

*Beaverhead County
Rural Improvement District*

*Process
and
Procedures*

*Resolution 2011-04
Passed January 18, 2011*

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RESOLUTION 2011-04

RESOLUTION NO: 2011-04

**RESOLUTION ADOPTING BEAVERHEAD COUNTY
RURAL IMPROVEMENT DISTRICT PROCESS AND PROCEDURES POLICY**

WHEREAS, Beaverhead County, Montana, pursuant to the provision of 7-12-2102 MCA, authorizes and empowers county commissions to order and create special improvement districts whenever the public interest or convenience may require. Therefore the Beaverhead County Board of Commissioners, has authority to adopt a Rural Improvement District Process and Procedures Policy; and

WHEREAS, the in December of 2010 the Beaverhead County Planning Staff proposed a Rural Improvement District Process and Procedures Policy; and

WHEREAS, the Beaverhead County Board of Commissioners then gave notice of the proposed Rural Improvement District Process and Procedures Policy and held a public hearing on this Policy, said public hearing being held on the 10th day of January 2011; and

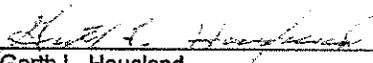
WHEREAS, at least ten (10) days prior to the date set for the hearing the Beaverhead Board of Commissioners caused to be published in the Dillon Tribune Examiner a notice of the time and place of hearing on the proposed Beaverhead County Rural Improvement District Process and Procedures Policy pursuant to the provision and 76-1-602, M.C.A..

WHEREAS, after consideration of the recommendations and suggestions elicited at the public hearing, the Beaverhead County Board of Commissioners **HEREBY RESOLVE**, that the Beaverhead County Rural Improvement District Process and Procedures Policy be adopted.

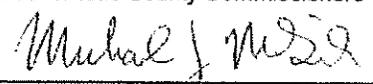
DATED THIS 18th day of January 2011.

BEAVERHEAD COUNTY COMMISSION

BY:



Garth L. Haugland
Chairman
Beaverhead County Commissioners

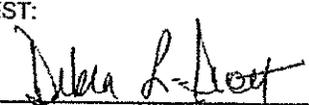


Michael J. McGinley
Commissioner



C. Thomas Rice
Commissioner

ATTEST:



Debra L. Scott
Beaverhead County Clerk and Recorder

**BEAVERHEAD COUNTY
PETITION PROCEDURE TO CREATE A
RURAL IMPROVEMENT DISTRICT (RID)
UNDER SECTION 7-12-2101 M.C.A.**

GENERAL:

The Board of County Commissioners is authorized and empowered to order and create special improvement districts whenever the public interest or convenience may require (7-12-2102 M.C.A.). The purpose of a Rural Improvement District is to provide funding for improvements and maintenance of new or existing improvements including, but not limited to streets, avenues, highways, lanes, alleys, crossings or intersections, courts, and places which have been dedicated and accepted according to the law or in common and undisputed use by the public for a period of not less than 5 years (next preceding), ditches, bridges, culverts, curbs, gutters, sewers, and waterworks. Beaverhead County prefers that a Petition to Create a Rural Improvement District have the consent of at least 60% of the landowners located in the proposed District.

PROCEDURE FOR CREATING A RID:

1. Obtain a petition packet from the Beaverhead County Planning Department. Each packet contains all the necessary documents to be filled out. Read the petition procedure carefully. If you have any questions or need clarification about the petition procedure, please contact the Planning Department at (406) 683-3765. Incomplete or inaccurate petitions will cause delays in the petition process.
2. Complete the cover sheet of the Petition to Establish a Rural Improvement District, including the date submitted and the name, address, phone number and signature of the petitioner.
 - a). Have a map prepared by a professional land surveyor registered in the state of Montana. The map should show the boundaries of the area of land to be included in the proposed district. The names of all landowners shall be clearly shown on the map. The map must be attached to each signature page of the petition that is circulated.
 - b). The words "Petition for Rural Improvement District" must be clearly stated on each signature page. A filing fee of \$300.00 payable to the Beaverhead County Clerk and Recorder will be required at the time of submittal.

8. Obtain signatures of the property owners who consent to the creation of the proposed Rural Improvement District (Section F). **At least 60% is preferred .**

All property owners/freeholders must sign their name(s) as it appears in the title report.

GUIDANCE FOR SIGNATURES

If property was acquired in different names, i.e. S. Daniel Jones, Sam Daniel Jones, and Daniel Jones, an affidavit must be attached to signature page stating they are one and the same person.

- a) Each freeholder is counted in the total number of freeholders within the boundaries of the district and can sign the petition. If property is held jointly, or as tenants in common, each joint tenant or each tenant is counted as a freeholder and may sign the petition.
- b) A trust is counted as one freeholder. The trustee of the trust must sign the petition as “trustee of the S. Daniel Jones living trust” and provide the copy of the first page of the trust, the signature page of the trust and the page showing that the person signing on behalf of the trust is a current trustee.
- c) Contract for Deed/Notice of Purchasers Interest has one freeholder and that is the Grantor. The Grantor retains ownership of the property until the contract is paid off and can sign the petition. The party purchasing the property on a contract cannot sign the petition.
- d) A corporation is counted as one freeholder. Standard bylaws usually require both the president and secretary sign as “president of Jones, Inc” and “secretary of Jones, Inc.” The signature of both the president and secretary will be required. If bylaws provide otherwise, a copy of the relevant page of the bylaws and the first page of the bylaws must be attached to the signature page.
- e) A partnership is counted as one freeholder. All partners must sign or the non-signing partners must authorize one partner to sign for the partnership and a copy of that authorization must be attached to the signature page. The partners must sign as “partner”.
- f) A limited partnership is counted as one freeholder. All partners must sign or the general partner may sign if authorized by all the limited partners to sign for the partnership. A copy of the authorization must be attached to the signature page. The partners must sign as either “general partner” or “limited partner”.
- g) A limited liability company is counted as one freeholder. Depending on what is authorized by the articles of organization or operating agreement, one member or the manager may sign. A copy of the relevant page of the articles of organization or operating agreement

10. Submit the petition and all necessary attachments to the Beaverhead County Planning Department.
11. **Procedure by Clerk and Recorder's Office After Submission**
 - a). Petition will be stamped with the date, time and initials of person accepting petition.
 - b) Additional petition signature pages or withdrawal statement will be accepted for five (5) business days after petition is stamped.
 - c) The Clerk and Recorder will submit an affidavit to the Board of County Commissioners stating the number of freeholders within the boundaries of the district; the number of valid signatures, and verification of the percentage of freeholders within the boundaries that signed the petition after the County Attorney has reviewed it.
12. The Board of County Commissioners will review the petition for the creation of a Rural Improvement District. If the Board finds that the proposed District benefits the properties listed in the petition, the Board may then pass a Resolution of Intent to Create a Rural Improvement District. The County Clerk and Recorder will publish notice of the passage of the Resolution of Intent to Create the Rural Improvement District and mail a copy of the notice to each property owner within the proposed District.

At any time within 30 days after the date of the first publication of the notice of passage of the Resolution of Intent to Create a Rural Improvement District, any owner of property liable to be assessed for improvements or maintenance activities may make written protest against the proposed District. Written protests must be delivered to the County Clerk and Recorder.

If protests are filed within the expiration date, a public hearing will be held at the next regular meeting of the Board of County Commissioners.

13. If no protests are delivered to the County Clerk and Recorder within 30 days after the date of the first publication or when a protest filed is found by the Board to be insufficient or overruled, the Board of County Commissioners will appoint members to the Ad Hoc Committee and pass a Resolution Creating the Rural Improvement District.

**PETITION TO ESTABLISH A
RURAL IMPROVEMENT DISTRICT (RID)**

COVER SHEET FOR PETITION SUBMITTAL

TO: BEAVERHEAD COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this _____ day of _____, 19____.
Petitioner/Initiator (and/or) Contact Person:

NAME: _____

ADDRESS: _____

PHONE NO: _____

I swear that all of the information presented in this petition is true and correct and the landowner's signatures (Section F) are the original true and consenting landowners.

Petitioner's Signature

Date

LIST ALL ADDITIONAL ATTACHMENTS:

**PETITION TO ESTABLISH A
RURAL IMPROVEMENT DISTRICT (RID)**

**SECTION A: MAP OF RURAL IMPROVEMENT
DISTRICT BOUNDARY (ATTACHED)**

**PETITION TO ESTABLISH A
RURAL IMPROVEMENT DISTRICT (RID)**

SECTION B: PROPERTY LEGAL DESCRIPTIONS

**PETITION TO ESTABLISH A RURAL
IMPROVEMENT DISTRICT (RID)**

SECTION C: ESTIMATED ANNUAL MAINTENANCE COST
(Based Upon Fiscal Calendar)

FIRST QUARTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

SECOND QUARTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

THIRD QUARTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

FOURTH QUARTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	\$
	\$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: _____

**PETITION TO ESTABLISH A RURAL
IMPROVEMENT DISTRICT (RID)**

SECTION D: METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

	Square Footage
	Equal Amount
	Front Footage
	Other (Describe)

**PETITION TO ESTABLISH A RURAL
IMPROVEMENT DISTRICT (RID)**

**SECTION E: PROPOSED RURAL IMPROVEMENT DISTRICT
RECOMMENDATIONS FOR AD HOC COMMITTEE**

NAME

TELEPHONE NUMBER

1. _____ (Chairman) Phone # _____
Printed Name

Signature

2. _____ Phone # _____
Printed Name

Signature

3. _____ Phone # _____
Printed Name

Signature

4. _____ Phone # _____
Printed Name

Signature

5. _____ Phone # _____
Printed Name

Signature

**PETITION TO ESTABLISH A
RURAL IMPROVEMENT DISTRICT (RID)**

SECTION G: OWNERSHIP REPORT
(Attached)

SECTION H: SIGNATURE COLLECTION STATEMENT FOR RURAL IMPROVEMENT DISTRICT BEAVERHEAD COUNTY, MONTANA

I hereby declare that I, _____, collected and witnessed the signature of the person(s) on the attached petitions(s) for the proposed Rural Improvement District entitled: "_____."

I hereby certify to the best of my ability, that the following signatures on the attached petitions(s) are correct.

List the names of the signatures that are attached to this statement:

Printed Name

Signature

(In front of a Notary, the person collecting the signatures needs to print and sign his/her name.)

On this ____ day of _____, 20____, before me the undersigned Notary for the State of _____, personally appeared _____ know to me (or proved to me upon oath of _____, a credible witness) to be the person making the above declaration.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written above.

Notary Printed Name

Notary Signature

Notary Public for the State of _____

Residing at _____

My commission expires: _____