

JOINT RESOLUTION OF THE CITY OF GLENDIVE AND DAWSON COUNTY  
AUTHORIZING THE CREATION OF A RURAL SPECIAL IMPROVEMENT DISTRICT  
INCLUDING BENEFITTED PROPERTIES IN THE CITY LIMITS WITHIN THE  
PROPOSED DISTRICT

CITY OF GLENDIVE RESOLUTION NO. 3030

DAWSON COUNTY RESOLUTION NO. 2019-16

WHEREAS, it is the desire of Dawson County Commission to create a Rural Special Improvement District pursuant to Section 7-12-2101(1), MCA, to acquire the wastewater collection pipes, lift station, and related other wastewater collection infrastructure in an area that compromises properties within Dawson County and the City of Glendive (the “Proposed District”);

WHEREAS, the boundaries of the Proposed District are set forth in Exhibit A and include benefitted properties within Dawson County (“the County”) and benefitted properties within the City of Glendive (“the City”) which abut Dawson County properties included in the Proposed District;

WHEREAS, pursuant to Section 7-12-2102(3), MCA, a joint resolution of the city and county must be passed agreeing to the terms of the Rural Special Improvement District prior to the Dawson County Commission passing a resolution of intention or resolution creating the Proposed District;

WHEREAS, the County has provided to the City the methodology that will be used to calculate assessments for construction debt and maintenance for the Proposed District as set forth in Exhibit B;

WHEREAS, the methodology for the calculation of assessments for construction debt and maintenance for the Proposed District shows that properties within the City are treated in a similar manner as to improvements, notices and assessments as the property outside the city limits and within the County; and

WHEREAS, the County and the City have entered into an Interlocal Agreement wherein the County will provide administrative services on behalf of the City to collect charges for sewer services provided by the City to Proposed District users outside the corporate limits of the City pursuant to Section 7-13-4312, MCA as set forth in Exhibit C.

NOW THEREFORE BE IT RESOLVED by the City of Glendive City Council and the Dawson County Commission as follows

Section 1. Public Benefit. The City Council and the Board of County Commissioners agree that the wastewater services of the Proposed District and the financing of them through the Proposed District are a public benefit and will improve all of the properties in the Proposed District.

Section 2. Opportunity of Property Owner to Protest Creation of Proposed District. According to Section 7-12-2102(3), MCA, and Section 7-12-2105, MCA, all owners of parcels in the Proposed District will be given the opportunity to file written protests against the creation of the Proposed District. Properties within the proposed district boundaries inside the Glendive City limits may not be included in the special improvement district if, under the assessment methodology provided in the resolution of intention, the owners of lots, tracts, or parcels inside the City representing not less than 40% of the total projected assessments against properties inside the City protest the creation of the rural special improvement district. If such parcel owners inside the City limits representing less than 40% of the total projected assessments inside the City file protests, then the parcels inside the City limits may be included in the Proposed District. Protests can be made at any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of the County's resolution of intention to create Dawson County Rural Special Improvement District No. \_\_, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk until 5:00 p.m., M.T., on the expiration date of said 30-day period written protest against the against the creation of the Proposed District. Pursuant to Section 7-12-2102(3), MCA, owners of property inside the City limits and included in the Proposed District as depicted in Exhibit A are treated in a similar manner as to improvements, notices, and assessments as the properties outside the City limits. The published notice must also be sent to each property owner in the Proposed District (based on the last completed assessment roll). The protest must be in writing, identify each parcel owned and be signed by every owner of the parcel, except for owners of condominiums who must follow Section 7-12-2141, MCA.

Section 3. Agreement to Terms of Proposed Rural Special Improvement District. Pursuant to Section 7-12-2102(3), MCA, due to the inclusion of benefitted parcels from inside the City limits in the Proposed District, the City Council and the Board of County Commissioners must both pass a resolution agreeing to the terms of the Proposed District prior to passage of the resolution of intention to create the Proposed District or the resolution creating the Proposed District. The joint passage of this Resolution is indicative of that agreement.

Dated this \_\_\_ day of July, 2019.

CITY OF GLENDIVE

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Jerry Jimison, Mayor

ATTESTED:

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Kevin Dorwart, Director of Operations

Dated this \_\_\_ day of July, 2019.

DAWSON COUNTY            BOARD OF COMMISSIONERS

\_\_\_\_\_  
Gary Kartevold, Chairman

\_\_\_\_\_  
Dennis Zander, Member

\_\_\_\_\_  
Joe Sharbono, Member

ATTESTED:

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Shirley A. Kreiman, Clerk and Recorder