RESOLUTION NO. 04-30

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 717; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND CREATING RURAL SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 717M FOR THE PURPOSE OF MAINTAINING THE IMPROVEMENTS

BE IT RESOLVED by the Board of County Commissioners of Yellowstone County (the "County"), Montana, as follows:

Section 1. Passage of Resolution of Intention. This Board, on March 30, 2004, adopted Resolution No. 04-20 (the "Resolution of Intention"), pursuant to which this Board declared its intention to create a rural special improvement district, designated as Rural Special Improvement District No. 717 of the County (the "District"), under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), for the purpose of financing a portion of the costs of certain improvements described therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account"). This Board also declared its intention to create and establish in the County under the Act, a rural special improvement maintenance district designated Rural Special Improvement District No. 717M (the "Maintenance District") for the purpose of maintaining the Improvements.

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on May 4, 2004, this Board conducted a public hearing on the creation or extension of the District and the making of the Improvements. At the hearing, this Board heard and passed on all protests made during the period ended 30 days (or in this case, 31 days, as the 30th day fell on a Sunday) after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period"). A motion was duly passed by the Board to consider the resolution creating the District at the next scheduled Board meeting on May 11, 2004. Property owners in the proposed District were permitted to attend and explain their protests if any. Two protests were heard at the May 11 meeting, one of which was heard and passed on by the Board. The Board determined the other protester lived outside the District's proposed borders and thus could not be counted as a protest against the formation of the District. The Board again considered the creation of the District at its May 18, 2004 meeting, and duly deferred adoption of this Resolution until May 25, 2004, the date of the next regularly scheduled meeting of this Board.

Section 3. Protests. Within the Protest Period, four protests representing six lots, tracts, or parcels were filed with the County Clerk and not withdrawn by the owners of property in the District subject to assessment for 3.658% of the total costs of the Improvements and incidental costs to be financed with proceeds of the Bonds. The Board notes that following the Protest Period one additional protest was received, representing two lots, tracts, or parcels, and even if this untimely protest was deemed to be valid, the total protests against creation of the District would represent 4.878% of the total costs of the Improvements and incidental costs to be financed with proceeds of the Bonds.

Section 4. Creation of the Districts; Insufficiency of Protests. The District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The protests against the creation or extension of the District or the making of the Improvements filed during the Protest Period are hereby found to be insufficient. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed, including, without limitation, the findings and determinations relating to the Revolving Fund and Reserve Account.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 25th day of May, 2004.

Bill Kennedy
Chair of the Board of County Commissioners

Attest:

Tony Lenz
County Clerk and Recorder

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Yellowstone County, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 717; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND CREATING RURAL SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 717M FOR THE PURPOSE OF MAINTAINING THE IMPROVEMENTS" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on May 25, 2004, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Kennedy, Ostlund + Reno; voted against the same: None; abstained from voting thereon: None; or were absent: None.

WITNESS my hand officially this 25th day of May, 2004.

[signature]

County Clerk and Recorder

RESOLUTION NO. 04-30

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PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 25th day of May, 2004.

Bill Kennedy
Chair of the Board of County Commissioners

Attest:

Tony Lenz
County Clerk and Recorder

EXHIBIT E – RSID 717

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

SECTION C
ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow Plowing / Ice Control	$1,500.00
Weed Control	$750.00

WINTER MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow Plowing / Ice Control	$1,500.00
	$

SPRING MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Snow Plowing / Ice Control	$1,500.00
Weed Control	$750.00

SUMMER MAINTENANCE:

ACTIVITY/IMPROVEMENT	ESTIMATED COST
Road Maintenance (i.e. chip seal, crack sealing, etc.)	$11,000.00
Weed Control	$750.00

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: **$17,750.00**
Approx. $110/Lot/Year

Chip Seal (Every Seven Years) →	**646,631 SF @ $0.10/SF**	**=**	**$64,663.10**
		=	**$9,237.59 / year**
Crack Sealant →	**3500 LF @ $0.50/LF**	**=**	**$1750.00/year**
	Total	**=**	**$10,987.59**

EXHIBIT D - RSID 717 -PRELIMINARY ENGINEERS ESTIMATE OF PROBABLE COST

OXBOW SUBDIVISION AREA RSID - ROAD IMPROVEMENTS

24-FOOT WIDE, 3-INCH THICK ASPHALT SURFACE

Date: February 24, 2004
Project: 02062

TO PROVIDE ROAD IMPROVEMENTS FOR
ALL ROADS LOCATED WITHIN DISTRICT BOUNDARY

(APPROXIMATELY 26365 LF OF ROAD)

ITEM NO.	QUANTITY	UNIT	DESCRIPTION		UNIT PRICE	UNIT		TOTAL PRICE
SCHEDULE I- STREETS								
101	1	LS	MOBILIZATION & INSURANCE	@	$15,000.00	/LS	=	$15,000.00
102	1	LS	STORMWATER EROSION CONTROL	@	$6,000.00	/LS	=	$6,000.00
103	1,000	CY	UNCLASSIFIED EXCAVATION	@	$15.00	/CY	=	$15,000.00
104	84,130	SY	SHAPING AND GRADING	@	$0.50	/SY	=	$42,065.00
105	7,600	CY	1 1/2-INCH MINUS GRAVEL (3-INCH THICK)	@	$16.00	/CY	=	$121,600.00
106	12,400	TN	ASPHALT PAVEMENT (3-INCH THICK)	@	$24.00	/TN	=	$297,600.00
107	744	TN	ASPHALT OIL (6%)	@	$115.00	/TN	=	$85,560.00
108	1	LS	MISC. SIGNAGE	@	$5,000.00	/LS	=	$5,000.00
109	1	LS	DRAINAGE IMPROVEMENTS	@	$20,000.00	/LS	=	$20,000.00
110	1	LS	SEED & FERTILIZE DISTURBED AREAS	@	$10,000.00	/LS	=	$10,000.00
111	1	LS	TRAFFIC CONTROL	@	$5,000.00	/LS	=	$5,000.00
SUBTOTAL SCHEDULE I - STREETS								**$622,825.00**

SUBTOTAL CONSTRUCTION COST	=	**$622,825.00**
COUNTY CONTRIBUTION (BID ITEMS 103-105)	=	**($178,665.00)**
SUBTOTAL CONSTRUCTION MINUS COUNTY CONTRIBUTION	=	$444,160.00
CONSTRUCTION CONTINGENCY (10%)	=	$44,416.00
TOTAL CONSTRUCTION AND CONTINGENCY	=	**$488,576.00**

ESTIMATED ADMINISTRATIVE COSTS BY RURAL SPECIAL IMPROVEMENT DISTRICT		
RSID PRECREATION COSTS	=	$17,000.00
ENGINEERING DESIGN	=	$25,000.00
CONSTRUCTION STAKING & SURVEYING	=	$30,000.00
CONSTRUCTION ADMIN., INSPECTION, QUALITY CONTROL, & TESTING	=	$26,000.00
GEOTECHNICAL REPORT	=	$10,000.00
BOND COUNSEL & FINANCIAL ADVISOR	=	$15,000.00
OWNERSHIP REPORTS, ADVERTISING, PRINTING, & POSTAGE	=	$4,654.00
SUBTOTAL ESTIMATED ADMINISTRATIVE COSTS	=	**$127,654.00**
SUBTOTAL CONSTRUCTION AND ADMINISTRATIVE	=	**$616,230.00**
REVOLVING FUND BACKING OF DEBT - 5% OF BOND ISSUE (MANDATORY)	=	$36,900.00
RESERVE FUND BACKING OF DEBT - 4% OF BOND ISSUE (REQUIRED)	=	$29,520.00
COUNTY ADMINISTRATION - ATTORNEY, FINANCE, COMMISSIONERS - 5% OF BOND ISSUE	=	$36,900.00
UNDERWRITERS ISSUANCE COSTS 2.5% OF BOND ISSUE	=	$18,450.00
SUBTOTAL BOND COSTS		**$121,770.00**
TOTAL R.S.I.D. BOND COST	=	**$738,000.00**
NUMBER OF ASSESSMENT UNITS	=	**164**
TOTAL ESTIMATED COST PER ASSESSMENT UNIT	=	**$4,500.00**
APPROXIMATE LINEAL FT	=	**26365**
COST PER LINEAL FT	=	**$27.99**
COST SAVED PER LOT BY COUNTY CONTRIBUTION	=	**$1,089.42**