

RESOLUTION CREATING RURAL SPECIAL IMPROVEMENT DISTRICT NO. 40

1 The following Resolution introduced by Commissioner
2 Carl Yerrington, who moved its adoption and seconded by G. W.
3 Fenton, was unanimously adopted.

4 A RESOLUTION creating Rural Special Improvement Dis-
5 trict No. 40, being a thickly populated district in Yellowstone
6 County, Montana, designating the boundaries thereof, as desig-
7 nated and defined in the Resolution of Intention heretofore
8 passed and adopted by the Board of County Commissioners of Yel-
9 lowstone County, Montana on the 3rd day of June, A.D. 1938, which
10 said Resolution is now on file in the office of the County Clerk
11 and Recorder of Yellowstone County, Montana to which reference
12 is hereby made; that the said Resolution declared it to be the
13 intention of the Board of County Commissioners of Yellowstone
14 County, Montana to create a rural special improvement district to
15 be No. 40.

16 WHEREAS, The Board of County Commissioners of said
17 County, caused notices of the time for the passage and adoption
18 of the said Resolution of Intention to be published in the Bill-
19 ings Times, a newspaper closest to Rural Special Improvement Dis-
20 trict No. 40 and a weekly newspaper published in Billings, Yel-
21 lowstone County, Montana in the manner and form and during the
22 period of time as required by law and has also caused the County
23 Clerk of said County, on the 19th day of May, 1938, that being
24 the day of the first publication of the Notice, to mail to each
25 person, firm or corporation or known agent thereof having prop-
26 erty within the proposed district, at the last known address of
27 such person, firm or corporation or agent, a notice of the pass-
28 age and adoption of such Resolution, giving them Notice of In-
29 tention of the Board of County Commissioners to create such Rural
30 Special Improvement District for the purposes therein mentioned
31 and set forth and giving them full, due and timely notice as
32 required by law, which said Notice was published and mailed des-

1 cribing the character of the improvements proposed to be made
2 in said District, the estimated cost thereof, setting forth the
3 time and place for the hearing of protests against the creation
4 of proposed District and the making of said improvements and
5 which said Notice also contained references to the number of
6 said Resolution of Intention, giving the boundaries of said pro-
7 posed District and all particulars and causing copies of said
8 Notice to be posted in Three (3) different public places within
9 the boundaries of the said proposed Rural Special Improvement
10 District, and

11 WHEREAS, The Board of County Commissioners of said
12 County having this day met in regular session at the time and
13 place fixed and mentioned in the said Resolution of Intention and
14 set forth in said Notice of the time for the hearing of protests
15 against the creation of the said proposed District and against the
16 making of said improvements, and it appearing that no protests
17 have been filed with the County Clerk and Recorder as required by
18 law , and it further appearing that the public interest and con-
19 venience of the said District requires the creation of said
20 Rural Special Improvement District.

21 NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF
22 COUNTY COMMISSIONERS OF YELLOWSTONE, COUNTY, MONTANA:

23 1. That the Board of County Commissioners of Yellow-
24 stone County, Montana deems itself to have acquired jurisdiction
25 to order the proposed improvements; that there be and there here-
26 by is created a Rural Special Improvement District known and des-
27 cribed as RURAL SPECIAL IMPROVEMENT DISTRICT NO. 40, in the Coun-
28 ty of Yellowstone, State of Montana; that the general character
29 and purpose of the improvements to be made in said District are
30 as follows:

31 To furnish and install and maintain Thirteen (13) bus-
32 iness type suspension light posts with highway type luminaire,

1 Twenty feet, Six inches (20' 6") from light center, said posts
2 to be placed on each side of the curb of First Avenue North
3 extended from the West line of Section Thirty-four (34), Town-
4 ship One (1) North, Range Twenty-Six (26) East, Yellowstone Coun-
5 ty, Montana and at intervals of Three Hundred feet (300') or with
6 staggard distances of One Hundred-Fifty feet (150') for the pur-
7 pose of serving the people in said District with an adequate
8 lighting system, said District being a thickly populated locality.
9 For further particulars, reference is hereby made to Resolution
10 of Intention and map of said District on file in the office of the
11 County Clerk and Recorder of Yellowstone County, Montana.

12 That the name of the engineer who is to have charge of
13 said work is C. E. Durland, County Surveyor of Yellowstone Coun-
14 ty, Montana.

15 That the boundaries of said Rural Special Improvement
16 District No. 40 shall be and the same are hereby declared to be
17 the same as are described and set forth in the aforementioned
18 Resolution adopted on the 3rd day of June, 1938 declaring the in-
19 tention of creating District No. 40 and as was set forth in the
20 Petition requesting the creation of said District which said Pet-
21 ition and Resolution are filed in the office of the County Clerk
22 and Recorder of Yellowstone County, Montana to which references
23 are hereby made for a particular description of said boundaries
24 of the property contained in said District; that the Board of
25 County Commissioners hereby makes reference to said Resolution
26 declaring its intention to create said Rural Special Improvement
27 District No. 40 which said Resolution is for all purposes hereby
28 referred to for further particulars.

29 Passed by the Board of County Commissioners of Yellow-
30 stone County, Montana and approved by its Chairman this 3rd day
31 of June, 1938.

32 BOARD OF COUNTY COMMISSIONERS
OF YELLOWSTONE COUNTY, MONTANA
BY Charles E. Wicks
Chairman.

SPECIAL IMPROVEMENT DISTRICT NO. 40

1 The following resolution introduced by Commissioner
2 Carl Yerrington who moved its adoption, was seconded by Commis-
3 sioner G. W. Fenton, was unanimously passed and adopted.

4 A RESOLUTION declaring it to be the intention of the
5 Board of County Commissioners of Yellowstone County, Montana to
6 create rural special improvement district which shall be District
7 No. 40 in a thickly populated locality, outside of the limits of
8 an incorporated Town or City, in Yellowstone County, State of
9 Montana, designating the property to be included in the District,
10 the boundaries thereof, stating the general character and purpose
11 of the improvements to be made therein, the approximate estimated
12 cost of said improvements and the time when, the place where the
13 Board of County Commissioners of Yellowstone County, Montana will
14 hear protests to the making of said improvements and the creation
15 of said District.

16 WHEREAS The Board of County Commissioners of Yellow-
17 stone County, Montana being in regular session and having hereto-
18 fore on the 26th day of March, 1938 received a Petition signed by
19 at least Sixty Per Cent (60%) of the freeholders affected by the
20 proposed Special Improvement District which said Improvement
21 District is located and includes the following described property
22 located in Yellowstone County, Montana, a strip of land 380 feet
23 in width, the center line of which is the center line of First
24 Avenue North, said strip extending from the West line of Section
25 Thirty-Four (34), Township One (1) North, Range Twenty-Six (26)
26 East, Yellowstone County, Montana, to the East line of the South-
27 west Quarter of the Northwest Quarter of said Section Thirty-Four
28 (34), also a triangular tract of land in the Southeast Quarter of
29 the Northwest Quarter of Section Thirty-four (34), Township One
30 (1) North, Range Twenty-Six (26) East, the boundaries of which
31 tract are more particularly described as follows:

32 Beginning at a point where said lines,
parallel to and 190 feet North of the

1 center line of First Avenue North, inter-
2 sects the East line of the said Southwest
3 Quarter of the Northwest Quarter of Sec-
4 tion Thirty-Four (34), Township One (1)
5 North, Range Twenty-Six (26) East, extend-
6 ing thence in a Southeasterly direction at
7 right angles to the said parallel lines a
8 distance of 380 feet; thence Southwesterly
9 along a line parallel to said First Avenue
10 North a distance of 220 feet to an inter-
11 section with the East line of said South-
12 west Quarter of the Northwest Quarter of
13 said Section Thirty-Four (34); thence North
14 along said East line to the point of begin-
15 ning.

16 Said discription exclusive of public roads and places, in Yel-
17 lowstone County, Montana. Said District is hereinafter more
18 particularly described and which is a thickly populated District
19 located outside of the boundaries of an incorporated Town or City.

20 NOW THEREFORE, BE IT RESOLVED By the Board of County
21 Commissioners of Yellowstone County, Montana:

22 1. That the Board of County Commissioners finds and
23 determines that the signers of said Petition are freeholders
24 affected by the proposed Special Improvement District.

25 2. That the public interest and convenience requires
26 and it is deemed necessary to order and create and the Board of
27 County Commissioners of Yellowstone County, Montana intends to
28 order and create a rural special improvement district with the
29 number, boundaries, order and character of the improvements to
30 be made as hereinafter set forth.

31 3. It is the intention of the Board of County Com-
32 missioners of Yellowstone County, Montana to create a rural spec-
33 ial improvement district for the purpose of making special im-
34 provements upon, along and embracing and through the lands and
35 property included in the following described and bounded terri-
36 tory which are the boundaries of the said Rural Special Improve-
37 ment District as follows:

38 A strip of land 380 feet in width, the
39 center line of which is the center line
40 of First Avenue North, said strip extend-

1 ing from the West line of Section
2 Thirty-Four (34), Township One (1)
3 North, Range Twenty-Six (26) East,
4 Yellowstone County, Montana, to the
5 East line of the South-west quarter
6 of the Northwest quarter of said Sec-
7 tion Thirty-Four (34), also a triangular
8 tract of land in the Southeast Quarter
9 of the Northwest Quarter of Section Thir-
10 ty-Four (34), Township One (1) North,
11 Range Twenty-Six (26) East, the boundaries
12 of which tract are more particularly des-
13 cribed as follows;

14 Beginning at a point where said lines,
15 parallel to and 190 feet North of the
16 center line of First Avenue North, inter-
17 sects the East line of the said Southwest
18 Quarter of the Northwest Quarter of Sec-
19 tion Thirty-Four (34), Township One (1)
20 North, Range Twenty-Six (26) East, extend-
21 ing thence in a Southeasterly direction at
22 right angles to the said parallel lines a
23 distance of 380 feet; thence Southwesterly
24 along a line parallel to said First Avenue
25 North a distance of 220 feet to an inter-
26 section with the East line of said South-
27 west Quarter of the Northwest Quarter of
28 said Section Thirty-Four (34); thence North
29 along said East line to the point of begin-
30 ning, exclusive of public roads and places,
31 in Yellowstone County, Montana.

32 4. That the number of said improvement district is
hereby designated as RURAL SPECIAL IMPROVEMENT DISTRICT NO. 40
of the County of Yellowstone, State of Montana.

That the general character and purpose of the improve-
ments which are to be made will be to install and furnish Thir-
teen (13) business type suspension light posts with highway type
luminaire, Twenty feet (20') Six Inches (6") from light center,
said posts to be placed on each side of the curb of First Avenue
North, extended from the West line of Section Thirty-Four (34),
Township One (1) North, Range Twenty-Six (26) East, Yellowstone
County, Montana and at intervals of 300 feet or with staggard
distances of 150 feet. The location of the posts in said light-
ing system is set forth in said petition and map which are filed
in the office of the County Clerk and Recorder of Yellowstone
County, Montana to which reference is hereby made for further

1 particulars.

2 5. That the name of the engineer who is to have charge
3 of said work is C. E. Durland, County Surveyor of Yellowstone
4 County, Montana.

5 6. That the approximate estimated cost of said Im-
6 provement District is the sum of Twenty-Six Hundred, Seventy-Five
7 and no/100 Dollars (\$2675.00); that the estimated yearly mainten-
8 ance of said District is Three Hundred, Seventy-Five and no/100
9 Dollars (\$375.00). ~~both exclusive of the work and labor to be~~
10 ~~performed by the Works Progress Administration~~

11 7. That on Friday the 3rd day of June, A.D. 1938 at
12 the office of the Board of County Commissioners of Yellowstone
13 County, Montana at 2:00 P.M., the Board of County Commissioners
14 of Yellowstone County, Montana, intends to create such Rural
15 Special Improvement District and will hear protests to the same
16 at said time and place by any person or persons who are owners,
17 or agents of owners, of any lot or parcel of land within said
18 Improvement District, which is within Fifteen (15) days after the
19 first publication of Notices of the passage of this Resolution,
20 have delivered to the County Clerk and Recorder of the County of
21 Yellowstone, State of Montana, protests in writing against the
22 proposed work or improvements or against the creation of the
23 District to be assessed or both and the persons shall have the
24 right to appear at said time in person or by counsel and show
25 cause, if any there be, why this Resolution should not be finally
26 adopted and why the improvements should not be made.

27 8. The following Notice of the adoption of this Reso-
28 lution shall be published in a newspaper as required by law and
29 copies of said Notice shall be posted in at least three (3)
30 public places inside the boundaries of said proposed District,
31 to-wit:

32

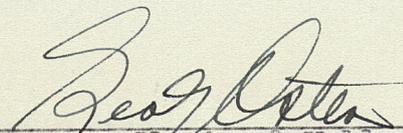
1 North, Range Twenty-Six (26) East, extend-
2 ing thence in a Southeasterly direction at
3 right angles to the said parallel lines a
4 distance of 380 feet; thence Southwesterly
5 along a line parallel to said First Avenue
6 North a distance of 220 feet to an inter-
7 section with the East line of said South-
8 west Quarter of the Northwest Quarter of
9 said Section Thirty-Four (34); thence North
10 along said East line to the point of begin-
11 ning, exclusive of public roads and places,
12 in Yellowstone County, Montana.

13 The estimated cost of said improvement is the sum of
14 Twenty-Six Hundred, Seventy-Five and no/100 Dollars (\$2675.00)
15 exclusive of interest charges, and the estimated yearly mainten-
16 ance of said District is Three Hundred, Seventy-Five and no/100
17 Dollars (\$375.00) which said costs and expenses are maintenance
18 costs and are to be assessed against said Special Improvement
19 District. That said resolution is designated as RURAL SPECIAL
20 IMPROVEMENT DISTRICT NO. 40 and is on file in the office of the
21 County Clerk and Recorder of Yellowstone County, Montana in the
22 Courthouse, in the City of Billings, Montana, to which reference
23 is hereby made.

24 That the Board of County Commissioners of Yellowstone
25 County, Montana will be in session at the office of said Board
26 of County Commissioners at the Courthouse in the City of Bill-
27 ings, Montana on Friday the 3rd day of June, A.D. 1938 at 2:00
28 P.M. of said day when and where it intends to create the said
29 Rural Special Improvement District, at which time and place the
30 Board of County Commissioners will hear and pass upon all pro-
31 tests that may be made against the making or maintenance of said
32 improvements or the creation of said District by any person or
persons who are owners, or agents of owners of any lot or parcel
of land within Fifteen (15) days after the first publication of
this Notice, have delivered to the County Clerk of Yellowstone
County, Montana, a protest in writing against the proposed work
or against the creation of said proposed improvements or both

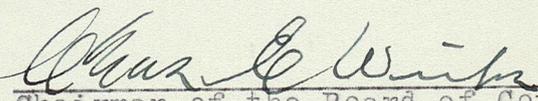
1 and they shall have the right to appear at said time in person or
2 by counsel and show cause, if any there be, why the improvement
3 district should not be created.

4 Done by order of the Board of County Commissioners of
5 Yellowstone County, Montana this 16th day of May, A.D. 1938.

6
7 
8 County Clerk of Yellowstone County, Mon-
9 tana and ex-officio Clerk of the Board
10 of County Commissioners of said County.

11 9. The County Clerk and Recorder of Yellowstone County
12 Montana is hereby ordered to post or cause to be posted three (3)
13 copies of the foregoing Notice of Creation of Rural Special Im-
14 provement District No. 40 within said Improvement District and
15 the said County Clerk and Recorder is hereby further ordered
16 and directed to mail a copy of the foregoing Notice to every per-
17 son or firm or corporation owning property within the proposed
18 district at their last known place of residence upon the same
19 day such Notice is first published.

20 Passed by the Board of County Commissioners of Yellow-
21 stone County, State of Montana, and approved by its Chairman
22 this 16th day of May, 1938.

23 APPROVED: 
24 Chairman of the Board of County
25 Commissioners of Yellowstone, Coun-
26 ty, Montana.

27 ATTEST:
28 
29 Clerk.

30
31 GODDARD & SAVARESY
32 Attorneys for petitioners
338-340 Stapleton Bldg.
Billings, Montana.