RESOLUTION NO. 10-32
RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #790M (WEST KING COMMERCIAL PARK SUBDIVISION PHASE I-ROADS,STORMWATER DRAINAGE AND FIRE PROTECTION)

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, have been presented with a valid petition to create a Rural Special Improvement Maintenance District which shall be known as RSID #790M for West King Commercial Park Subdivision, described in Exhibit B as Lots 10 through 14, Block 2; Lots 1, 2, & 3, Block 3 and Lots 6 & 7, Block 4 West King Commercial Park Subdivision Phase I and more particulary shown in Exhibit A (map) in Yellowstone County, Montana; and,

WHEREAS, under MCA 7-12-2102(2), a petition was presented to create a rural special improvement district that contains the consent of all (100%) of the owners of property to be included in the district (Exhibit E); and,

WHEREAS, all of the costs of the district shall be assessed equally on a per lot method for existing and future lots (Exhibit D); and,

WHEREAS, the cost estimate as shown in Exhibit C is only an estimate of annual costs and is subject to cost fluctuations due to maintenance utilization levels and changes in material and labor costs of performing necessary maintenance; and

WHEREAS, the property assessment amount is subject to adjustment and will be established annually by the Board of County Commissioners; and,

WHEREAS, the district shall be considered to exist perpetually unless included within another district providing the same services or assumed by a municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, deeming the public interest or convenience require the creation of the rural special improvement maintenance district, intends to create the following described Rural Special Improvement Maintenance District:

1. **NUMBER OF DISTRICT**. The Rural Special Improvement Maintenance District shall be designated as District No. 790M.

2. **DESCRIPTION OF DISTRICT**. The exterior boundaries of the District are shown in Exhibit A and described in Exhibit B.

3. **DESCRIPTION OF IMPROVEMENTS, DESCRIPTION OF MAINTENANCE, METHOD OF ASSESSMENT AND ESTIMATED COSTS**. Assessments collected on behalf of this district shall be used for the maintenance of roads, stormwater drainage and fire protection located within the district as estimated in Exhibit C. All of the costs of the district shall be assessed equally on a per lot method for existing and future lots (Exhibit D).

4. **DURATION**. The district shall be deemed to be perpetual in nature unless absorbed and replaced by another district or municipality.

5. The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for maintenance, the amount of assessments, and how the assessments should be spent. The Commissioners request a list of some individuals who are willing to serve on the Ad Hoc Committee (Exhibit F).

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 20th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Bill Kennedy

Bill Kennedy, Chairman

John Ostlund

John Ostlund, Member

James E, Reno, Member

(SEAL)
ATTEST:

Tony Nave, Clerk & Recorder
Yellowstone County, Montana

BOUNDARY EXHIBIT OF RURAL SPECIAL IMPROVEMENT DISTRICT FOR MAINTENANCE (RSID–M) FOR

WEST KING COMMERCIAL PARK SUBDIVISION

BEING LOT 2, BLOCK 1 OF LOHWEST SUBDIVISION
SITUATED IN THE SE 1/4 OF SEC. 7, T. 1 S., R. 25 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : WEST KING COMMERCIAL PARK LP

PREPARED BY : SANDERSON STEWART

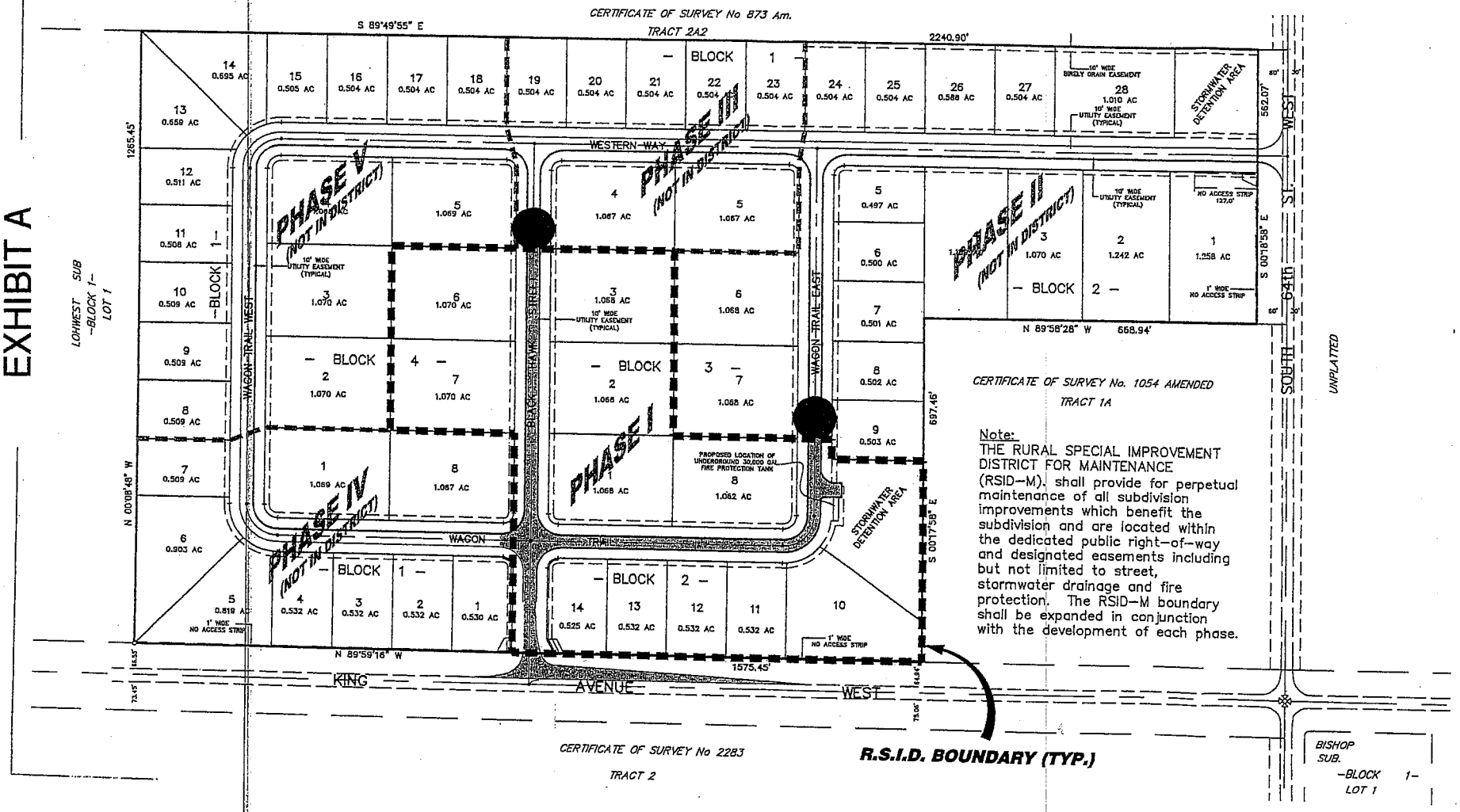
JUNE, 2009

BILLINGS, MONTANA

SCALE: 1" = 200'

200 100 0 200 400

EXHIBIT A



Note:
THE RURAL SPECIAL IMPROVEMENT DISTRICT FOR MAINTENANCE (RSID–M). shall provide for perpetual maintenance of all subdivision improvements which benefit the subdivision and are located within the dedicated public right–of–way and designated easements including but not limited to street, stormwater drainage and fire protection. The RSID–M boundary shall be expanded in conjunction with the development of each phase.

SANDERSON STEWART
www.sandersonstewart.com

WEST KING COMMERCIAL PARK SUBDIVISION
YELLOWSTONE COUNTY, MONTANA
BOUNDARY EXHIBIT OF RURAL SPECIAL IMPROVEMENT DISTRICT FOR MAINTENANCE (RSID–M)

C.A.D. BEG
DATE: 6/24/09
REVISIONS:
APPROVED BY:
QUALITY ASSURANCE:
SCALE: 1"=300'
FILE: BOUNDARY-EXHIBIT
PROJECT NO: 06089.04
SHEET 1 OF 1

EXHIBIT B

~~LEGAL DESCRIPTIONS AND OWNERSHIP REPORTS (ATTACHED)~~

West King Commercial Park Subdivision, Phase I

Being the following lots, all in West King Commercial Park Subdivision in Yellowstone County according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana:

Lots 10 through 14, Block 2
Lots 1, 2, 3, and 8, Block 3
Lots 6 and 7, Block 4

EXHIBIT C

ESTIMATED ANNUAL MAINTENANCE COST (PHASE I)

STREET/STORMWATER DRAINAGE FACILITIES:

	MAINTENANCE ACTIVITY	ESTIMATED ANNUAL COST
1	ROADSIDE WEED CONTROL	$300.00
2	SNOW PLOWING (3 PLOWS/YEAR)	$300.00
3	CHIP SEAL (EVERY 7 YEARS) *	$1,900.00
4	MAINTAIN DRAINAGE DITCHES, DETENTION AREAS AND CULVERTS	$300.00
	SUBTOTAL =	$2,800.00

*Yellowstone County Public Works recommends an annual assessment of $0.04661/ft^2 of pavement for future chip seal. Estimate based on approximately 1,700 LF of road or approximately 40,800 ft^2 (Phase I only) of pavement which equals an annual assessment of approximately $1,900.00.

FIRE PROTECTION FACILITIES:

	MAINTENANCE ACTIVITY	ESTIMATED ANNUAL COST
1	MAINTAIN DRY HYDRANT STRUCTURE AND WATER LEVEL	$250.00
	SUBTOTAL =	$250.00

TOTAL ESTIMATED ANNUAL MAINTENANCE COST =	**$3,050.00**
TOTAL NUMBER OF ASSESSMENT UNITS (# OF LOTS) =	**11**
ESTIMATED ANNUAL MAINTENANCE COST PER LOT =	**$277.27**
ESTIMATED MONTHLY MAINTENANCE COST PER LOT =	**$23.11**

NOTE:

ESTIMATED ANNUAL MAINTENANCE COSTS HAVE BEEN PROVIDED FOR THE PURPOSE OF ESTABLISHING A MAINTENANCE AND OPERATION BUDGET FOR THE PUBLIC SUBDIVISION FACILITIES. ANNUAL ASSESSMENTS MAY NEED TO BE ADJUSTED UP OR DOWN BY THE RSID-M AD-HOC COMMITTEE IN THE FUTURE, BASED ON ACTUAL COSTS INCURRED TO MAINTAIN AND OPERATE SUBDIVISION FACILITIES.

EXHIBIT D

METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

[x] Equal Amount: Assessment spread equally between 11 lots

[ ] Front Footage: _____

[ ] Other (Describe): _____

[ ] Square Footage (Please list the square footage for each lot within the proposed district):

Property Owner	Lot and Block, Subdivision or C/S	Total Square Footage

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT E

PETITION FOR CREATION OF RSID _____

WE, THE UNDERSIGNED property owners, hereby provide the following information for consideration in the possible creation of an RSID. It is our understanding that if support exists for the RSID, information will be provided to the County and a public hearing scheduled regarding the creation of this district. Following the hearing, the County Commissioners shall take action on whether or not to create the district. Should the Commissioners create the districts, WE, as property owners, understand that we shall bear the costs of the districts as formally approved by the Commissioners.

Property Owner Printed Name(s) Signature(s) Required	**Complete Mailing Address** Street, City, State, & Zip	**Properties Owned** Lot & Block, Subdivision or C/S	**In Favor**	**Opposed**	**Method of Assessment**		
					Equal Amount	**Front Footage**	**Square Footage**
West King Commercial Park LP West King II LLC, its General Partner Lowdey H. White, Jr., Manager Member	West King Commercial Park LP P.O. Box 21495 Billings, MT 59104	Lots 10 through 14, Block 2; Lots 1, 2, 3, and 8, Block 3; Lots 6 and 7, Block 4 all in West King Commercial Park Subdivision	X		X		

Note: Please make additional copies as needed.

PETITION TO ESTABLISH A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

EXHIBIT F

PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT RECOMMENDATIONS FOR AD HOC COMMITTEE

NAME	TELEPHONE NUMBER
West King Commercial Park LP West King II LLC, its General Partner	
1. Printed Name Signature: Lonney H. White, Jr., Manager Member	406/248-5627 (Lonney H. White, Jr.)
2. Printed Name Signature	
3. Printed Name Signature	