

**RESOLUTION NO. 35-2010**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF MADISON COUNTY, MONTANA LEVYING SPECIAL ASSESSMENTS AND MAINTENANCE ASSESSMENTS UPON BENEFITED PROPERTY IN ITS RURAL SPECIAL IMPROVEMENT AND MAINTENANCE DISTRICT NO. 2009-01, TO REPAY A SPECIAL IMPROVEMENT DISTRICT BOND ISSUED FOR THE PURPOSE OF DEFRAYING THE COST OF MAKING STREET PAVING IMPROVEMENTS.**

This Resolution was introduced by \_\_\_\_\_; moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_. The Resolution was adopted by \_\_\_\_\_.

WHEREAS, this Board passed Resolution No. 24-2010 on July 6, 2010, declaring its intention to levy an assessment upon benefitted property in Rural Special Improvement and Maintenance District No. 2009-1 (the "District") to provide a portion of the financing for the construction of certain paving and related improvements to Ousel Falls Road and South Fork Road and intersection improvements at the intersection of Ousel Falls Road and Montana Highway 64 in Gallatin County, Montana (the "Improvements") which benefit property owners in the District and to provide for maintenance of the Improvements through an Interlocal Agreement dated September 29, 2009, between Gallatin County, Montana and Madison County, Montana; and

WHEREAS, this Board passed Resolution No. 29-2010 on August 31, 2010, which amended Resolution No. 24-2010 by amending the number of benefitted properties to 590, the annual principal assessment per parcel to \$4,923.73 and the initial annual assessment per parcel to \$432.48; and

WHEREAS, the County published a notice of its intention to levy the assessments in the Madisonian on September 2 and September 9, 2010. The notice included the time and place of the hearing to object to the levy. This Board held the hearing on September 14, 2010 at 11:00 a.m., and considered objections; and

WHEREAS, this Board, after considering the objections which are described, if any, on a separate attachment hereto (together with the Board's comments, if any), determined that the assessment should be levied as indicated in Resolution No. 24-2010, as amended by Resolution No. 29-2010.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Madison County, Montana, as follows:

Section 1. Levy of Special Assessments for RSID No. 2009-01. The special assessments, as shown on Exhibit D to Resolution No. 29-2010 are hereby approved and levied in the principal amount of \$4,923.73 for each benefitted property. The initial annual assessment of principal and interest for each benefitted property listed on Exhibit D is \$432.48. The initial annual special assessment may be paid in semi-annual payments of \$216.24, commencing with the first one-half year payment due on November 30, 2010 and the second one-half year payment of \$216.24 due on May 31, 2011.

Section 2. Levy of Maintenance Assessment for RSID No. 2009-01. The initial annual maintenance assessments at \$116 for each benefitted property shown on Exhibit D to Resolution No. 29-2010 is the amount determined pursuant to the Interlocal Agreement to be necessary to be levied for maintenance, which will include snow plow and maintenance of the Improvements. The initial maintenance assessment will be due one-half (\$58) on November 30, 2010 and one-half (\$58) on May 31, 2011.

Section 3. The County Clerk will deliver a copy of this Resolution and Resolution No. 29-2010 with exhibits to the County Treasurer within two days after passage of this Resolution.

Section 5. The annual assessments may be split in half and paid in semi-annual installments, which are due on November 30<sup>th</sup> and May 31<sup>st</sup> of each year and will be delinquent if not paid on such dates.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Madison, Montana this \_\_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY,  
MONTANA

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
County Clerk and Recorder