

**RESOLUTION NO. 18-118
RESOLUTION CREATING RURAL SPECIAL
IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #847M
(THE NINES SUBDIVISION- ROADS)**

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 #847M for The Nines Subdivision - Road, described in Exhibit B as Lots 1-13 (Block 1), Lots 1, 2, and 4-20 (Block 2), Lots 1-5 (Block 3), and Lots 1, and 3-14 (Block 4) and more particularly 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 F); 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.

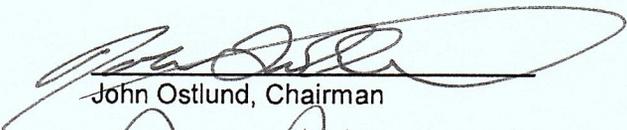
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, deeming the public interest or convenience require the creation of the rural special improvement maintenance district, intends to create the following described Rural Special Improvement Maintenance District:

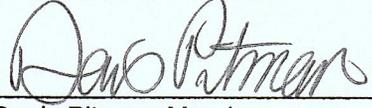
1. **NUMBER OF DISTRICT.** The Rural Special Improvement Maintenance District shall be designated as District No. 847M.
2. **DESCRIPTION OF DISTRICT.** The exterior boundaries of the District are shown in Exhibit A and described in Exhibit B.
3. **DESCRIPTION OF IMPROVEMENTS, DESCRIPTION OF MAINTENANCE, METHOD OF ASSESSMENT AND ESTIMATED COSTS.** Assessments collected on behalf of this district shall be used for the maintenance of roads 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.

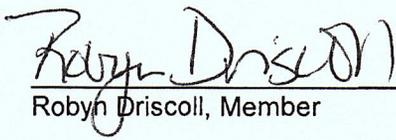
5. The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for maintenance, the amount of assessments, and how the assessments should be spent. The Commissioners request a list of some individuals who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

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 11th day of December 2018.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


John Ostlund, Chairman


Denis Pitman, Member


Robyn Driscoll, Member

(SEAL)
ATTEST:


Jeff Martin, Clerk & Recorder
Yellowstone County, Montana

EXHIBIT A

THE NINES SUBDIVISION - PHASE 1
RSID PETITION AREA

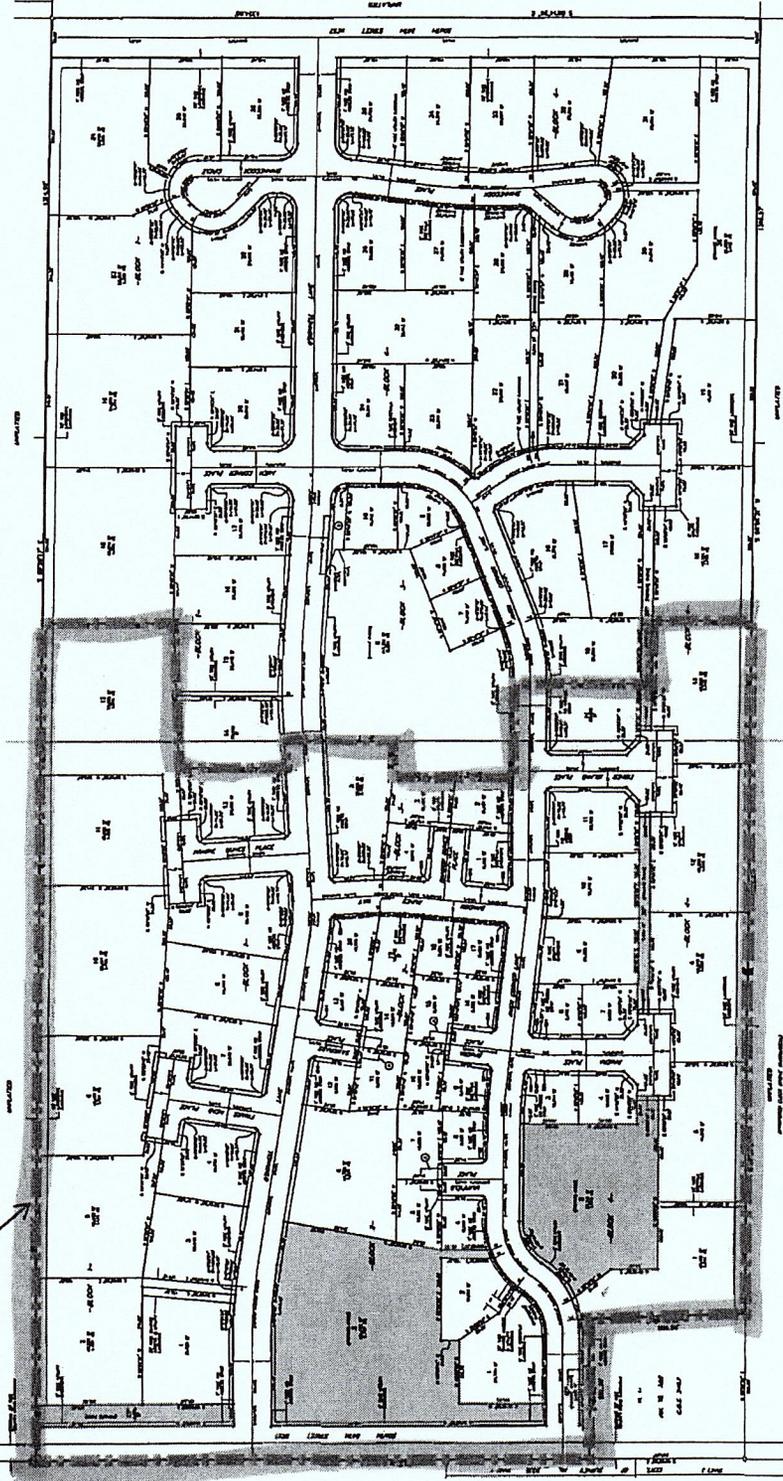
PRIVATE PARKS - NOT
INCLUDED IN RSID
ASSESSMENT

PREPARED FOR : P3COLEMAN, LLC.
PREPARED BY : SANDERSON STEWART



SEPTEMBER, 2018
BILLINGS, MONTANA

RSID BOUNDARY



SCALE: 1"=250'

EXHIBIT C

ESTIMATED ANNUAL MAINTENANCE COST

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
Maintain Ditches and Culverts	\$ 300.00
	\$

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Snow Removal	\$ 2,700.00
	\$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
Roadside Weed Control	\$ 150.00
	\$

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
Chip Seal (every 7 years; cost show is annual assessment)	\$ 6,000.00
Roadside Weed Control	\$ 150.00

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: \$9,300.00

EXHIBIT D

METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

Square Footage

Equal Amount

Front Footage

Other (Describe)

EXHIBIT G

GUARANTEE

SUBDIVISION OR PROPOSED SUBDIVISION: **The Nines Subdivision**

Order No.: **3-131044-KS-FAT**

Fee: **\$150.00**

Policy No.: **5010500-0011897e**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY, GUARANTEES:

Yellowstone County

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH **Yellowstone** COUNTY SUBDIVISION REGULATIONS,

In a sum not exceeding \$5,000.00.

THAT according to those public records which, under the recording laws of the State of Montana, impart constructive notice of matters affecting the title to the lands described on the attached legal description

Parcel A:

That part of SW $\frac{1}{4}$ of Section 17, Township 1 South, Range 25 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 2C, of Amended Tracts 1 and 2, Certificate of Survey No. 2467 on file in the office of the Clerk and Recorder of said County, under Document #3680202.

Parcel B:

Township 1 South, Range 25 East of the Principal Montana Meridian, in Yellowstone County, Montana.

Section 17: NE $\frac{1}{4}$ SW $\frac{1}{4}$

(1) Parties having record title interest in said lands whose signatures are necessary under the requirements of **Yellowstone** County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

P3Coleman, LLC

(2) Parties holding liens or encumbrances on the title to said lands are:

A. General Taxes for the year 2018, which are a lien but not yet payable. Tax Codes: D00675B, D00675.

NOTE: The Tax Statement in the Yellowstone County, Montana, Treasurer's office is marked "Paid" covering the General Taxes for the year 2017, in the sum of \$4,751.59. Tax Codes: D00675B, D00675.

(3) Easements, claims of easements and restriction agreements of record are:

- B. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Yellowstone to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Yellowstone County.
- C. Right of Refusal and Covenants, Conditions and Restrictions recorded October 7, 1987, in Book/Roll 1313, Page 1712, under Document #1459351, but omitting any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin to the extent that such covenants, conditions or restrictions violate 42 USC 3604(c).

Amendment to Right of First Refusal and Restrictive Covenants Agreement recorded January 18, 1990, in Book/Roll 1344, Page 860, under Document #1547775.

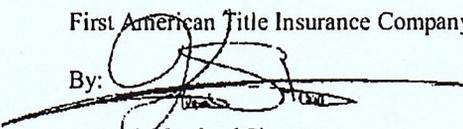
- D. Easement for access and matters incidental thereto granted to Roger A. Schwarz and Cecilia N. Schwarz, recorded October 12, 2004, under Document #3307952.
- E. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of Amended Tracts 1 and 2, Certificate of Survey No. 2467, filed August 19, 2013, as Document #3680202, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants or restrictions violate 42 USC 3604(c).
(Affects Parcel A)

End of Subdivision Guarantee.

Dated: July 27, 2018 @ 7:30AM

First American Title Insurance Company

By:


Authorized Signatory