

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 18- 59

Resolution to Dissolve Yellowstone County Rural Special Improvement District No. 737M

WHEREAS, pursuant to Sections 7-12-2101 through 7-12-2113 of the Montana Code Annotated, a board of county commissioners has the authority to create a rural special improvement district to fund the construction and maintenance of public improvements. To create a district, a board should pass a resolution of intent, set a public hearing, provide notice of the public hearing, receive protests, hold a public hearing, consider protests and pass a resolution that either creates or does not create the district. If all the property owners in a proposed district agree to the creation of a district, a board only has to file a resolution to create the district. The board does not have to hold a public hearing. There is no explicit authority as to how a board is supposed to dissolve a district. Because there is no explicit authority as to how a board is supposed to dissolve a district, it is logical a board should use the same procedure to create a district to dissolve a district.

WHEREAS, in 2005, with Resolution No. 05-93, the Yellowstone County Board of County Commissioners created Yellowstone County Rural Special Improvement District No. 737M to maintain a portion of Rustic Road in Bear Subdivision. Bear Subdivision contains a small half width portion of Rustic Road. The Board created the District with Bear Subdivision. There is no funding mechanism to fund the maintenance of the rest of Rustic Road.

WHEREAS, on June 1, 2018, the Yellowstone County Public Works Department received a request from the owners of all the land in Yellowstone County Rural Special Improvement District No. 737M to dissolve the District, Neal and Linda Klemer, who own Lot 1 of Bear Subdivision, and Arthur and Laura Niemi, who own Lot 2 of Bear Subdivision. The owners want to dissolve the District because little or no maintenance is being conducted on the road by the County, assessments have been shut off and no future assessments are contemplated.

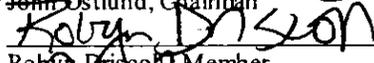
NOW THEREFORE, BE IT RESOLVED,

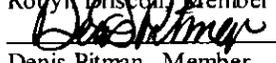
The Yellowstone County Board of County Commissioners dissolves Rural Special Improvement District No. 737M that maintains the portion of Rustic Road in Bear Subdivision. The owners want to dissolve the District because little or no maintenance is being conducted on the road by the County, assessments have been shut off and no future assessments are contemplated. The Yellowstone County Treasurer shall refund any funds held by the District in an equal amount to the properties in the District.

Passed and Adopted on the 26th day of June 2018.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


John Ostlund, Chairman


Robyn Driscoll, Member


Denis Pitman, Member

Attest:


Jeff Martin

Yellowstone County Clerk and Recorder