RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT DISTRICT NO. 554 AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MONTANA POWER COMPANY

The following Resolution introduced by Commissioner Roberts, who moved its adoption, was seconded by Commissioner Carlson, and was unanimously adopted:

WHEREAS, a petition has been filed with the Board of County Commissioners of Yellowstone County, Montana, requesting the creation of a Rural Special Improvement District for the operation, maintenance and electrical energy for new lighting facilities to be furnished, installed and owned by The Montana Power Company with said Company contracting with the County of Yellowstone for the operation, maintenance and furnishing of electrical energy therefor, to which petition reference is hereby made; and

WHEREAS, said petition has been duly executed by all the owners of all the lots to be included in said Rural Special Improvement District; and

WHEREAS, all the signers of said petition, who are all the owners of all the lots in said District, have expressly waived the adoption by this Board of a resolution of intention to create said District, the notice required by statute of the hearing on said petition and resolution of intention, and any hearing on said petition and resolution of intention, and have consented to the immediate creation of said Rural Special Improvement District in accordance with said petition, and to the execution of a contract by and between Yellowstone County, Montana and The Montana Power Company, and have agreed each with each other severally and with Yellowstone County, Montana, and The Montana Power Company that the lands in said District shall be assessed as provided by law, that such assessments shall constitute a lien upon the lots assessed therefor, and that such assessments shall be collected in the manner provided by law, just as though

have further agreed that none of the persons signing said petition, their heirs, executors, administrators, or assigns, shall at any time protest or object to the installation of said improvements, or to the assessments for maintenance and electrical energy, by reason of the assessment in the manner provided in the petition, or by reason of the failure of the said Board of County Commissioners to adopt a resolution of intention, to give notice thereof, or to hold a hearing thereon;

NOW, THEREFORE, in consideration of the premises, and the agreements and waiver set forth in the said petition, IT IS HEREBY RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, that:

1. The Board of County Commissioners of Yellowstone County, Montana, deems itself to have acquired jurisdiction to order the proposed improvements; that there is hereby created a Rural Special Improvement District known and described as "RURAL SPECIAL IMPROVEMENT DISTRICT NO. 554 " in the County of Yellowstone, State of Montana. The general character and purpose of the District are as set forth in the petition on file herein, to which reference is hereby made for a more particular description thereof.

2. The Montana Power Company's regular salaried engineers shall be the engineers for the District, and Crowley, Kilbourne, Haughey, Hanson & Gallagher shall be the attorneys for the District. The Montana Power Company shall pay all engineering and legal fees.

3. The boundaries of said Rural Special Improvement District shall include, and the same are hereby declared to include the following described property in Yellowstone County, Montana, only:

> Lots 1 through 14, both inclusive, in Block 3 of VISTA HEIGHTS SUBDIVISION, 2nd filing, in Yellowstone County, Montana, according to the plat thereof.

The entire cost of the improvements to be installed in said District

each of the parcels of land situated within the boundaries of said District, are specially benefited and affected by said improvements, and each and all of the parcels of land within the District, more particularly described above, are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District and lighting system.

5. The County of Yellowstone will contract with The Montana Power Company for supplying electrical energy to and maintenance of said street lighting system, with the estimated cost thereof for the first year to be computed as follows:

> The rate of $75.48 per year for the electrical energy, operation and maintenance of each unit, consisting of a fixture, pole and conductor supplying the electrical energy thereto.

The Montana Power Company shall install, and at all times own, the above described lighting fixtures, poles, cables and other incidental equipment.

6. Based upon the above figures, the estimate of the cost of said District per year is the sum of $603.84. Due to the difference in time the lighting service starts and the time assessments can be levied, the first assessment may cover a period of operation of the District shorter or greater than one year. The annual cost of maintenance and electrical energy for the lighting system shall be paid by the owners of the property within the District with each lot or parcel of land within the District to be assessed for that portion of the whole cost which its area bears to the area of the entire District, exclusive of streets, avenues, alleys and public places.

7. The entire cost of maintenance and electrical energy shall be paid by an annual assessment against the property in the District. All monies derived from the collection of such assessments shall be paid into a fund to be known as "SPECIAL IMPROVEMENT LIGHT-

8. The Chairman of the Board of Commissioners of Yellowstone County, Montana and the Yellowstone County Clerk and Recorder be, and they are hereby authorized and directed to execute a contract with The Montana Power Company for the supplying, installation and owning of the street lighting facilities within the District at its own expense, and for the furnishing of electrical energy to and the operation and maintenance for said District upon the terms and conditions set forth in the contract, a copy of which contract is attached to the petition on file herein and by this reference made a part hereof.

PASSED by the Board of County Commissioners of Yellowstone County, Montana, and approved by its Chairman October 31, 1972.

BOARD OF COUNTY COMMISSIONERS OF YELLOWSTONE COUNTY, MONTANA

By M. E. McClintock
Chairman

Attest:

Merrill H. Klundt
County Clerk and Recorder

County Clerk & Recorder

By Dorothea de Graff
Deputy

(SEAL)