

## RESOLUTION NO. 13-19313

### A RESOLUTION MODIFYING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 301 OF THE CITY OF BILLINGS, MONTANA, BY ADDING ADDITIONAL LIGHTS AND ADDITIONAL ASSESSED PROPERTIES

WHEREAS, the City Council of the City of Billings, Montana, on the 26th day of August, 2013, passed Resolution 13-19301, a Resolution of Intention to modify Special Improvement Lighting Maintenance District No. 301, setting the hearing on the creation of said District and hearing of protests against the proposed modifications to said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the modification of said district, and the protests are overruled and denied.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

#### SECTION 1:

That the City Council of the City of Billings, Montana does hereby modify Special Improvement Lighting Maintenance District designated No. 301,

#### SECTION 2:

That the exterior boundaries of the District are unchanged from the original district created in 2007, and that additional lights and assessed properties are added as outlined in Resolution of Intention 13-19301, passed by the City Council on August 26, 2013.

#### SECTION 3:

That the City Council hereby finds and determines that each of the lots, blocks, pieces and parcels of land, situated within the boundaries of the District, are especially benefited and affected by said improvements, and each and all of the lots, blocks, pieces and parcels, more particularly described in the Resolution 13-19301 are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

#### SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution 13-19301 and is by this reference incorporated herein and made a part hereof.

#### SECTION 5:

The City of Billings intends to establish the approximate contract rate for installation & operation of this additional lighting as follows: \$4.22 per 100 watt unit, per month for supplying electrical energy; \$1.26 per unit, per month for operation & maintenance; and \$48.18 per unit, per month for installation and ownership costs. These rates are in accordance with the applicable rate schedules approved by the Montana Public Service Commission. NorthWestern Energy Company shall provide energy to all of the lights and shall at all times own the light fixtures, poles, cables, and other incidental equipment, and shall provide maintenance and repairs to said equipment as part of the monthly rate for these lights.

#### SECTION 6:

The total estimated cost per year of the expanded District, including City administrative costs, is the sum of \$61,283.00; that the entire cost of said District shall be paid by the owners of the property within said District, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys and public walkways. The estimated cost of the District per year for property owners is on the basis of approximately \$0.04022851 per square foot of assessable area. Due to the difference in the time the new lighting service will start and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$72,000 or approximately \$0.04726354 per square foot. All of such costs of said District shall be paid by the owners of the property within the District with each lot, parcel or piece of land within said District to be assessed for that portion of the whole cost which its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys, and public walkways.

#### SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as the "Special Improvement Lighting Maintenance District No. 301 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefore.

#### SECTION 8:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

PASSED by the City Council of the City of Billings, Montana and approved this  
23rd day of September, 2013.

THE CITY OF BILLINGS:



By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin  
Cari Martin, City Clerk