

RESOLUTION No. 07-18536

A RESOLUTION CREATING PARK MAINTENANCE
DISTRICT NO. 4036 FOR THE PURPOSE OF MAINTAINING EXISTING
AND FUTURE PUBLIC AREA IMPROVEMENTS IN
JOSEPHINE CROSSING SUBDIVISION

WHEREAS, the City Council of Billings, Montana, hereby finds, determines and declares that:

1. The public interest and convenience require the creation of the above named district.
2. That said district is of more than local or ordinary public benefit.
3. All lands are benefited and no lands that are not benefited have been included within the district. All lands within the district will be enhanced in value to the extent of the assessments to be levied upon such lands, and all lands included within the district should be assessed accordingly to pay the costs and expenses of the district.

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

1. *Jurisdiction and Creation.* Park Maintenance District Number 4036 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Park Maintenance District Number 4036. All lands included within Park Maintenance District Number 4036 are benefited and no lands that are not benefited have been included in said district.
2. *General Character of Improvement and Maintenance.* The general character of the improvements to be maintained is as follows: landscaping, trails, trees, irrigation systems, irrigation system water services, storm water detention facilities, lighting and other park equipment and public area improvements installed by the developer, Parks Department and/or as part of a future Special Improvement District. The purpose of said district is to provide perpetual maintenance of the above-mentioned items. The Homeowner's Association shall maintain the "pocket parks" within the subdivision. In the event that the Homeowner's Association does not fulfill said maintenance responsibilities, Park Maintenance District No. 4036 shall accept said maintenance responsibilities and adjust assessments accordingly.
3. *Boundaries.* The Boundaries of the district are described and designated on Exhibit "B" attached hereto.
4. *Ownership.* The ownership records of all properties within the said district are described and designated in Exhibit "C" attached hereto.
5. *Maintenance Estimate.* The estimated cost of the proposed maintenance for the first year will be \$9,090 as described in the Maintenance Estimate attached hereto in Exhibit "D".
6. *Assessment Method.* All eligible properties within the District are to be assessed for a portion of the costs of maintaining the Josephine Crossing Subdivision, public area improvements as specified herein. Said properties shall not be eligible for assessment until such time as the final plat of the property is filed and the Restrictions on Transfers and Conveyances are lifted. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Josephine Crossing Subdivision, Public Area Improvements, based on the assessable area method of assessment described in Section 7-12-4162 through 7-12-4165, M.C.A., as particularly applied and set forth herein.
7. *Payment of Assessment.* The assessments for all maintenance and costs of the district shall be paid in equal annual installments, provided that payment of one-half of said annual assessment may be deferred to May 31 of the year following the

assessment. All money derived from the collection of said assessments otherwise shall constitute a fund to be known as Fund of Park Maintenance District Number 4036.

8. *Bonds for Improvement.* There will be no bonds sold for this district as it is for maintenance only.
9. *Engineering.* All engineering will be as part of Private Contract No. 566.
10. *District Accounts.* The Director of Finance is hereby authorized and directed to establish the necessary accounts to govern the receiving of all revenues and the expenditures of the same district.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 12th____ day of March, 2007.

THE CITY OF BILLINGS:

BY: 
Ron Tussing, MAYOR

ATTEST:

BY: 
Cam Trudeau, Deputy City Clerk



CITY COUNCIL AGENDA ITEM
CITY OF BILLINGS, MONTANA
Monday, March 12, 2007

TITLE: Public Hearing and Resolution to Create Park Maint. District No. 4036, Josephine Crossing Subdivision

DEPARTMENT: Department of Parks, Recreation, & Public Lands

PRESENTED BY: Mike Whitaker, Director

PROBLEM/ISSUE STATEMENT: Josephine Crossing Subdivision, Phase I, contains approximately 4 acres of dedicated park and public open space. It includes 7 pocket parks located in the residential blocks throughout the Phase I subdivision plat, and a park-trail dedication of 1.55 acres bordering the river bottom and channel in the south east section of the subdivision known as Block 5, Lot 20. The development and improvement of the parks will be by the developer through private contract. The Park Maintenance District needs to be created at this time to provide for the maintenance of the public area improvements as they are completed. As a condition of the Josephine Crossing Subdivision, Phase I, plat approval, the subdivision must establish a park maintenance district. A Homeowners Association will be created to maintain the pocket parks in Blocks 1 – 5, in the Phase I residential section. The Park Maintenance District will maintain the park – trail, and, should the Homeowners Association fail to maintain the pocket park areas, the Park Maintenance District will have the authority to assume control over and maintain those parks, too. The Public Hearing and Resolution to Create the District completes the process to create Park Maintenance District No. 4036 for Josephine Crossing Subdivision. A report of protest and comments received will be provided to the City Council at the start of the Public Hearing.

ALTERNATIVES ANALYZED:

- Create Park Maintenance District 4036 now to assure assessments can be collected in November, 2007, to pay costs of maintenance as park areas are developed. This is the requirement approved in the Subdivision Improvement Agreement and the staff recommendation.
- Do not create Park Maintenance District 4036 at this time.

FINANCIAL IMPACT: The maintenance costs for the public area improvements are estimated to be \$9,090.00 for the first year. The assessment of the maintenance costs will be determined per square foot of property. The assessment amount is \$0.01445 per square foot of lot area. The assessment for the coming year for the phase I lots is shown in "Exhibit D" of the attached PMD documents.

RECOMMENDATION

Staff recommends Council approve the Resolution to Create Park Maintenance District 4036 as proposed.

Approved By: City Administrator City Attorney

ATTACHMENTS:

- A. Resolution of Intent to Create Park Maintenance District No. 4036
- B. Exhibit "A"
- C. Exhibit "B"
- D. Exhibit "C"
- E. Exhibit "E"

INTRODUCTION

Approval of the Resolution to Create Park Maintenance District No. 4036 for the maintenance of Josephine Crossing Subdivision parks and public areas completes the process to create the Park Maintenance District.

PROCEDURAL HISTORY

- The preliminary plat of Josephine Crossing Subdivision was considered and approved by the City Council on May 22, 2006.
- The final plat of Josephine Crossing Subdivision was approved on November 27, 2006. The subdivision pocket parks will be appropriately developed with trees, walks, and open grass areas to compliment the surrounding residential lots opening onto them. The lineal park – trailway corridor dedicated in Lot 20 of Block 5 will be planned and developed according to the revised Master Plan being done for Riverfront Park, which it is adjacent to.
- The Resolution of Intent To Create the Park Maintenance District approved by City Council on February 12th, 2007, provides for a public hearing and consideration of the Resolution to Create the district at the March 12th, 2007, regular City Council meeting.
- A Notice of Passage of the Resolution of Intent was advertised on February 15th and 22nd and a notice was mailed to property owners in the proposed district explaining the protest and comment procedures and setting the protest period from February 16th to March 2nd, 2007.
- The Public Hearing and Council consideration of the Resolution to Create the district completes the creation process.

BACKGROUND

To provide the funding needed to develop and to maintain park areas in new subdivisions, subdivisions annexed and platted since 1982 have been required to develop parks and to create a Park Maintenance District to maintain them. It assures that there are well maintained parks in new areas of Billings without increasing the demand on the expenditures of the city general fund and to relieve the pressures on existing developed parks that adding new subdivisions to the city results in. The Josephine Crossing Subdivision Improvement Agreements call for the park improvements to the subdivision pocket parks to be made by the developer. The Park Maintenance District will be created to maintain the trailway and park area in Block 5, Lot 20, adjacent to Riverfront Park. The proposed maintenance district includes all lots included in Josephine Crossing Subdivision. Said lots shall not be eligible for assessment until such time as the final plat of that phase is filed and the Restrictions on Transfers and Conveyances are lifted. All filings have or will have on file Waivers of Protest for the formation of the park maintenance district for all lots within Josephine Crossing Subdivision.

Approval of the Resolution to Create Park Maintenance District No. 4036 for Josephine Crossing Subdivision completes the creation process.

ALTERNATIVES ANALYSIS

- Create the Park Maintenance District now to assure assessments can be collected in November 2007, to pay costs of maintenance for the spring and summer of 2008 as the park development commences. The approved Subdivision Improvements Agreements call for

development at this time and requires a Park Maintenance District to be created for maintaining it. This is the staff recommendation.

- Do not create the Park Maintenance District at this time.

STAKEHOLDERS

- The developers have agreed to the development and maintenance of the public areas in Josephine Crossing Subdivision.
- The 126 lots initially included in the PMD in Josephine Crossing Subdivision consist of single-family residences. The residents and property owners have agreed to the development. Many are strongly supportive of the parks and funding its ongoing maintenance. The rapid build out that is taking place is attributed to the fact that the open space and park amenities will be quickly developed.
- Billings residents would see increasingly heavy use of the existing developed parks and park facilities if not for the requirement that new subdivisions provide developed parks for their residents to mitigate that problem.

CONSISTENCY WITH ADOPTED POLICIES AND PLANS

The extension of quality landscape maintenance services to new subdivision parks through the use of Special Improvement Districts and maintaining them through Park Maintenance Districts continues the Parks 20/20 plan recommendations, and conforms to city policy adopted in 1982 regarding new subdivision parks. The use of Park Maintenance Districts has allowed the use of the PRPL Parks grounds keeping staff to provide professional level maintenance to areas of public grounds and landscaping in new subdivisions as they develop and are brought into the city. This has improved the environment, increased the quality of life for Billings' residents, and increased the value of surrounding private property. The revenue provided helps support the overall park operations in all of the general fund supported parks by allowing better trained, more competent staffing and providing added support for state of the art operations and equipment that would be otherwise be limited by General Fund revenue constraints.

Maintaining this park with a maintenance district continues the process of extending maintenance services to the developing areas of Billings even though the revenue growth of the city general fund has not been adequate to provide for the maintenance of these new parks. Park Maintenance District revenue is estimated to be \$548,986 to offset maintenance expenses in the 2007 FY PRPL Parks Operation and Maintenance budget and is projected to equal over 25% of the total Parks Division Operations & Maintenance budget this year.

RECOMMENDATION

Staff recommends Council approve the Resolution to Create Park Maintenance District 4036 as proposed.

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DISTRICT NO. 4036 FOR THE PURPOSE OF MAINTAINING EXISTING
AND FUTURE PUBLIC AREA IMPROVEMENTS IN
JOSEPHINE CROSSING SUBDIVISION
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PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this _____
_____, day of _____, 2007.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing, MAYOR

ATTEST:

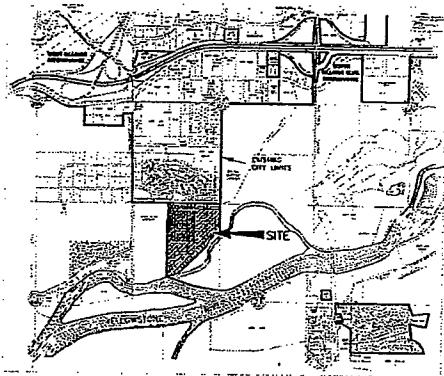
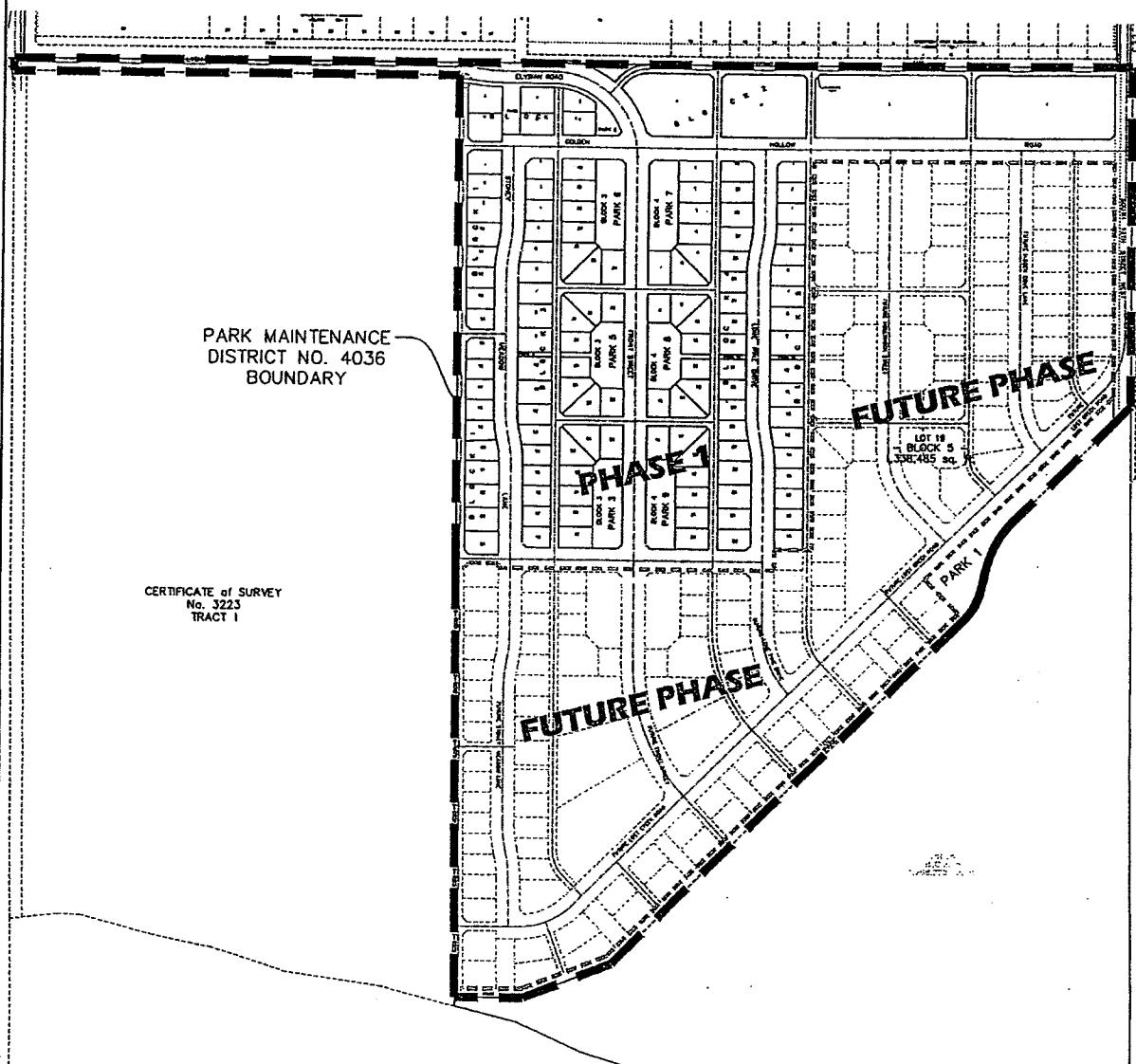
BY: _____
CITY CLERK

EXHIBIT "A"

PARK MAINTENANCE DISTRICT NO. 4036

JOSEPHINE CROSSING SUBDIVISION

BEING THE REMAINDER SHOWN ON CERTIFICATE OF SURVEY No. 3223 TRACT 1 AMENDED
SITUATED IN THE NW 1/4 OF SECTION 20, T.1S., R.26E., P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

VICINITY MAP
NOT TO SCALE

CERTIFICATE of SURVEY
No. 3223
TRACT 1

EXHIBIT "B"

**BOUNDARY DESCRIPTION
SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4036
JOSEPHINE CROSSING SUBDIVISION
PARK MAINTENANCE DISTRICT**

Metes and Bounds Description:

Beginning at a point which is the Northwest corner of Section 20, T. 1 S., R 26 E., P.M.M.;

thence, from said point of beginning, along the north line of said Section 20, N 89°49'46" E a distance of 2641.45 feet to the north 1/4 corner of said Section 20; thence, along the midsection line of said Section 20, S 00°09'50" E a distance of 793.29; thence, S 45°40'15" W a distance of 386.30 feet; thence, on a non-tangent curve to the left with a radius of 240.00 feet a distance of 136.03 feet (chord bearing N 29°26'02" E, chord length 134.21 feet); thence, S 13°11'49" W a distance of 49.01 feet; thence, on a non-tangent curve to the right with a radius of 141.72 feet a distance of 80.32 feet (chord bearing N 29°26'02" E, chord length 79.25 feet); thence, the following courses and distances:

S 45°40'15" W a distance of 1150.27 feet,

S 69°24'21" W a distance of 223.07 feet,

S 89°49'46" W a distance of 162.51 feet,

Thence, N 00°11'11" W a distance of 2144.86 feet to the northeast corner of Tract 1A of Corrected Certificate of Survey No. 3223; thence, along the north line of said Tract 1A, S 89°49'46" W a distance of 1050.06 feet to a point on the west line of said Section 20;

thence, along said west section line, N 00°11'11" W a distance of 30.00 feet, to the point of beginning; said described tract containing an area of approximately 60.28 acres.

EXHIBIT "C"

OWNERSHIP RECORDS
SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4036
JOSEPHINE CROSSING SUBDIVISION
PARK MAINTENANCE DISTRICT

STATE OF MONTANA
COUNTY OF YELLOWSTONE

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CHECKED THE RECORDS IN MY OFFICE FROM October 13, 2006 TO January 2, 2006 AND THE LISTED PERSON ARE THE OWNERS OF RECORD FOR THE LISTED PROPERTY.

SIGNED AND SEALED THIS 5th DAY OF JANUARY, 2007

1 NAMES \$.50

CERT \$2.00 TONY NAVE

TOTAL \$2.50 CLERK & RECORDER

1 PAGES BY Tony Iverson
DEPUTY

Date: 01/05/2007 Time: 10:33:37

Yellowstone County
TA Reports - Parcel Master List

Operator: bcoons

Page: 1

RANGES: TAX YEAR: (R) 2006 - 2006
ASSESSOR#: (L) *JOSEPHINE 06* D01936
TAX TYPE: (A)
LEVY DISTRICT: (A)
SUB-LEVY DIST: (A)
SPECIAL DISTRICT: (A)
LIST CODE: (A)

Certified Thru

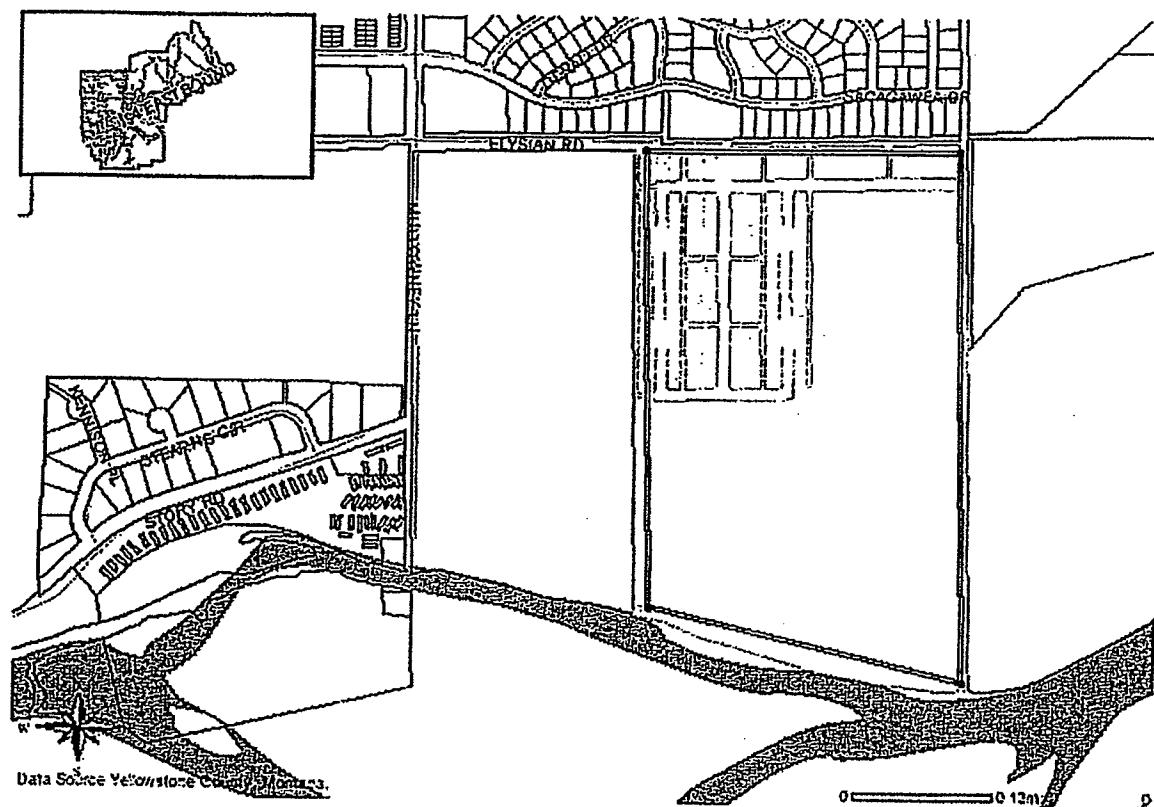
10/18/06

Dept of Revenue

baub C

OPTIONS: SORT ORDER: N # OF COPIES: 1

Assessor#	Owner/Mailing Address	Legal Description	Levy	Sub	Tax
			Dist	Dist	Type
D01936	MCCALL DEVELOPMENT INC 2751 ENTERPRISE AVE STE 2 BILLINGS MT 59102-7413	01-0927-20-2-01-01-0000 NENHHW4 S2NHHW4 & LOT 3-4 LESS COS 3223 SEC 20 T1S R26 E	023		RE



JOSEPHINE CROSSING SUBDIVISION

Variance List - CERTIFIED OWNERSHIP

Kjersten Olson - ENGINEERING Inc 656-5255

Parcel

Highlight on Map	GEOCODE	Tax Id	Address	Property Tax Data	CAMA Data
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<u>2</u>	03092720203160000			Click Here	Click Here
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<u>134</u>	03092720202450000		Click Here	Click Here
<u>135</u>	03092720206350000		Click Here	Click Here
<u>136</u>	03092720205450000		Click Here	Click Here
<u>137</u>	03092720205430000		Click Here	Click Here
<u>138</u>	03092720204370000		Click Here	Click Here
<u>139</u>	03092720204350000		Click Here	Click Here
<u>140</u>	03092720202470000		Click Here	Click Here

[Zoom to these records](#)

EXHIBIT "D"

**ESTIMATE OF PROBABLE COST
PARK MAINTENANCE DISTRICT NO. 4036
JOSEPHINE CROSSING SUBDIVISION
PARK MAINTENANCE DISTRICT**

1. The costs to create the maintenance district are estimated to be \$900.
2. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$8,190.

The first year's assessment is estimated as follows:

CITY OF BILLINGS - PARK MAINTENANCE DISTRICT NO. 4036 ESTIMATE OF ANNUAL MAINTENANCE COSTS			
PMD Description: Josephine Crossing Subdivision Public Areas			
PMD Number: <u>4036</u>			
Date: <u>01/22/07</u>			
BA SUB	ELE	SUB OBJ	ACCOUNT DESCRIPTION
			Creation Documents and Exhibits: \$900.00
			Operations and Supplies
	34	10	Electricity/Lighting \$195.00
		20	City Water \$1,000.00
		50	Ground Maintenance \$496.00
	39	65	Other Service/Finance Charges \$715.00
		90	Parks Charge for Services \$4,534.00
	54	10	Special Assessments \$750.00
			Total Operations and Supplies, Etc. \$8,590.00
			Capital E/I Reserve \$500.00
			Total Josephine Crossing Subdivision O & M Annual Cost Estimate \$9,090.00
			Equal Assessment Per Square Foot \$628,867
			1st year Assessment (Per Square Foot) \$0.01445

4. Total anticipated assessment area for the first year is as follows:

Josephine Crossing Subdivision
(does not include Lots 19 & 20, Block 5)

BLOCK#	LOT#	AREA-SF
BLOCK 1		
	1	4,381
	2	3,362
	3	4,963
	4	4,077
	5	5,343
	6	5,366
	7	4,442
	8	4,491
	9	4,490
	10	4,349
	11	3,331
	12	3,178
	13	3,174
	14	3,123
	15	3,122
	16	3,172
	17	3,171
	18	3,177
	19	3,353
	20	3,727
	21	4,400
	22	4,400
	23	4,399
	24	4,348
BLOCK 2		
	1	27,550
	2	30,200
	3	53,300
	4	49,716
BLOCK 3		
	1	3,128
	2	3,168
	3	3,168
	4	3,224
	5	3,547
	6	3,818
	7	3,840
	8	4,480
	9	4,480
	10	4,480
	11	4,480
	12	3,818
	13	3,547
	14	3,224
	15	3,168
	16	3,168
	17	3,168
	18	3,184
	19	4,000
	20	3,840
	21	3,840
	22	3,840
	23	4,519
	24	4,519
	25	4,320
	26	3,564
	27	4,168
	28	4,205
	29	3,408
	30	3,408
	31	4,206
	32	4,168
	33	3,564
	34	4,320
	35	4,519
	36	4,519
	37	3,840
	38	3,840
	39	3,840
	40	4,000

BLOCK 4	
1	4,000
2	3,840
3	3,840
4	3,840
5	4,519
6	4,519
7	4,320
8	3,564
9	4,168
10	4,206
11	3,408
12	3,408
13	4,206
14	4,168
15	3,564
16	4,320
17	4,519
18	4,519
19	3,840
20	3,840
21	3,840
22	4,000
23	3,830
24	3,880
25	4,480
26	4,477
27	3,710
28	3,276
29	3,170
30	3,168
31	3,168
32	3,168
33	3,168
34	3,168
35	3,170
36	3,305
37	4,319
38	4,480
39	3,880
40	3,830
BLOCK 5	
1	3,184
2	3,168
3	3,168
4	3,224
5	3,547
6	3,818
7	3,840
8	4,480
9	4,480
10	4,480
11	4,480
12	3,818
13	3,547
14	3,224
15	3,168
16	3,168
17	3,168
18	3,168

Total Assessment Area in Park Maintenance District = 628,867 sf
 Total Number of Lots = 14.44 acres
 126

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Estimated annual maintenance assessment per lot for the first year:

Josephine Crossing Subdivision
 (does not include Lots 19 & 20, Block 5)

BLOCK#	LOT#	COST
BLOCK 1		
1		\$63.33
2		\$48.60
3		\$71.74
4		\$58.93
5		\$77.23
6		\$77.56
7		\$64.21
8		\$64.92
9		\$64.90
10		\$62.86
11		\$48.15
12		\$45.94
13		\$45.88
14		\$45.14
15		\$45.13
16		\$45.85
17		\$45.84
18		\$45.92
19		\$48.47
20		\$53.87
21		\$63.60
22		\$63.60
23		\$63.59
24		\$62.85
BLOCK 2		
1		\$398.22
2		\$436.53
3		\$770.43
4		\$718.62
BLOCK 3		
1		\$45.21
2		\$45.79
3		\$45.79
4		\$46.60
5		\$51.27
6		\$55.19
7		\$55.51
8		\$64.76
9		\$64.76
10		\$64.76
11		\$64.76
12		\$55.19
13		\$51.27
14		\$46.60
15		\$45.79
16		\$45.79
17		\$45.79
18		\$46.02
19		\$57.82
20		\$55.51
21		\$55.51
22		\$55.51
23		\$65.32
24		\$65.32
25		\$62.44
26		\$51.52
27		\$60.25
28		\$60.78
29		\$49.26
30		\$49.26
31		\$60.80
32		\$60.25
33		\$51.52
34		\$62.44
35		\$65.32
36		\$65.32
37		\$55.51
38		\$55.51
39		\$55.51
40		\$57.82

BLOCK 4	
1	\$57.82
2	\$55.51
3	\$55.51
4	\$55.51
5	\$65.32
6	\$65.32
7	\$62.44
8	\$51.52
9	\$60.25
10	\$60.80
11	\$49.26
12	\$49.26
13	\$60.80
14	\$60.25
15	\$51.52
16	\$62.44
17	\$65.32
18	\$65.32
19	\$55.51
20	\$55.51
21	\$55.51
22	\$57.82
23	\$55.36
24	\$56.08
25	\$64.76
26	\$64.71
27	\$53.63
28	\$47.35
29	\$45.82
30	\$45.79
31	\$45.79
32	\$45.79
33	\$45.79
34	\$45.79
35	\$45.82
36	\$47.77
37	\$62.43
38	\$64.76
39	\$56.08
40	\$55.36
BLOCK 5	
1	\$46.02
2	\$45.79
3	\$45.79
4	\$46.60
5	\$51.27
6	\$55.19
7	\$55.51
8	\$64.76
9	\$64.76
10	\$64.76
11	\$64.76
12	\$55.19
13	\$51.27
14	\$46.60
15	\$45.79
16	\$45.79
17	\$45.79
18	\$45.79