

RESOLUTION NO. 99-17527

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 269 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF INSTALLING STREET LIGHTS AND SECURING AND PROVIDING ENERGY AND MAINTENANCE OF NEW STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COST.

WHEREAS, the City Council of Billings, Montana, has determined that the public interest and convenience require the creation of a Special Improvement Lighting Maintenance District as hereinafter provided;

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

SECTION 1:

That the public interest and convenience require, and it is deemed necessary, to create a Special Improvement Lighting Maintenance District for the purpose of installing new street lights and securing and providing energy and maintenance for new street lights for lighting in said district; and the intention of said City Council to create such a district, hereinafter more particularly described, is hereby declared.

SECTION 2:

That said district shall be known and designated as "Special Improvement Lighting Maintenance District No. 269" hereinafter called the District, and the boundaries of the District are hereby declared to include: Lots 2 & 3, Block 1, and Lot 1, Block 2, of Popelka Heights View Subdivision; all as shown on the map designated as Exhibit "A" attached hereto, and as listed in Exhibit "B" which is attached hereto. The district boundary shall be as described in Exhibit "C" attached hereto.

SECTION 3:

That the City of Billings, Montana, hereby finds, determines and declares that each of the lots, blocks, pieces and parcels of land situated within the boundaries of the District, will be especially

benefited and affected by said improvements, and that all of the property included within the District is hereby declared to be the property to be assessed, for the cost and expense of obtaining the electrical energy for and maintenance of said street lights.

SECTION 4:

That the general character of the improvements to be made for the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of seven (7) 250-watt high pressure sodium luminaries mounted at a height of 30 feet. All luminaries will be mounted on steel poles served by underground wiring. The City of Billings, Montana shall own said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$4.81 per 250 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That the Montana Power Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 6:

The estimate of the cost of the District per year is the sum of \$1,867.87; 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 it's assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys and public places. The estimated cost of the District per year for property owners is on the basis of approximately \$0.008593975 per square foot per year. Due to the difference in the time the lighting service starts and the time assessments can be levied, the first assessment may cover a period of operation of the District shorter or greater than one year.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District; that annually, pursuant to MCA 7-12-4332, the City Council shall adopt a resolution estimating the cost of maintaining said lights including a reserve, and furnishing electrical current and

assessing all of said property within said District for the annual costs; that all monies derived from the collection of such assessments shall be paid into a fund to be known as "Special Lighting Maintenance District No. 269 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefor.

SECTION 8:

That on the 13th day of December, 1999, at 7:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create such Special Improvement Lighting Maintenance District No. 269 and will hear objections and protests against the proposed improvements and the extent and creation of such District to be assessed, or any matter pertaining thereto, at said time and place, by any person, firm, or corporation who has filed a written protest with the City Clerk of the City of Billings within fifteen (15) days after the date on which the Notice of the passage of this Resolution of Intention is mailed to the property owners affected and published in "The Billings Times".

SECTION 9:

That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "The Billings Times", a weekly newspaper published and circulated in the City of Billings, Montana, and to send a copy of said Notice to the owners of all the lots, blocks, pieces or parcels of land included within the boundaries of said Special Improvement Lighting Maintenance District No. 269. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 8th day of November, 1999.

CITY OF BILLINGS



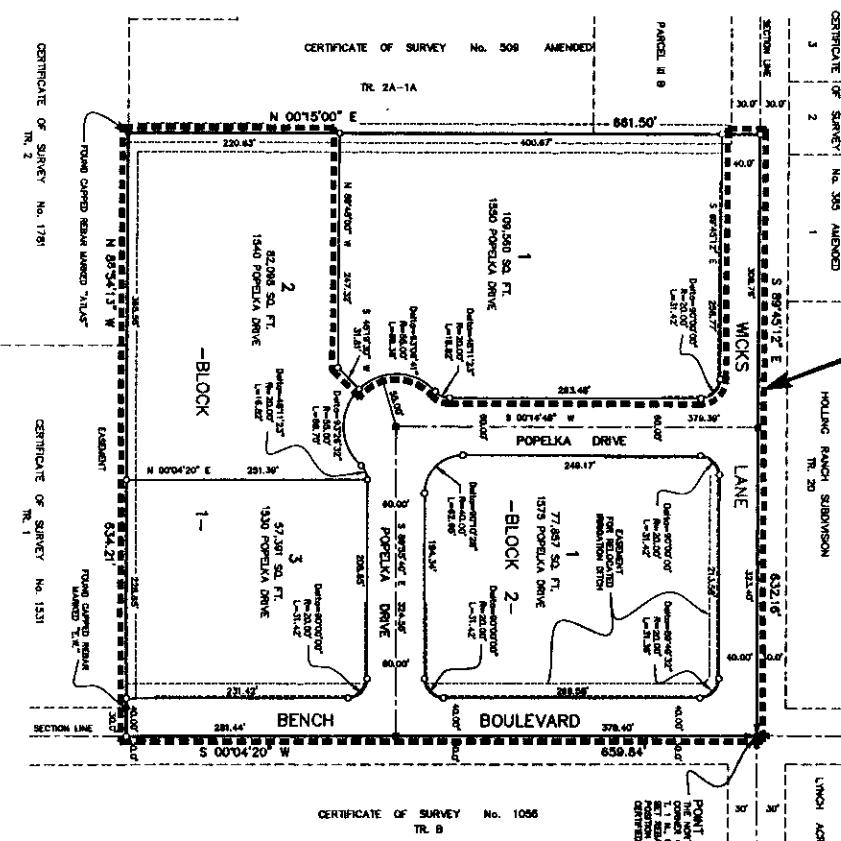
By Charles F. Tooley
Charles F. Tooley

Mayor

ATTEST:

By Marita Herold
Marita Herold, CMC City Clerk

STREET LIGHT MAINTENANCE DISTRICT BOUNDARY



TRACT 2A OF CERTIFICATE OF SURVEY NO. 509

POINT OF BEGINNING
THE NORTHEAST
CORNER OF SECTION 22
T. 1 N., R. 26 E., M.M.
SET, REBAR AND CAP AT
POSITION SHOWN ON
CERTIFIED CORNER REDRAWN

A detailed map of a residential area in New York City, specifically the Bronx. The map shows a grid of streets with various property boundaries and building footprints. Key features include 'Bronx Park' and 'Bronx Zoo' areas. The map is oriented with North at the top.

EXHIBIT "A"

**STREET LIGHT MAINTENANCE DISTRICT
POPELKA HEIGHTS VIEW SUBDIVISION**

SITUATED IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 22, T. 1 N., R. 26 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA
SCALE : 1" = 60'

PRIVATE CONTRACT No. 412
STREET, STORM DRAIN, WATER AND SANITARY SEWER IMPROVEMENTS
POPELKA HEIGHTS NEW SUBDIVISION
BILLINGS, MONTANA

STREET LIGHT MAINTENANCE DISTRICT

ENGINEERING, INC.
CONSULTING ENGINEERS & LAND SURVEYORS

EXHIBIT "B"

Popelka Heights View
SILMD 269

OWNER: Popelka Enterprises, LLC
1125 Main Street
Billings, MT 59105

LOT

BLOCK 1 2

3

BLOCK 2 1

EXHIBIT "C"

PROPOSED SILMD 269

DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northeast corner of Section 22, T. 1 N., R. 26 E., P.M.M.; thence N 89°54'12" W a distance of 632.16 feet along the north boundary of said Section 22; thence southerly a distance of 40.0 feet to the northwest corner of Lot 1, Block 1, Popelka Heights View Subdivision; thence S 89°45'12" E a distance of 258.77 feet along the north boundary of said Lot 1, Popelka Heights View Subdivision; thence along a curve to the right with a radius of 20.00 feet a distance of 31.42 feet; thence S 00°14'48" W a distance of 263.48 feet along the east boundary of said Lot 1, Popelka Heights View Subdivision; thence along a curve to the right with a radius of 20.00 feet a distance of 16.82 feet; thence along a curve to the left with a radius of 55.00 feet a distance of 89.38 feet; thence S 45°19'30" W a distance of 31.81 feet; thence N 89°45'00" W a distance of 247.32 feet along the common line of said Lot 1, Popelka Heights View Subdivision and Lot 2, Block 1, Popelka Heights View Subdivision to the northwest corner of said Lot 2, Popelka Heights View Subdivision; thence S 00°15'00" W a distance of 220.83 feet to the southwest corner of said Lot 2, Popelka Heights View Subdivision; thence S 89°54'13" E a distance of 634.21 feet to the east boundary of said Section 22; thence N 00°04'20" E a distance of 659.84 feet to the northeast corner of said Section 22, the point of beginning.