

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 19- 94

Resolution to Create Rural Special Improvement District No. 854

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 construct roads. To create a district a board should pass a resolution of intent to create the district, set a public hearing on the creation of the district, provide notice of the public hearing, receive protests on the creation of the district, hold a public hearing on the creation of the district, consider protests on the creation of the district at the public hearing and pass a resolution that either creates or does not create the district.

WHEREAS, the Yellowstone County Board of County Commissioners received a request from a property owner in the vicinity of Colton Boulevard and 66th Street West to create a rural special improvement district to pave 66th Street West from Grand Avenue to Colton Boulevard, Colton Boulevard from 66th Street West to 70th Street West and Hardy Place. Currently, the roads are gravel. The Board believes it might be in the best interest of the public to create the District. Below is a summary of the specifics of the District.

District Name: Yellowstone County Rural Special Improvement District No. 854
District Location: Parcels in Sunny Cove Fruit Farms Subdivision, Hardy Boys Subdivision, Cold Stone Estates Subdivision, CC Subdivision, Lamm Subdivision, Golden Willow Subdivision and Certificate of Survey No. 1874. See Exhibit A.

District Parcels: 42 parcels. See Exhibit B.

District Activities: Construction of 66th Street West, Colton Boulevard and Hardy Place.

District Costs: Yellowstone County Public Works Department estimates to pave the roads would cost approximately \$366,195.75. It does not include the cost to maintain the roads. The actual cost to pave the roads may be more or less. The exact cost shall be determined when the County awards the contract to pave the roads. See Exhibit C.

District Assessment Method: Per Parcel

District Assessment: Annual Estimated Assessment Per Parcel before Financing--\$8,719
See Exhibit C.

District Duration: Construction District – 10 years
District Engineer: Michael Black, Yellowstone County Public Works Department

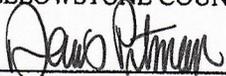
WHEREAS, on November 12, 2019, the Yellowstone County Board of County Commissioners passed a resolution of intent to create Rural Special Improvement District No. 854 to pave 66th Street West from Grand Avenue to Colton Boulevard, Colton Boulevard from 66th Street West to 70th Street West and Hardy Place, and set a public hearing on the creation of the District for December 17, 2019. On November 15, 2019, the Yellowstone County Clerk and Recorder mailed notice of the hearing to all property owners in the District. On November 15, 2019 and November 22, 2019, the Yellowstone County Clerk and Recorder published notice of the public hearings in the *Yellowstone County News*. On December 17, 2019, the Board held a public hearing on the creation of the District. The Board heard comments on the district and considered protests as to the creation of the District. The Board did not receive enough protests to prevent the formation of the District. out of 42 property owners protested the creation of the District. The Board believes that it is in the best interest of the public to create the District.

NOW THEREFORE, BE IT RESOLVED,

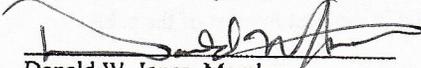
The Yellowstone County Board of County Commissioners creates Rural Special Improvement District No. 854 to construct 66th Street West, Colton Boulevard, and Hardy Place. The specifics of the District are contained in the exhibits attached to this Resolution.

Passed and Adopted on the 17th day of December 2019.

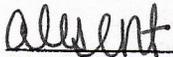
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



Denis Pitman, Chairman
Yellowstone County Commissioner

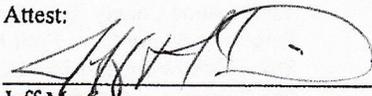


Donald W. Jones, Member
Yellowstone County Commissioner



John Ostlund, Member
Yellowstone County Commissioner

Attest:



Jeff Martin
Yellowstone County Clerk and Recorder

EXHIBIT B

| Tax ID | Legal Description | Owner Name | Mail Address | City_ST_Zip |
|--------|---|---------------------------------------|-----------------------|--------------------------|
| 1 | C15159 LAMM SUB, BLOCK 1, Lot 1, & LT 82A SUNNY COVE FRUIT FARMS *MERGET WILCOX, STACY S & STACIE A | | 11906 BELL CROSS WAY | PARKER CO, 80138-8757 |
| 2 | C15160 LAMM SUB, BLOCK 1, Lot 2 | LOW, MARK BRYANT | 4244 CREEKWOOD DR | BILLINGS MT, 59106-8601 |
| 3 | C15161 LAMM SUB, BLOCK 1, Lot 3A, SUB AMD | MCCLURE, JOSEPH P | 2004 66TH ST W | BILLINGS MT, 59106-1606 |
| 4 | C15162 LAMM SUB, BLOCK 1, Lot 4A, SUB AMD | FRANQUI, KRIS R & CHRISTINA M | 2010 LARAMIE TRL | BILLINGS MT, 59106-1609 |
| 5 | C15163 CC SUB 2ND FIL, BLOCK 2, Lot 1A, AMD | MCKENZIE, CRAIG M & | 2035 68TH ST W | BILLINGS MT, 59106-2222 |
| 6 | C15163B CC SUB 2ND FIL, BLOCK 2, Lot 3A, AMD | MCKINSEY, BENJAMIN C & TERRA L | 1965 68TH ST W | BILLINGS MT, 59106-2221 |
| 7 | C15163C CC SUB 2ND FIL, BLOCK 2, Lot 4 | CLASSIC DESIGN HOMES INC | 1605 SHILOH RD | BILLINGS MT, 59106-1725 |
| 8 | C15164 CC SUB, BLOCK 1, Lot 1 | FULLER, BRAD | 2040 MCKENZIE LN | BILLINGS MT, 59106-2231 |
| 9 | C15165 CC SUB, BLOCK 1, Lot 2 | MATTIE, ANDREW & JILL T | 2010 68TH ST W | BILLINGS MT, 59106-2222 |
| 10 | C15167 CC SUB, BLOCK 1, Lot 3& 4 | DAMJANOVICH, SUZANNE & | 1950 68TH ST W | BILLINGS MT, 59106-2221 |
| 11 | C15168 CC SUB, BLOCK 1, Lot 5A AMD | FULLER, BRADLEY D | 2040 MCKENZIE LN | BILLINGS MT, 59106-2231 |
| 12 | C15168A CC SUB, BLOCK 1, Lot 5B1 AMD | BLATTIE, LAWRENCE HAROLD JR & BETTY L | 5202 BELL AVE | BILLINGS MT, 59106-2316 |
| 13 | C15168B CC SUB, BLOCK 1, Lot 5C1 AMD | NORBY, KELLI M | 1940 MCKENZIE LN | BILLINGS MT, 59106 |
| 14 | C15169 HARDY BOYS SUB, BLOCK 1, Lot 1 | WHEATCROFT, CELESTINE MARIE | 3041 SABA LANE | PORT NECHES TX, 77651 |
| 15 | C15170 HARDY BOYS SUB, BLOCK 1, Lot 2 | DAHL, JOHN F & | 6530 HARDY PL | BILLINGS MT, 59106-2223 |
| 16 | C15171 HARDY BOYS SUB, BLOCK 1, Lot 3 | ANDERSON, TODD E | 6500 HARDY PL | BILLINGS MT, 59106-2223 |
| 17 | C15172 HARDY BOYS SUB, BLOCK 1, Lot 4 | HANEY, NATHAN S & DARIA | 217 MONTCLAIR DR | BILLINGS MT, 59102-4448 |
| 18 | C15173 HARDY BOYS SUB, BLOCK 1, Lot 5 | HARGIS, MICHAEL J & MARIDEE | 10936 BRUIN LN | MISSOULA MT, 59808-5516 |
| 19 | C15292 COLD STONE ESTATES, BLOCK 1, Lot 1 | GENATONE, JAMES E & KATHY J | 6570 COLD STONE LN | BILLINGS MT, 59106-1605 |
| 20 | C15293 COLD STONE ESTATES, BLOCK 1, Lot 2 | STEVENSON, KEVIN J | 6540 COLD STONE LN | BILLINGS MT, 59106-1605 |
| 21 | C15294 COLD STONE ESTATES, BLOCK 1, Lot 3 | OTT, STACY S & CAYANNE C | 6500 COLD STONE LN | BILLINGS MT, 59106-1605 |
| 22 | C15295 COLD STONE ESTATES, BLOCK 1, Lot 4 | BURKHALTER, SANDRA KARIN | 6565 COLD STONE LN | BILLINGS MT, 59106-1605 |
| 23 | C15296 COLD STONE ESTATES, BLOCK 1, Lot 5 | WINTERHOLLER, WILLIAM B & WENDY M | 4392 RIDGEWOOD LN S | BILLINGS MT, 59106-4736 |
| 24 | C15382 LAMM SUB, BLOCK 1, Lot 4B AMD | SHERIDAN, PAUL T | PO BOX 1738 | BILLINGS MT, 59103-1738 |
| 25 | C15383 LAMM SUB, BLOCK 1, Lot 4C - 4D, *MERGED* | SANDBAU, CHARLES D & CAROLINE D | 1970 LARAMIE TRL | BILLINGS MT, 59106 |
| 26 | C17122 GOLDEN WILLOW SUBD, Lot 1 | MANKIN, WILLIAM R | PO BOX 31341 | BILLINGS MT, 59107-1341 |
| 27 | C17123 GOLDEN WILLOW SUBD, Lot 2 | MANKIN, WILLIAM R | PO BOX 31341 | BILLINGS MT, 59107-1341 |
| 28 | C17124 GOLDEN WILLOW SUBD, Lot 3 | BUCHHOLZ, CHRISTOPHER D & KENI RAE | 6628 GOLDEN WILLOW LN | BILLINGS MT, 59106-2285 |
| 29 | C17125 GOLDEN WILLOW SUBD, Lot 4 | MANKIN, WILLIAM R | PO BOX 31341 | BILLINGS MT, 59107-1341 |
| 30 | D04437 SUNNYCOVE FRUIT FARMS, Lot 43 | DENNIS L FETTIG TRUST | 2403 66TH ST W | BILLINGS MT, 59106-1602 |
| 31 | D04438 SUNNYCOVE FRUIT FARMS, Lot 44B, AMND | SCHOTT, KEITH R & KAREN L | 279 BRINKEL RD | BROADVIEW MT, 59015-9414 |
| 32 | D04438A SUNNYCOVE FRUIT FARMS, Lot 44A, | SHELL, JIMMIE R & CAROL J | 2951 SPRING MEADOW CT | BILLINGS MT, 59102-6838 |
| 33 | D04439 SUNNYCOVE FRUIT FARMS, Lot 45 | BRADY, SEAN D | 5032 POLY DR | BILLINGS MT, 59106-1329 |
| 34 | D04440 SUNNYCOVE FRUIT FARMS, Lot 46 | BYORTH, PAUL J & RHODA K | 2410 68TH ST W | BILLINGS MT, 59106-2241 |
| 35 | D04441 SUNNYCOVE FRUIT FARMS, Lot 47 | BYORTH, PAUL J & RHODA K | 2410 68TH ST W | BILLINGS MT, 59106-2241 |
| 36 | D04444 SUNNYCOVE FRUIT FARMS, Lot 50 | SHY, DUDLEY H & DANA | 2205 70TH ST W | BILLINGS MT, 59106-1622 |
| 37 | D04445 SUNNYCOVE FRUIT FARMS, Lot 51 | AMES, CATHERINE L | 2222 FAIRWAY DR | BILLINGS MT, 59102-0620 |
| 38 | D04446 SUNNYCOVE FRUIT FARMS, Lot 52 | BRADY, SEAN D | 5032 POLY DR | BILLINGS MT, 59106-1329 |
| 39 | D04447 SUNNYCOVE FRUIT FARMS, Lot 53 | J GREGG CARROLL REVOCABLE TRUST | 2205 66TH ST W | BILLINGS MT, 59106-1610 |
| 40 | D04463 SUNNYCOVE FRUIT FARMS, Lot 86 | OTT, STEVEN F & DEBORAH C | 6505 COLD STONE LN | BILLINGS MT, 59106-1605 |
| 41 | D04480 C.O.S. 1874, PARCEL 2A, AMND | LARSEN, ETHAN R | 1812 66TH ST W | BILLINGS MT, 59106-1651 |
| 42 | D04482 C.O.S. 1874, PARCEL TR 3, SUNNY COVE FRUIT FARMS | MONSON, STANLEY D & MICHELLE L | 1724 66TH ST W | BILLINGS MT, 59106-1656 |

EXHIBIT C

Engineer's Estimate of Probable Cost

Estimate for Proposed Construction RSID
 66TH, COLTON, HARDY Paving & Related Road Construction Improvements
 Includes Yellowstone County Cost Share Program Participation

CONSTRUCTION

| ITEM | Unit | Quantity | Price | Amount |
|---|------|----------|-------------|---------------------|
| Mobilization | LS | 1 | \$11,000.00 | \$11,000.00 |
| Traffic Control | LS | 1 | \$1,650.00 | \$1,650.00 |
| Grade Existing gravel surface, proof roll, and recompact | SF | 176,560 | \$0.10 | \$17,656.00 |
| 2 inch thickness of 1.5-inch minus crushed road base | CY | 1,190 | \$28.50 | \$33,915.00 |
| 3-inch thick asphalt | SY | 16,900 | \$15.00 | \$253,500.00 |
| S U B T O T A L | | | | \$317,721.00 |
| Contingency (10%) | LS | 1 | \$31,773.00 | \$31,773.00 |
| Engineering Design, Surveying, & Construction Management (7.5%) | LS | 1 | \$24,000.00 | \$24,000.00 |
| Construction Staking (2.5%) | LS | 1 | \$8,000.00 | \$8,000.00 |
| Administration (3%) | LS | 1 | \$10,000.00 | \$10,000.00 |
| ESTIMATED TOTAL CONSTRUCTION COST | | | | \$391,494.00 |
| County Cost Share Program participation (25%) | | | | \$32,298.26 |
| NET TOTAL CONSTRUCTION, CONTINGENCY & ENGINEERING | | | | \$359,195.75 |

Admin Costs

| Estimated Administrative Costs By Rural Special Improvement District | |
|---|---------------------|
| Ownership Reports, Advertising, Printing, Offering Circular & Postage | \$2,000.00 |
| County Administration - Attorney - Finance - Commissioners | \$5,000.00 |
| SUBTOTAL | \$7,000.00 |
| SUBTOTAL CONSTRUCTION AND ADMINISTRATIVE | \$366,195.75 |

EXHIBIT C

Engineer's Estimate of Probable Cost

Estimate for Proposed Construction RSID
 66TH, COLTON, HARDY Paving & Related Road Construction Improvements
 Includes Yellowstone County Cost Share Program Participation

FINANCE COSTS

| | |
|--|--------------------|
| REVOLVING FUND BACKING OF DEBT - 5% of Loan Financing (Mandatory) | \$19,687.94 |
| RESERVE FUND BACKING OF DEBT - 5% of Loan Financing (Required)* 63% developed - reserve at 4% | \$0.00 |
| COUNTY ADMINISTRATION - Attorney - Finance - Commissioners (Flat Fee per Loan Issuance - above) 2% of Loan Financing | \$7,875.18 |
| LOAN ISSUANCE COSTS, LOAN ORIGATION FEE - 1% of Loan Financing | \$0.00 |
| SUBTOTAL FINANCE COSTS | \$27,563.12 |

| | |
|------------------------|---------------------|
| TOTAL RSID COST | \$393,758.87 |
|------------------------|---------------------|

COST BREAKDOWN PER UNIT / PARCEL

| | |
|--|-------------|
| Number of Assessment Units | 42 |
| * Number of Parcels Developed | 27 |
| Percentage Developed | 64% |
| Reserve Percentage (%) Required per Development Completed | 4% |
| <u>Alternate 1 - Financed Option (PAY OVER TIME WITH PROPERTY TAXES)</u> | |
| Total Assessment per Property (Based on an Equal Basis) | \$9,375.21 |
| Estimated Interest Rate | 4.00% |
| Estimated Annual Assessment for 10 Years (per property) | \$1,155.88 |
| Total Amount Paid Back (Financed) Over 10 Years With Interest | \$11,558.79 |
| <u>Alternate 2 - Non-Financed Option (PAY UP FRONT)</u> | |
| Total Estimated Cost Per Parcel | |
| This option is the "Pay Up Front" or Pay In Advance Alternative - (saves Loan Financing Costs of 7%) | \$8,718.95 |
| Savings of Non-Financed Option vs. Financed Option (tot. asmnt. alt. 2 - tot. asmnt. alt. 1) | \$2,839.84 |

Yellowstone County



PUBLIC WORKS DEPARTMENT
P.O. Box 35024
Billings, MT 59107-5024

Phone (406) 256-2735
Fax (406) 254-7946

PAVING 66TH STREET, COLTON, HARDY

Dear Property Owner

November 12, 2019

BACKGROUND:

Recently a petition to create a Rural Special Improvement District for Construction (RSIDc) for the paving of the following roads was circulated among property owners and subsequently submitted to the Board of County Commissioners. Note that the existing RSIDm (maintenance) may be modified also.

RSIDc is for the PAVING of the following roads

1. 66th St West, North from Grand to Colton; *
2. Colton from 66th Street West to 70th Street West;
3. Hardy Place from 66th Street West easterly to end of cul-de-sac

*Note: Yellowstone County will pay for 25% of the cost of the portion of 66th Street West that it currently maintains (Grand north approx. 1700 feet). The future maintenance roadway portion will be included in the RSIDm.

ATTACHED INFORMATION:

Attached is information from Yellowstone County regarding this proposed paving project. It includes an Engineer's Estimate of Probable Cost (EEOPC), a map of the proposed district boundary, and other related items.

PUBLIC HEARING WITH YELLOWSTONE COUNTY COMMISSIONERS:

Date: December 17, 2019
Room: 3108 of the Stillwater Building (316 North 26th Street – 3rd Floor)
Time: 9:30 AM

The purpose of the Public Hearing is to allow affected property owners to speak in favor or opposition of the creation of the proposed RSID for the paving of the above stated roads. If you would like to send written comments indicating consent or opposition, they must be received by 5:00 PM on December 16, 2019, in the office of Yellowstone County Clerk and Recorder located at Room 3501 of the Stillwater Building (MAILING ADDRESS Yellowstone County Clerk and Recorder, PO Box 35001, Billings, MT 59107).

FURTHER DETAILS:

The attached EEOPC shows interest rate of 4% and term of 10 years. It also shows finance costs of 7% of the total RSID cost. You will have the option to pay up front or finance the assessment over time. This option will be given to you after construction bids are received – estimated to be in the first few months of 2020. If you choose the option to pay up front, you will not have the 7% finance costs included.

Some of the property owners attended a neighborhood OPEN HOUSE in September of this year. Financing details were presented in a preliminary basis at that neighborhood OPEN HOUSE. The preliminary estimate for each lot has been calculated to range from \$8,718.95 to \$9,375.21 – depending on paying "up front" (after bids are received) or by financing over 10 years. If any property owner(s) plan(s) to use the financing arranged by Yellowstone County, those costs will be included with the property taxes over the next 10 years at 4%. Therefore principle and interest is estimated to be approximately \$1,156.00 per year, per parcel.

Thank you for your attention to this matter. Should you have further questions – please contact me.

Handwritten signature of Mike Black in black ink.

Mike Black, PE
Senior Yellowstone County Civil Engineer Office (406) 256-2735