

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Missoula County, Montana (the "County"), hereby certify that the attached resolution is a true copy of **Resolution No. 015**, entitled: **"RESOLUTION RELATING TO WYE LOCAL IMPROVEMENTS DISTRICT; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE A SPECIAL DISTRICT FOR THE PURPOSE OF ACQUIRING, OPERATING AND MAINTAINING A PUBLIC WATER SYSTEM IN THE WYE AREA"** (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on February 6, 2025, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Juanita Vero (Chair)
Josh Slotnick Dave Strohmaier; voted against the same: _____
_____; abstained from voting thereon: _____
_____; or were absent: _____.

WITNESS my hand officially this 6th day of February, 2025.



A handwritten signature in black ink, appearing to read "Tyler R. Gernant", is written over a horizontal line.

F941C347106B96B1EE14B1915AFB4B77
Tyler Gernant, County Clerk and Recorder/Treasurer

RESOLUTION NO. 2025-015

**RESOLUTION RELATING TO WYE LOCAL IMPROVEMENTS
DISTRICT; DECLARING IT TO BE THE INTENTION OF THE
BOARD OF COUNTY COMMISSIONERS TO CREATE A
SPECIAL DISTRICT FOR THE PURPOSE OF ACQUIRING,
OPERATING AND MAINTAINING A PUBLIC WATER SYSTEM
IN THE WYE AREA**

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County"), as follows:

Section 1. Authorization. Pursuant to Montana Code Annotated, Title 7, Chapter 11, Part 10, as amended (the "Act"), local governments are authorized to create special districts whenever the public convenience and necessity may require. Under the Act, a "special district" may be authorized by law to perform a single function or a limited number of functions, and may be created for any public or governmental purpose not specifically prohibited by law. The Act further authorizes the entity administering a special district to, among other things, implement a program and order improvements designed to fulfill the purposes of the special district. The governing body of a local government creating a special district is required by the Act to make assessments or impose fees for the costs of the special district, and to levy such assessments against the benefited lots or parcels of land within the special district.

Section 2. Necessity of Proposed Special District. The Wye is a rapidly developing area in the County. The County's Missoula Area Land Use Element from 2019 identified the Wye as being infrastructure deficient. Based on its findings that the Wye is infrastructure deficient, the County created the Wye Targeted Economic Development District (the "Wye TEDD") and adopted the WYE Targeted Economic Development District Comprehensive Development Plan with respect thereto (the "Plan"). Among other infrastructure deficiencies, the Plan specifically identifies the lack of water for drinking water and firefighting purposes as a significant infrastructure deficiency hindering economic development in the Wye TEDD and describes the desirability of a centralized water system in the Wye TEDD. The Plan also provides for the segregation and collection of tax increment revenues with respect to the Wye TEDD.

The County has determined that development of the Wye would best be promoted through the development of a centralized public water system, and that the development of multiple private water systems could be an impediment to continued development in the Wye. Therefore, the County has negotiated a Development Agreement (the "Development Agreement") with Grass Valley Industrial Park, LLC (the "Developer"), pursuant to which the Developer will construct a water system designed to serve the fire suppression and potentially the potable water needs of a larger portion of the Wye TEDD (as further described in the Development Agreement, the "Public Water System").

The Development Agreement contemplates that: (i) the Developer will construct the Public Water System; (ii) the County will establish the District (as hereinafter defined) under the Act to own and operate the Public Water System, and (iii) on or about the date of substantial completion of the Public Water System, the District will purchase the Public Water System using proceeds of tax increment bonds issued by the County, and the property within the District will be served by the Public Water System. The County now finds it necessary and desirable to create the District, as further described herein, to provide a means of acquiring, owning and operating the Public Water System.

Section 3. Intention To Create Special District. Pursuant to Section 7-11-1007 of the Act, and following an initial public hearing held on February 6, 2025 to consider the creation of the District, this Board hereby states its intention to create and establish in the County a special district (the "District") under the Act for the purpose of acquiring, owning and operating the Public Water System, paying ongoing costs of operation and maintenance thereof, and paying costs incidental thereto.

Section 4. Name of District; Governance; Duration. The District, if the same shall be created and established, shall be known and designated as "Wye Local Improvements District" of Missoula County, Montana. The District shall be administered by the Board. The duration of the District shall be perpetual, provided that, if no bonds are outstanding and the Board determines that it is in the best interest of the County's inhabitants or that the purpose of the District has been fulfilled, the Board may dissolve the District in accordance with the Act.

Section 5. Boundaries of District. The limits and boundaries of the District are depicted on the map attached as Exhibit A hereto. The legal description of the properties included in the District are set forth on Exhibit B hereto. The property included within the District as depicted on Exhibit A and described on Exhibit B is hereby declared to be the property that will be benefited by the Public Water System to be owned and operated by and through the District.

Section 6. General Character and Proposed Location of the Program and Improvements. The improvements to be owned and operated by the District consist of the Public Water System, as it may be further improved and extended from time to time. The expected location of the Public Water System is depicted on Exhibit C.

Section 7. Maximum Rate or Amount of Initial Proposed Assessments or Fees. Owners of property within the District will pay fees related to the use and availability of the Public Water System, which in the first year of operation, are not expected to exceed \$100 per user per month. If created and established, the County expects that the District will adopt and implement an ordinance setting forth the fees to be charged to owners of property in the District for the use and availability of the Public Water System. As an initial matter, the County does not expect to implement assessments or fees for the District other than fees to defray the costs of operating and maintaining the Public Water System.

Section 8. Method of Financing. The County does not expect to issue revenue bonds of the District to finance costs of acquiring or operating the Public Water System. The County expects to pay the costs of acquiring the Public Water System from the proceeds of tax increment revenue bonds. The County expects that the District will pay costs of operating and maintaining the Public Water System from the fees charged to properties in the District for the use and availability of the Public Water System.

Section 9. Notice of Passage of Resolution of Intention. The County Clerk and Recorder/Treasurer is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the *Missoulian*, a newspaper of general circulation in the County, on February 13, 2025 and February 20, 2025, substantially in the form attached hereto as Exhibit D. In addition, on or about February 7, 2025, the County will mail or cause to be mailed a copy of such notice together with a protest form, substantially in the form attached hereto as Exhibit E, to each owner or purchaser under contract for deed of the properties subject to potential assessment, fees, or taxation within the proposed District, on the same day such notice is first published.

Section 10. Public Hearing; Protests. At any time within sixty (60) days from either the date of the first publication of the notice of passage of the Resolution of Intention or the date the protest form was sent to property owners, whichever is later, any owner or purchaser under contract for deed of the properties subject to potential assessment, fees, or taxation within the proposed District may make and file with the County Clerk and Recorder/Treasurer until 5:00 p.m., M.T., on the expiration date of said 60-day period (April 14, 2025), written protest against the proposed creation of the District.

This Board will, at a duly called public hearing, proceed to hear all such protests so made and filed; which said public meeting will be held on April 24, 2025 at 2:00 p.m. in the Sophie Moiese Room of the Courthouse Annex, 200 W. Broadway, in Missoula, Montana. Following the public hearing, the Board will pass upon the protests, and, if the protests are insufficient, create the District.

PASSED AND ADOPTED by the Board of County Commissioners of Missoula County, Montana, this 6th day of February, 2025.

ATTEST:



Tyler Gerant, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY



Juanita Vero, Chair



David Strohmaier, Commissioner



Josh Slotnick, Commissioner

EXHIBIT A

MAP OF DISTRICT BOUNDARIES

A-4



EXHIBIT B

The limits and boundaries of the District will include two properties with legal descriptions of:

Racetrack Industrial Park, S28, T14 N, R20 W, Lot 9A, Acres 43.17

S21, T14 N, R20 W, C.O.S. 3591, Parcel A1, In SW1/4, SW1/4 NW1/4 SW of Hwy

EXHIBIT C
PROPOSED LOCATION OF PUBLIC WATER SYSTEM

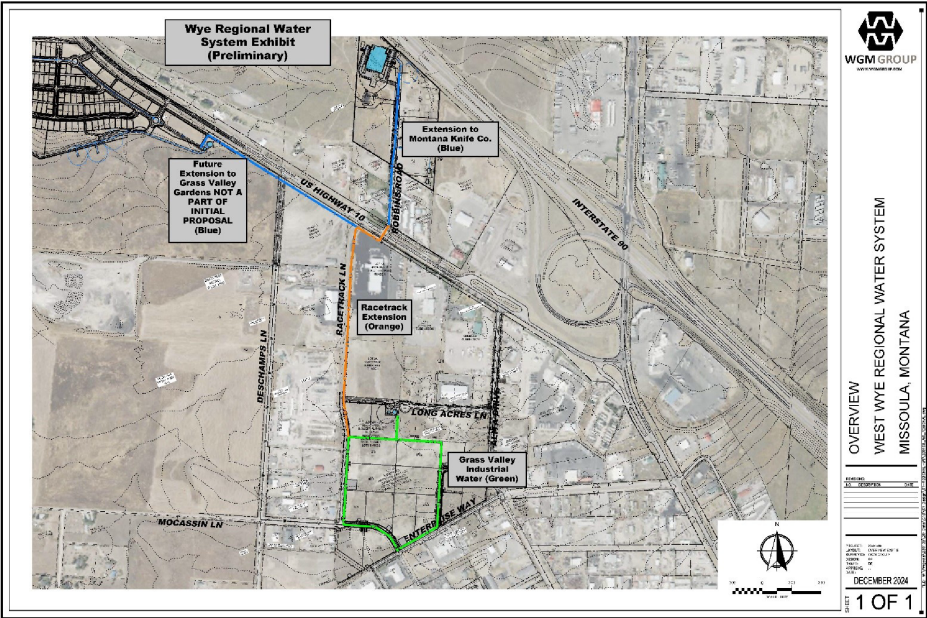


EXHIBIT D

[Form of Notice to be Published]

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE A
SPECIAL DISTRICT FOR THE PURPOSE OF ACQUIRING, OPERATING AND
MAINTAINING A PUBLIC WATER SYSTEM IN THE WYE AREA

MISSOULA COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on February 6, 2025, the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County"), adopted a Resolution of Intention to create a special district to be called the Wye Local Improvements District (the "District") for the purpose of acquiring, owning and operating a public water system in the Wye area of the County (collectively, the "Public Water System").

A complete copy of the resolution (the "Resolution") is on file with the County Clerk and Recorder/Treasurer and more specifically describes the nature and location of the Public Water System, the boundaries and the area included in the District, the maximum initial fees applicable for properties within the District and other related information.

On April 24, 2025, at 2:00 p.m. in the Sophie Moiese Room of the Courthouse Annex, 200 W. Broadway, in Missoula, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District that may be filed in the period hereinafter described.

A written protest against the creation of the District may be made only by an owner of the property to be included in the District and must be made in accordance with Section 7-11-1008, Montana Code Annotated. Such protest must be delivered to the County Clerk and Recorder, Missoula County, 200 W Broadway, Missoula, MT 59802 not later than 5:00 p.m., M.T., on April 14, 2025.

Further information regarding the proposed District may be obtained from Andrew Hagemeyer, Community and Economic Development Director, at (406) 258-4763.

Dated: February 6, 2025.

BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF THE MISSOULA COUNTY,
MONTANA

Publish: *Missoulian*, February 13 and February 20, 2025.

EXHIBIT E

[Form of Notice and Protest Form to be Mailed]

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE
A SPECIAL DISTRICT FOR THE PURPOSE OF ACQUIRING, OPERATING
AND MAINTAINING A PUBLIC WATER SYSTEM IN THE WYE AREA

MISSOULA COUNTY, MONTANA

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A written protest against the creation of the District must be made in accordance with Section 7-11-1008, Montana Code Annotated, and may be in the form set forth below:

I, _____, am the owner of the property:

(i) located at _____

[address of property]

Or

(ii) the legal description of which is _____

[legal description of property].

I ☐ support / ☐ oppose the creation of the District described above.

Signed:

[Any protest must be signed by a majority of the owners of the property the protest relates to.]

Such protest must be delivered to the County Clerk and Recorder/Treasurer, Missoula County, 200 W Broadway, Missoula, MT 59802 not later than 5:00 p.m., M.T., on April 14, 2025.

Further information regarding the proposed District may be obtained from Andrew Hagemeier, Community and Economic Development Director, at (406) 258-4763.

Dated: February 6, 2025.

BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF THE MISSOULA COUNTY,
MONTANA

Mail: February 7, 2025