenue North to an intersection with the center line of North 13th Street; thence southeasterly along the center line of North 13th Street to an intersection with the North right of way line of the C. B. & Q. Railroad; thence southwesterly along the said railway right of way line to an intersection with the center line of North 15th Street; thence southeasterly along the center line of North 15th Street to an intersection with the South right of way line of the C. B. & Q. Railroad; thence northeasterly along the said railway right of way line to an intersection with the center line of U. S. Highway No. 10; thence South along the center line of U. S. Highway No. 10 to an intersection with the center line of 1st Avenue North; thence southwesterly along the center line of 1st Avenue North to an intersection with the center line of 12th Street North; thence northwesterly along the center line of 12th Street North to an intersection with the center line of 2nd Avenue North; thence southwesterly along the center line of 2nd Avenue North to an intersection with the center line of North 14th Street; thence northwesterly along the center line of North 14th Street to an intersection with the center line of 3rd Avenue North; thence northeasterly along the center line of 3rd Avenue North to an intersection with the center line of the alley between North 13th Street and North 14th Street; thence northwesterly along the center line of said alley to an intersection with the center line of 4th Avenue North; thence southwesterly along the center line of 4th Avenue North to an intersection with the center line of the alley between North 14th and North 15th Streets; thence southeasterly along the center line of said alley to an intersection with the center line of 3rd Avenue North; thence southwesterly along the center line of 3rd Avenue North to the point of beginning.

7. That the name of the engineer who shall have charge of said work is C. E. Durland, County Surveyor of Yellowstone County, Montana.