287

RURAL SPECIAL IMPROVEMENT DISTRICT NO. 622

Resolution Levying and Assessing a tax upon all Property in said District.

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

WHEREAS, all improvements contemplated by the Resolution of Intention have been made and completed, and bonds in the total sum of Three-Hundred-Forty-nine thousand and no/100---------- Dollars($349,000.00) have been executed and delivered to BOETTCHER & COMPANY----------, the purchaser of Bonds for said District, in order to defray the cost of making said improvements, and retiring said bonds.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF YELLOWSTONE COUNTY, MONTANA:

1. That for the purpose of defraying the cost of making improvements in said district, the entire cost of such improvements in the sum of Three-Hundred-Forty-nine thousand and no/100---------- Dollars ($349,000.00) is hereby assessed against all of the property in said district, and each lot or parcel of land assessed in such district is assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places, all of which, together with the amount of the annual payments, exclusive of interest, to be made by the owners in said district Portions of Emerald Hills Sub. and Emerald Hills Westgate Sub.

2. Payment of such assessments, however, shall be made in 15 annual installments, with interest at the rate of Fourteen and/.0255 per cent per annum, commencing with the year 1982.

3. All unpaid installments shall bear interest from date thereof at the rate of Fourteen and/.0255 per cent (14.0255)per annum payable annually which installments shall become delinquent if not paid on or before May 31 of each year in which said installment becomes due.

5. The County Treasurer shall receive payments in full and give receipts for the entire tax and assessments on any of said parcels with interest to date of payment at any time same may be tendered.

6. The moneys collected from this tax shall be paid into the fund of Rural Special Improvement District NO. 622 and shall be used to retire and pay any outstanding bonds or warrants which are the obligations of said district.

7. That on the 24th day of August, A. D., 19 82, at 10:15 o'clock, A. M. of said day at the office of the Board of County Commissioners of said County in the Yellowstone County Courthouse at Billings, Montana, the said Board of County Commissioners will hear objections to the final adoption of this resolution, and a copy of this resolution, certified by the County Clerk of said County, shall be delivered to the County Treasurer two days after the passage thereof.

8. That the County Clerk of Yellowstone County, Montana, is directed to give notice that this resolution is on file in his office subject to inspection, said notice to be published once in the Billings Times, a weekly newspaper published at Billings, Montana, and being published nearest to said improvement district. Said notice shall set forth the time and place in which objections to the final adoption of the resolution will be heard by said Board of County Commissioners, said notice to be published at least five days before the date of said hearing.

9. Reference is hereby made to the Resolution of Intention to create this improvement district and the resolution of the said Board of County Commissioners creating the same.

PASSED by the Board of County Commissioners this 9th day of August, A. D., 19 82.

M. E. McClintock
CHAIRMAN of the Board of County Commissioners of Yellowstone County, Montana

ATTEST:

Merrill H. Lundh
County Clerk

197

line through Lot 16, said Block 16 to a point on the northerly line of said Lot 16 excepting 14,064 square feet in said Lot 16; thence northwesterly along a line through said Lot 15 to a point on the westerly line of said Lot 15 excepting 28,918 square feet in said Lot 15; thence southwesterly along the westerly line of said Lot 15 to the northwest corner of said Lot 15; thence northwesterly along the westerly line of Lot 14, said Block 16 a distance of 70.00 feet; thence northeasterly along a line through said Lot 14 to a point on the easterly line of said Lot 14; thence southeasterly along the easterly line of said Lot 14 to the southeast corner of said Lot 14 excepting 13,236 square feet in said Lot 14; thence northeasterly along the southerly line of Lot 13, said Block 16 a distance of 140.00 feet; thence northwesterly along a line through said Lot 13 to a point on the northerly line of said Lot 13 excepting 37,978 square feet in said Lot 13; thence northeasterly along a line through Lot 12, said Block 16 to a point on the northerly line of said Lot 12 excepting 8,836 square feet in said Lot 12; thence westerly along a line through Lot 11, said Block 16 to a point on the northerly line of said Lot 11 excepting 8,836 square feet in said Lot 11; thence northerly along a line through Lot 10, said Block 16 to a point on the northeasterly line of said Lot 10 excepting 42,334 square feet in said Lot 10; thence northeasterly along a line through Lot 29, said Block 16 to a point on the easterly line of said Lot 29 excepting 52,484 square feet in said Lot 29; thence southwesterly along the easterly line of said Lot 29 a distance of 185.00 feet; thence easterly along a line through Lot 28, said Block 16 to a point on the southeasterly line of said Lot 28 excepting 14,630 square feet in said Lot 28; thence southerly along a line through Lot 27, said Block 16 to a point on the southerly line of said Lot 27 excepting 60,107 square feet in said Lot 27; thence southeasterly along a line through Lot 26, said Block 16 to a point on the easterly line of said Lot 26 excepting 34,667 square feet in said Lot 26; thence southeasterly along a line through Lot 25, said Block 16, to a point on the easterly line of said Lot 25 excepting 11,494 square feet in said Lot 25; thence southwesterly along the easterly line of said Lot 25 to the point of beginning of Exception Number 1.

RESOLUTION TO AMEND THE

RESOLUTION OF INTENTION AND RECREATE AND CORRECT

PROCEEDINGS IN

RURAL SPECIAL IMPROVEMENT DISTRICT NO. 622

The following resolution, introduced by Commissioner Straw, who moved its adoption, and was seconded by Commissioner Gorton, and was duly passed and adopted.

A resolution declaring it to be the intention of the Board of County Commissioners of Yellowstone County, Montana, pursuant to §7-12-2165, MCA, to recreate Rural Special Improvement District No. 622, designating the boundaries of said district, stating the general character and purpose of improvements to be made therein, the approximate estimated cost of said improvements, the time and the place where the Board of County Commissioners of Yellowstone County, Montana will hear and pass upon all protests of the making of said improvements and the recreation of said district, and correcting ommissions and irregularities in the formation of the district.

WHEREAS, the validity of special assessments which might be made by Special Improvement District No. 622 have been questioned by reason of alleged ommissions in the Resolution of Intention to create the district, and

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, having received a petition from 60% of the freeholders affected by the proposed district, and

WHEREAS, the petitioners have found, determined, and hereby declare:

1. That the public interest and/or convenience requires the erection of a rural special improvement district as hereinafter

2. That the district is in a thickly populated locality outside the City of Billings, which district is more urban than rural, and will become more urban in the future; and

3. That the signers on the Petition are more than 60% of the freeholders affected by the proposed district.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana:

1. That it is the intention of the Board of County Commissioners to amend, recreate and correct proceedings of Rural Special Improvement District No. 622 to designate the exact land being included within the district boundaries in accordance with a resolution correcting the boundaries of Rural Special Improvement District No. 622.

1. It is the intention of the County Commissioners to create a rural special improvement district for the purpose of making the improvements set forth in Exhibit A attached hereto.

2. The boundaries of the district are hereby described and designated on Exhibit B hereto attached, and the lands included in the district are shown on the map attached hereto as Exhibit C.

3. The square footage of each lot subject to assessment is as set forth on Exhibit D attached hereto.

4. The lands included within the district boundary are assessed on an area basis that the area bears to the total area of the district, see Exhibit D attached hereto.

5. That the number of the rural special improvement district is No. 622.

6. The estimated costs of the rural special improvement district including construction costs, incidental expenses, engineering fees legal fees, and administrative costs, exclusive of interest charges,

and any county participation, will be the sum of $410,300.00, as described in the engineers' estimate attached hereto as Exhibit "E".

7. There is no county participation contemplated in this district.

6. All of the costs and expenses of the district will be assessed against the entire district, and each lot or parcel of land within the district will be assessed for that part of the whole cost which its area bears to the entire district, exclusive of streets, avenues, alleys and public places. The assessments upon all lots within the district are estimated to be $0.07396791 per square foot.

7. The assessments for all improvements and costs of the district may be paid in fifteen (15) annual installments.

8. On the 18th day of May, 1982, at the office of the Board of County Commissioners of Yellowstone County, Montana, at 10:00 o'clock A.M. of said day, said Board intends to amend, recreate and correct proceedings of such rural SPecial improvement district and will hear and pass on all written protests against the proposed improvements, if any, which are submitted to the County Clerk and Recorder not later than on the 14th day of May, 1982, by any persons or corporations who are the owners of any lot within the district.

9. The County Clerk and Recorder is hereby authorized and directed to publish a copy of the notice of passage of their Resolution to Amend, Recreate and Correct Proceedings in Rural Special Improvement District No. 622 in The Billings Times, a newspaper of general circulation printed and published nearest to the place where the district is to be created, on the 22nd day of May, 1982, and on the 29th day of May,

within the boundaries of the district, and to mail a copy of such notice to every person or persons who are owners or agents of every person, firm or corporation owning property in the proposed district, listed in his name upon the last completed assessment rolls, at his last known place of residence upon the same day such notice is first published.

10. The firm of SANDERSON/STEWART/GASTON ENGINEERING, INC. shall be the engineers for the district and the firm of MOULTON, BELLINGHAM, LONGO & MATHER, P.C. shall be the attorneys for the district.

Passed by the Board of County Commissioners of Yellowstone County, Montana this 13th day of April, 1982.

BOARD OF COUNTY COMMISSIONERS OF
YELLOWSTONE COUNTY, MONTANA

MERRILL H. KLUNDT

Merrill H. Klundt

County Clerk & Recorder of
Yellowstone County, Montana,
and ex officio Clerk of the
Board of County Commissioners
of Yellowstone County, Montana

M. E. McClintock
Chairman