



# LINCOLN COUNTY MONTANA

## Resolution 2021-19

### Midvale Water/Sewer District Dissolved

#### THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

1. The Midvale Water and Sewer District Board retained legal counsel to assist with the dissolution process of said district pursuant to § 7-13-2351, M.C.A.
2. The Midvale Water and Sewer District Board provided to the Lincoln County Clerk & Recorder's Office the following documents as required by § 7-13-2351, M.C.A.:
  - Petition (Exhibit A)
  - Notice of Public Hearing (Exhibit B)
  - Affidavit of Notification (Exhibit C)
  - Corporate Resolution (Exhibit D)
3. The Midvale Water/Sewer District Board requests that the Lincoln County Board of Commissioners approve the Midvale Water/Sewer District Corporate Resolution and dissolve the Midvale Water/Sewer District.

#### THE BOARD RESOLVES:

That the Midvale Water/Sewer District be dissolved as approved and adopted by the Midvale Water/Sewer District Board Corporate Resolution dated January 29, 2021.

#### THE BOARD FURTHER RESOLVES:

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.

294135 BOOK: PF PERM/FILES PAGE: 14765 Pages: 6

STATE OF MONTANA LINCOLN COUNTY

RECORDED: 06/24/2021 1:39 KOI: RESOLUTION

ROBIN A. BENSON CLERK AND RECORDER

FEE: \$0.00

BY: *Michelle Bond* Deputy  
FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE.





LINCOLN COUNTY  
MONTANA

4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:

  
\_\_\_\_\_  
Marcia Boris, County Attorney


Date presented to the Board 6/23/2021 Approved () Disapproved ( ) Amended ( )

Adopted this 23<sup>RD</sup> day of June, 2021.

LINCOLN COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Jerry Bennett, Chair

ATTEST:

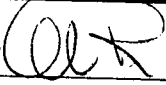

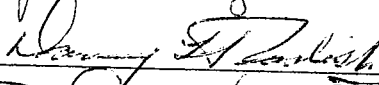
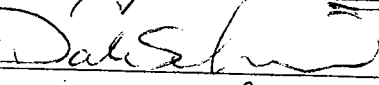
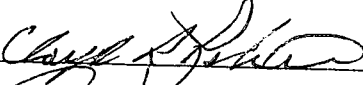
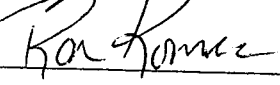

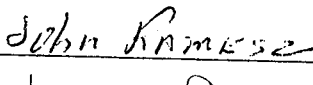

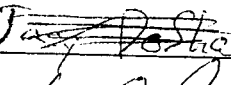

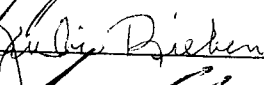
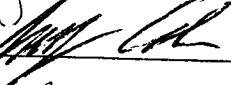
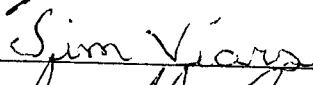
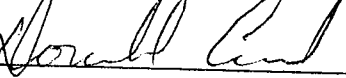
  
\_\_\_\_\_  
Robin A. Benson, Clerk of the Board

PETITION TO DISSOLVE

THE

MIDVALE WATER AND SEWER DISTRICT

The Midvale Water and Sewer District has been in existence since about 1998 and has served to provide a safe and reliable water supply to its members. The Town of Eureka has annexed the area encompassed by the Midvale Water and Sewer District and has provided water service to the area. There is no longer a need for the Midvale Water and Sewer District to continue to exist, therefore we as the Board of Directors are asking the property owners within the District boundaries to sign this petition to dissolve the District.

Printed Name	Signature	Address
Al K Carrigan		469 17th St
Jugnita Bozarth		387 12th St
Danny L. Radish		547 12th St
Dale Schmidt		425 13th St
<del>Cloyd R. Peterson</del> Cloyd R. Peterson		64837 HW 37 Eureka MT 59917
Rou Komac		560 13th St
Anthony P Torres		1140 4th Ave East
John Ramsey		181 16th St
Laura Persson		2nd Ave 120 <del>1st</del> East
<del>Jay Deslazer</del>	<del></del>	
Jay Deslazer		455 12th St. Eureka, MT 59917
Julie Rieben		575 13th St East Eureka, MT 59917
Jeremy Cook		154 14th St. Eureka, MT 59917
Sim Viars		211 13th St East Eureka, MT 59917
Arnold Conard		318 14th Street 203 Osipski Rd 204 "

**NOTICE OF PUBLIC HEARING**  
**Dissolve Midvale Water and Sewer District**

NOTICE IS HEREBY GIVEN that the Midvale Water and Sewer District will conduct a public hearing regarding the Dissolving of the Midvale Water and Sewer District.

Said public hearing will be held **January 29, 2021 at 1:00 p.m. at Law Office of J. Tiffin Hall located at 124 Riverside Drive, Suite 201, Eureka, MT 59917**. All interested persons are invited to attend this hearing. Please contact J. Tiffin Hall at (406) 297-7026 for additional information.

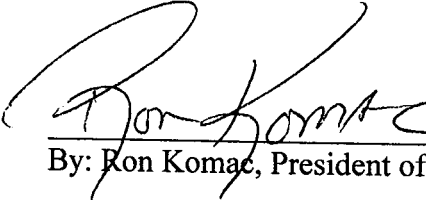
Written comments can also be submitted to the Midvale Water and Sewer District in two ways:

1. Send a letter via regular mail to Midvale Water and Sewer District C/O Law Office of J. Tiffin Hall, PLLC; P.O. Box 2109, Eureka, MT 59917
- or,
2. E-mail your comments to [lawoffice@interbel.net](mailto:lawoffice@interbel.net) Include in the e-mail subject line, "Midvale Water and Sewer District" Please also include your name and mailing address.

**NOTICE TO CREDITORS:**

All claims owed by the District must be presented to the Board of Directors prior to the date set for the dissolution hearing.

MIDVALE WATER AND SEWER DISTRICT

  
By: Ron Komac, President of the Board of Directors

AFFIDAVIT OF PUBLICATION · STATE OF MONTANA · COUNTY OF LINCOLN

Tobacco Valley News  
PO Box 307  
Eureka, MT 59917

Robin Newman or Steve Newman, Publishers,

being duly sworn, deposes and says that he/she is Publisher of the Tobacco Valley News, a weekly newspaper of general circulation, printed and published in Eureka, Lincoln County, Montana, and that the sub-joined notice, a copy of which is hereto

attached, was published in the regular and entire issue of said paper for 2

successive weeks, commencing on the 25<sup>th</sup> day of Nov, 2020, and published on the following dates thereafter:

Dec. 2, 2020

\_\_\_\_\_, 2020

\_\_\_\_\_, 2020

\_\_\_\_\_, 2020

Signed: Janet L. McRade

Subscribed and sworn before me this 1<sup>st</sup> day of February 2020.

Kristine Person

Notary Public for the State of Montana, Residing at Eureka, Montana.

My Commission expires Feb 7, 2023.

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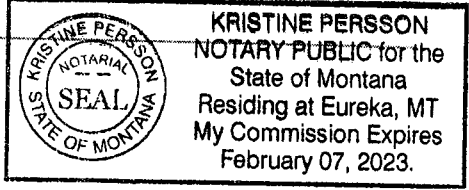
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**MIDVALE WATER AND SEWER DISTRICT**

Ron Komac, President of the Board of Directors  
Published in the Tobacco Valley News, Eureka, Mont., on Nov. 25 and Dec. 2, 2020.



**CORPORATE RESOLUTION**

WHEREAS, the Midvale Water and Sewer District ("District") has transferred all its assets to the Town of Eureka and desires to dissolve the District pursuant to Montana Code Ann. Sec. 7-13-2351 (2019), and

WHEREAS, the District has received a petition signed by more than 50% of the property owners in the District to dissolve the District, and

WHEREAS, a public hearing on the dissolution of the District was set for January 29, 2021 at 1:00 pm at the Law Office of J. Tiffin Hall, PLLC. Notice of the hearing was published in the Tobacco Valley Newspaper for two successive weeks. A true and correct copy of the Affidavit of Publication is attached hereto as Exhibit A and by this reference incorporated herein, and

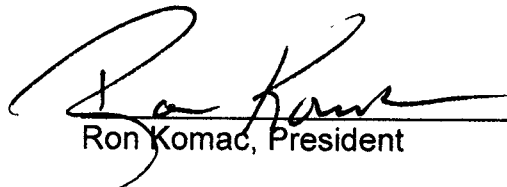
WHEREAS, at the scheduled time of the hearing no interested persons appeared to testify, and

WHEREAS, after the hearing the board determined that the dissolution of the District is in the best interest of the public, that there were no outstanding debts of the District and there are no assets remaining to be distributed,

WHEREFORE the board recommended that the District be dissolved and that a resolution be sent to the Lincoln County Board of County Commissioners for approval.

**NOW THEREFORE, BE IT RESOLVED BY THE MIDVALE WATER AND SEWER DISTRICT THAT THE DISTRICT BE DISSOLVED.**

PASSED AND ADOPTED BY MIDVALE WATER AND SEWER DISTRICT ON THIS 29 DAY OF January, 2021.

  
\_\_\_\_\_  
Ron Komac, President