

COUNCIL RESOLUTION NO. 15-2

1 A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF
2 COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW,
3 MONTANA TO CREATE A SPECIAL IMPROVEMENT DISTRICT, TO BE KNOWN AS
4 SPECIAL IMPROVEMENT DISTRICT NO. 1029, FOR THE PURPOSE OF
5 ACCEPTING THE DONATION OF, AND IMPROVING FLEECER ROAD AND
6 CARRIGER LANE AND THE SURROUNDING DITCHES AND CULVERTS, LOCATED
7 IN SECTIONS 1 AND 2, TOWNSHIP 2 NORTH, RANGE 9 WEST P.M.M., TO
8 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA;
9 DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED
10 SPECIAL IMPROVEMENT DISTRICT; STATING THE PURPOSE OF AND GENERAL
11 CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL
12 IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF
13 FOR THE FIVE YEARS; DETERMINING AND DECLARING THAT PROPERTY
14 WITHIN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY
15 BENEFITED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING
16 THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF
17 IMPROVEMENTS AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL
18 INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL
19 IMPROVEMENT FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION
20 AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS
21 RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

22 WHEREAS, it is hereby found and determined that it is necessary
23 and proper that the Council and Commissioners of the
24 City and County of Butte-Silver Bow, Montana (City-
25 County) order and create a Special Improvement
26 District within a portion of the said City-County; the
27 boundaries of which are hereinafter described and the
28 general character of the improvements which are to be
29 made are hereinafter stated; and

1 WHEREAS, it is hereby found and determined that along Fleecer
2 Road and Carriger Road, as described herein and within
3 the boundaries hereinafter described, and the City-
4 County of Butte-Silver Bow will cause and direct the
5 improvements.

6 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS
7 OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

8 SECTION 1: The Council of Commissioners does hereby declare
9 its intention to create, establish and order a
10 Special Improvement District in Butte-Silver Bow,
11 Montana, which said Special Improvement District,
12 if the same be so created, so established, and so
13 ordered, shall be known, designated and numbered
14 as Special Improvement District No. 1029.

15 SECTION 2: That the boundaries of said Special Improvement
16 District No. 1029, if the same be so created, so
17 established, and so ordered, are hereby
18 designated and described as those boundaries set
19 forth in Exhibit "A" hereof to attached and
20 annexed and by this reference made a part hereof
21 to all intents and purposes as if the same were
22 herein set forth word for word and figure for
23 figure.

24 SECTION 3: The purposes for which said Special Improvement
25 District No. 1029, if the same be so created, so
26 established, and so ordered, and a statement of
27 the general character of the improvement which
28 are to be made therein, if the same be so
29 created, so established and so ordered are set
30 forth and described in Exhibit "B" hereto
31 attached and annexed and by this reference made a
32 part hereof to all intents and purposes as if the

1 same were herein set forth word for word and
2 figure for figure.

3 SECTION 4: That the Council of Commissioners does hereby
4 find, determine, and declare that all property,
5 real, personal, and mixed, situated within the
6 boundaries of the said Special Improvement
7 District No. 1029 will be especially benefited
8 and affected by such improvements, and the
9 property included within the boundaries of the
10 said Special Improvement District No. 1029 is
11 hereby declared to be the property to be assessed
12 for the cost of the road, ditch and culvert
13 improvements.

14 SECTION 5: That the total cost for the road, ditch, and
15 culvert improvements is \$58,568.00 of which the
16 entire Special Improvement District will be
17 assessed with each lot within such Special
18 Improvement District assessed in proportion to
19 the number of lots within said District which
20 will approximate Six Hundred Sixty-six Dollars
21 and 95/100 (\$666.95) per lot per year for five
22 years of the assessable and taxable property and
23 nothing to the contrary herein shall be construed
24 that a portion of the cost shall be assessed to
25 Butte-Silver Bow, Montana.

26 SECTION 6: That all of the costs and expenses to be incurred
27 for road, ditch, and culvert improvements, be
28 borne as designated in SECTION 5 and shall be
29 drawn against the fund to be established and
30 known as "Special Improvement District No. 1029
31 Improvement Fund" which fund if it is the

1 intention hence after to order, establish and
2 create.

3 SECTION 7 That the said assessments for road, ditch, and
4 culvert improvements shall be in annual
5 installments in form and manner as by law
6 provided and most beneficial and advantageous as
7 may be deemed and directed by the Council of
8 Commissioners of the City and County of Butte-
9 Silver Bow, Montana.

10 SECTION 8: That at any time within fifteen (15) days after
11 the date of the first notice of passage and
12 approval of the Resolution, any owner of property
13 within said district which will be assessed for
14 the costs and expense of road, ditch, and culvert
15 improvements may make and file in the Office of
16 Clerk and Recorder, Courthouse, Butte, Montana, a
17 protest in writing against the proposed work or
18 against the extent or creation of the said
19 district, or both. Such protest must be in
20 writing and be delivered to the Clerk and
21 Recorder, who shall endorse thereon the date of
22 its receipt by him.

23 SECTION 9: The Clerk and Recorder of Butte-Silver Bow,
24 Montana shall publish a notice of the passage and
25 the adoption of this Resolution in the manner
26 provided by the law in the Montana Standard, a
27 daily newspaper printed and published in Butte,
28 Montana, and upon the day of the first
29 publication of the said notice, the said Clerk
30 and Recorder shall mail, postage prepaid thereon,
31 a copy of such notice to every person, firm or
32 corporation having real property within the said

1 proposed district listed in his/her name upon the
2 last completed assessment roll for the State,
3 County, and School District taxes at his/her last
4 known address.

5 SECTION 10: That this Resolution shall be in full force and
6 effect from and after passage and approval.

7 PASSED this day of _____, 2015.

8
9
10
11 _____
12 CINDI SHAW
13 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

14 APPROVED this day of _____, 2015.

15
16
17
18
19 _____
20 Matt Vincent
21 CHIEF EXECUTIVE

22 ATTEST:
23
24 SALLY J. HOLLIS
25 CLERK & RECORDER

26
27
28
29
30 BY _____
31 ITS _____
32

33
34 APPROVED AS TO FORM:
35
36
37

38
39 _____
40 EILEEN JOYCE
41 COUNTY ATTORNEY
42

1
2
3
4
5
6

DAVID WALKER
CHAIRMAN, JUDICIARY COMMITTEE

Exhibit "A"

Special Improvement District No. 1029

Beginning at the northwest corner of Section 1, T2N, R9W; thence running easterly along the north section line of Section 1, T2N, R9W, to its intersection of the westerly right of way line of the Union Pacific Railroad R/W a distance of approximately 2,612.6 feet; thence southerly along the westerly right of way line of the Union Pacific Railroad R/W to its intersection with the south section line of Section 1, T2N, R9W, a distance of approximately 6,316.5 feet; thence westerly along the south boundary of Section 1, T2N, R9W to the southwest corner of Section 1, T2N, R9W, a distance of approximately 297.52 feet; thence westerly along the south boundary of Section 2, T2N, R9W to the southwest corner of Section 2, T2N, R9W, which is also the southeast corner of Tract B of Certificate of Survey 852B, a distance of approximately 5,377.1 feet; Thence along the west boundary of Tract B of Certificate of Survey 852B to its intersection with the Vigilante Electric substation boundary a distance of approximately 2443.19 feet; thence easterly along the Vigilante Electric substations south boundary a distance of approximately 208.95 feet; thence northerly along the Vigilante Electric substation east boundary to its intersection with the north boundary of Tract B of Certificate of Survey 852B a distance of approximately 78.44 feet; thence easterly following the boundary of Tract B of Certificate of Survey 852B a distance of approximately 1131.20 feet; thence northerly following the boundary of Tract B of Certificate of Survey 852B a distance of approximately 563.90 feet; thence easterly following the boundary of Tract B of Certificate of Survey 852B a distance of approximately 1338.99 feet; thence northerly following the boundary of Tract B of Certificate of Survey 852B to its intersection with the south boundary of Parcel 3A-3 of Certificate of Survey 998B-RB, a distance of approximately 762.00 feet; thence westerly along the south boundary of Parcel 3A-3 of Certificate of Survey 998B-RB to the southwest corner of Parcel 3A-3 of Certificate of Survey 998B-RB a distance of approximately 1,155.00 feet; thence northerly along the west boundary of Parcel 3A-3 of Certificate of Survey 998B-RB to the northwest corner of Parcel 3A-3 of Certificate of Survey 998B-RB a distance of approximately 2,144.18 feet; thence easterly along the north boundary of Parcel 3A-3 of Certificate of Survey 998B-RB to the northeast corner of Parcel 3A-3 of Certificate of Survey 998B-RB which is also the northwest corner of Parcel 5 of Certificate of Survey 97A, a distance of approximately 2,630.71 feet; thence easterly along the north boundary of Parcel 5 of Certificate of Survey 97A to the northwest corner of Section 1, T2N, R9W a distance of approximately 1,319.40 feet, the place of beginning. This Special Improvement District No.1029 will include all lots and parcels of property within the aforementioned boundary.

Exhibit "B"

Special Improvement District No. 1029

The improvements will consist of installing a 4-inch thick section of ¾-inch minus gravel on both Fleecer and Carriger Roads in the area described in Exhibit "A". Approximately 2039 cubic yards of ¾-inch minus gravel will be placed, bladed with a grader, rolled, and watered on the 5,562 feet long section of Fleecer Road. Approximately 577 cubic yards of ¾-inch minus gravel will be placed, bladed with a grader, rolled and watered on the 1,574 feet long section of Carriger Road. The ditches along both roadways will be cleaned of debris and sediment on both Fleecer and Carriger Roads. The culverts along both roadways will be cleaned of debris and sediment.