

COUNCIL RESOLUTION NO. 15-23

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

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

28 WHEREAS, it is hereby found and determined that along Fleecer
29 Road and Carriger Lane, as described herein and within
30 the boundaries hereinafter described, and the City-

COUNCIL RESOLUTION NO. 15-

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

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

28 WHEREAS, it is hereby found and determined that along Fleecer
29 Road and Carriger Lane, as described herein and within
30 the boundaries hereinafter described, and the City-

1 County of Butte-Silver Bow will cause and direct the
2 improvements.

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

5 SECTION 1: The Council of Commissioners does hereby create,
6 establish and order a Special Improvement
7 District in Butte-Silver Bow, Montana, which said
8 Special Improvement District, shall be known,
9 designated and numbered as Special Improvement
10 District No. 1029.

11 SECTION 2: That the boundaries of said Special Improvement
12 District No. 1029, are hereby designated and
13 described as those boundaries set forth in
14 Exhibit "A" hereof to attached and annexed and by
15 this reference made a part hereof to all intents
16 and purposes as if the same were herein set forth
17 word for word and figure for figure.

18 SECTION 3: The purposes for which said Special Improvement
19 District No. 1029, and a statement of the general
20 character of the improvement which are to be made
21 therein, are set forth and described in Exhibit
22 "B" hereto attached and annexed and by this
23 reference made a part hereof to all intents and
24 purposes as if the same were herein set forth
25 word for word and figure for figure.

26 SECTION 4: That the Council of Commissioners does hereby
27 find, determine, and declare that all property,
28 real, personal, and mixed, situated within the
29 boundaries of the said Special Improvement
30 District No. 1029 will be especially benefited
31 and affected by such improvements, and the
32 property included within the boundaries of the

1 said Special Improvement District No. 1029 is
2 hereby declared to be the property to be assessed
3 for the cost of the road, ditch and culvert
4 improvements.

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

17 SECTION 6: That all of the costs and expenses to be incurred
18 for road, ditch, and culvert improvements, be
19 borne as designated in SECTION 5 and shall be
20 drawn against the fund to be established and
21 known as "Special Improvement District No. 1029
22 Improvement Fund."

23 SECTION 7 That the said assessments for road, ditch, and
24 culvert improvements shall be in annual
25 installments in form and manner as by law
26 provided and most beneficial and advantageous as
27 may be deemed and directed by the Council of
28 Commissioners of the City and County of Butte-
29 Silver Bow, Montana.

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1 SECTION 8: That this Resolution shall be in full force and
2 effect from and after passage and approval.

3 PASSED this day of _____, 2015.

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7 _____
8 CINDI SHAW
9 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

10 APPROVED this day of _____, 2015.

11
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15 _____
16 Matt Vincent
17 CHIEF EXECUTIVE

18 ATTEST:

19
20 SALLY J. HOLLIS
21 CLERK & RECORDER

22
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24
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26 BY _____
27 ITS _____

28
29
30 APPROVED AS TO FORM:

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35 _____
36 EILEEN JOYCE
37 COUNTY ATTORNEY

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39
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41 _____
42 DAVID WALKER
43 CHAIRMAN, JUDICIARY COMMITTEE

44

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.