

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 98-17331, entitled: "A RESOLUTION RELATING TO W.O. 95-15: THE 1998 ST. ANDREWS DRIVE CURB, GUTTER AND SIDEWALK PROGRAM, PHASE II; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO ORDER IN THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on March 9, 1998, and that the meeting was duly held by the City Council 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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 Councilmembers voted in favor thereof: McDermott, Regnier, McDaniel, Iverson, Mayor, Kennedy, Johnson, Ohnstad and Larson; voted against the same: Elison and Deisz; abstained from voting thereon: none; or were absent: none.

WITNESS my hand officially this 9th day of March, 1998.

*Marita Herold*  
Marita Herold, CMC CITY CLERK

RESOLUTION NO. 98- 17331

A RESOLUTION RELATING TO W.O. 95-15: THE 1998 ST. ANDREWS DRIVE CURB, GUTTER AND SIDEWALK PROGRAM, PHASE II; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO ORDER IN THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

WHEREAS, the City is granted the power pursuant to M.C.A. 7-14-4109 to order certain improvements without creation of a special improvement district and certain sections of curb and gutter, sidewalks, drive approaches, alley approaches and/or appurtenant features have deteriorated, settled and cracked, or none exist, or some of the foregoing do not exist; and

WHEREAS, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of curbs and gutters, sidewalks, drive approaches, alley approaches, and/or appurtenant features or combinations thereof; and

WHEREAS, said improvements should be ordered as provided by law.

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

1. INTENTION TO ORDER IN. It is the intention of the Council to order the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, alley approaches and appurtenant improvements in certain locations, which improvements and locations are more fully described in Exhibits "A" and "B" attached hereto.

2. AFFECTED PROPERTIES. All properties which will be required to pay any portion of the costs of the improvements identified herein are listed and the owners of those properties are identified on Exhibit "B" attached hereto.

3. ESTIMATED COSTS. The estimated assessed costs of the proposed improvements, including construction costs, incidental expenses, engineering fees, legal fees, administrative fees and bond issuance costs, but exclusive of interest charges, will be **\$398,000.00** as described below:

Construction Costs

(w/contingencies)	\$331,063.64
Engineering & Administration	33,106.36
Bond Costs	<u>33,830.00</u>
TOTAL ASSESSED COSTS	\$398,000.00

Estimated unit costs for construction only, not including engineering, legal, administrative and bond costs, are as follows:

New Construction:

New Sidewalk	\$ 3.90/sq. ft.
New Curb & Gutter	15.00/lin. ft.
New Drive Approach	4.60/sq. ft.
Street Reconstruction	20.00/sq. yard

The actual cost to be assessed against any benefitted property will be determined by the actual amount of work done adjacent to the property plus a proportionate share of the costs of any alley approaches for the block within which the property is located.

4. ASSESSMENT OF COSTS. All costs of constructing the curbs, gutters, sidewalks, and drive approaches, including engineering, administrative and bond costs, will be assessed against the properties which are adjacent to the improvements installed. In addition, if alley approaches are constructed or reconstructed within a block, each property within that block will be assessed for a portion of the costs based on a ratio determined by the area of each parcel and the total area of all properties served by the alley. As shown on Exhibit "B", assessments will be levied against 28 separate lots, parcels, or tracts.

The costs for each property will vary depending upon the actual construction that is required adjacent to each property. The estimated costs, for construction only, for a typical 120 foot lot requiring construction for all curb and gutter, sidewalk, appurtenant structures and alley approaches, are \$7,000.00. The average total assessment, including engineering, administrative, and bond costs is estimated to be \$11,110.00, with a high of \$29,016.44, a low of \$4,888.36 and a median of \$8,469.59 and \$8,583.12.

5. PERIOD OF ASSESSMENTS. The assessments for all improvements and costs shall be paid in not more than twelve (12) annual installments, plus interest, provided however, that payment of one-half of each annual installment, plus interest, may be deferred to May 31 of the year following the assessment.

6. PROPERTY OWNER OPTION TO CONSTRUCT IMPROVEMENTS. In the event that the City Council orders in the above described improvements following the public hearing, then the owners of all properties to be assessed for the costs of said improvements will be notified of such action in writing. Said owners will have thirty (30) days from the date of said notice in which to install the required improvements at their own expense. In the event the owners do not install these improvements, the City will do so and will assess the costs against the benefitted properties as described herein.

7. METHOD OF FINANCING; PLEDGE OF REVOLVING FUND; FINDINGS AND DETERMINATIONS. The City will issue **Sidewalk, Curb, and Gutter Improvement Bonds** in an aggregate principal amount not to exceed \$398,000 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the Project. This Council further finds it is in the public interest, and in the best interest of the City and the Project, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect to the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

(a) Estimated Market Value of Parcels. The estimated total market value of the lots, parcels, or tracts in the Project, as of the date of adoption of this resolution, as estimated by the County Assessor, is \$2,609,060.00. The average market value is \$93,181.00, with a high of \$374,927.00, a low of \$11,472.00, and a median value of \$72,297.00 and \$76,141.00. The special assessments to be levied against each lot, parcel, or tract is less than the increase in the estimated market value of the properties as a result of the construction of the improvements.

(b) Diversity of Property Ownership. For the 28 total lots, parcels, or tracts in the Project, there are 27 separate owners.

One owner, Schneiter Enterprises owns two (2) parcels; all other parcels are under separate individual ownership.

Given the diversity of ownership, it is unlikely that financial difficulties would arise that would require a loan to be made from the Revolving Fund.

(c) Comparison of Special Assessments, Property Taxes and Market Value. Currently, there are three (3) different SIDs being levied against various parcels in the Project area. These would be:

<b>SID#</b>	<b>PAYOUT DATE</b>	<b># OF AFFECTED PARCELS</b>	<b>TOTAL PAYOUT AMOUNT</b>	<b>AVG PAYOUT PER PARCEL</b>
1245	1999	14	\$ 510.23	\$ 36.45
1259	2000	16	\$2,283.58	\$ 142.72
1281	2002	16	\$22,351.58	\$1,396.97

Sixteen (16) separate parcels within the Project carry one or more assessments from the three (3) SIDs. The total amount of principal levied against these parcels is \$25,145.39, with an average payoff of \$1,571.59, a high of \$5,345.88, and a low of \$1,242.38.

As noted in Section 4, the estimated average assessment levied by this Project will be \$11,110.00. For the sixteen (16) lots carrying existing SIDs, the average assessment will be approximately \$9,221.00. With an average market value of \$66,895.00, and an average yearly principal payment of \$768 (monthly principal of \$64.00), the amount of assessment versus the value of the property would appear acceptable. As such, no unusual need for loans from the Revolving Fund would be expected.

(d) Delinquencies. For tax years 1991 through 1997, only two parcels were delinquent. These occurred in tax years 1992, 1995 and 1997, and represent total delinquent SID payments of \$1,412.27 and total delinquent general City tax payments of \$841.87. This represents only 7.1% of the total parcels being delinquent during this period. With an average City collection rate of 95% (5% delinquent), a 92.9% collection rate within the project area is clearly acceptable.

Therefore, given the delinquency history of this Project area, no unusual need for loans from the Revolving Fund would be expected.

(e) The Public Benefit of the Improvements. The subject section of St. Andrews Drive is defined as a collector street in the City's Transportation Plan. Under City policy, the cost of the installation

of new curb, gutter, sidewalk, driveway approaches and alley approaches on collector streets is to be borne by the adjoining property owners.

8. PUBLIC HEARING. On Monday, **April 13, 1998**, at 7:30 o'clock p.m., in the Council Chambers located on the Second Floor of the Police Facility, 220 North 27th Street, Billings, MT, the City Council will conduct a public hearing concerning this project and all interested parties will be allowed to testify. The City Council will also consider all written comments submitted to the City Clerk prior to the hearing or submitted to the Council during the hearing.

9. NOTICE OF PASSAGE OF RESOLUTION OF INTENTION. The City Clerk 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 **Billings Times**, a newspaper of general circulation in the county on **March 12 and March 19, 1998**, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said Notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED by the City Council and APPROVED this **9th** day of **March**, 1998.



CITY OF BILLINGS:

BY: Charles F. Tooley  
Charles F. Tooley, MAYOR

ATTEST:

Marita Herold  
Marita Herold, CMC CITY CLERK

RE: 1998 St Andrews Drive Curb, Gutter & Sidewalk Program, Phase II  
W.O. 95-15

**1998 ST. ANDREWS IMPROVEMENTS**  
**W.O. 95-15**  
**PHASE II**  
**EXHIBIT "A"**

**SIDEWALK, DRIVE APPROACH, CURB & GUTTER  
PROGRAM FOR 1998**

**A. SIDEWALK, CURB AND GUTTER, DRIVE APPROACHES AND  
ASPHALT WIDENING**

- Both sides of St. Andrews Drive from Wicks Lane to Southern Hills Drive
- South Side of Almandin Lane and the west side of St. Andrews Drive, south of Almandin Lane, fronting Lots 12 and 13, Block 25 of Lake Hills Subdivision, 6<sup>th</sup> Filing
- Both Sides of Sylvan Lane

EXHIBIT "B"  
CITY OF BILLINGS

ST ANDREWS DRIVE PHASE III, STREET IMPROVEMENTS  
AND SYLVAN LANE, STREET & STORM DRAIN IMPROVEMENTS  
Based on Engineer's Estimate

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Tax Account: A22311	Name: SCHNEITER ENTERPRISES LTD	Address: 8858 SOUTH 1240 EAST, SANDY UT	Property Desc: 11 WICKS LN	Legal: LAKEHILLS SUB 6TH	1 25	ASSESSMENT \$ 20,841.78
Tax Account: A22312	Name: NIVENS, BRENDA J & ROBERT V	Address: 130 ERICKSON COURT , BILLINGS MT	Property Desc: 1634 ST ANDREWS DR	Legal: LAKE HILLS SUB 6TH	2 25	ASSESSMENT \$ 15,417.10
Tax Account: A22322	Name: EMERSON, PATRICIA A AND	Address: 2901 SILVERWWOD LN , BILLINGS MT	Property Desc: 6 ALMADIN LN	Legal: LAKE HILLS SUB 6TH	12 & 13 25	ASSESSMENT \$ 26,750.92
Tax Account: A22324	Name: CLARK, BEVERLY J TRUSTEE	Address: 3134 BEN HOGAN LN , BILLINGS MT	Property Desc: 0 ALMADIN LN	Legal: LAKE HILLS SUB 6TH	1 26	ASSESSMENT \$ 10,161.79
Tax Account: A22329	Name: YANOK, THOMAS D & BONNIE	Address: 1742 SYLVAN LN , BILLINGS MT	Property Desc: 1742 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	6 26	ASSESSMENT \$ 5,079.64
Tax Account: A22330	Name: DE BAR, ROBERT J & JULIA A	Address: 1734 SYLVAN LN , BILLINGS MT	Property Desc: 1734 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	7 26	ASSESSMENT \$ 6,520.45
Tax Account: A22331	Name: DAVIS, DOUGLAS L & DEBORAH L	Address: 1726 SYLVAN LN , BILLINGS MT	Property Desc: 1726 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	8 26	ASSESSMENT \$ 6,519.02
Tax Account: A22332	Name: WAREHAM, ALBERT J & ROBERTA I	Address: 1718 SYLVAN LN , BILLINGS MT	Property Desc: 1718 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	9 26	ASSESSMENT \$ 14,510.30
Tax Account: A22333	Name: COUNTY WATER DISTRICT OF	Address: 618 RADFORD SQUARE , BILLINGS MT	Property Desc: 0 ST ANDREWS DR	Legal: LAKE HILLS SUB 6TH (-) ND 85' 1 27		ASSESSMENT \$ 10,246.10

CITY OF BILLINGS  
 ST ANDREWS DRIVE PHASE II, STREET IMPROVEMENTS  
 AND SYLVAN LANE, STREET & STORM DRAIN IMPROVEMENTS  
 Based on Engineer's Estimate

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Tax Account: A22333 1	Name: LAKEHILLS GOLF CLUB	Address: 1930 CLUBHOUSE WAY , BILLINGS MT	59105	
Property Desc: 0	Legal: LAKE HILLS SUB 6TH	NO 85' 1 27		ASSESSMENT \$ 5,888.79
Tax Account: A22334	Name: ERPENBACH, GREGORY M	Address: 1715 ST ANDREWS DR , BILLINGS MT	59105	
Property Desc: 1715 ST ANDREWS DR	Legal: LAKE HILLS SUB 6TH	2 27		ASSESSMENT \$ 7,858.87
Tax Account: A22338	Name: HALVORSEN, DAVID & NANCY J	Address: 1747 ST ANDREWS DR , BILLINGS MT	59105	
Property Desc: 1747 ST ANDREWS DR	Legal: LAKE HILLS SUB 6TH	6 27		ASSESSMENT \$ 8,641.17
Tax Account: A22342	Name: DUNBAR, LEONARD	Address: 1441 15TH ST WEST , BILLINGS MT	59102	
Property Desc: 1823 ST ANDREWS DR	Legal: LAKE HILLS SUB 7TH	9 27		ASSESSMENT \$ 9,261.91
Tax Account: A22343	Name: REITER, JACK & KANDEE	Address: 1833 ST ANDREWS DR , BILLINGS MT	59105	
Property Desc: 1833 ST ANDREWS DR	Legal: LAKE HILLS SUB 7TH	10 27		ASSESSMENT \$ 9,021.11
Tax Account: A22344	Name: BUCKLEY, DANIEL F & EILEEN	Address: 1843 ST ANDREWS DR , BILLINGS MT	59105	
Property Desc: 1843 ST ANDREWS DR	Legal: LAKE HILLS SUB 7TH	11 27		ASSESSMENT \$ 4,888.36
Tax Account: A22345	Name: FOGLE, GEORGE L & BERNIE L	Address: 1717 SYLVAN LN , BILLINGS MT	59105	
Property Desc: 1717 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	1 28		ASSESSMENT \$ 6,223.76
Tax Account: A22346	Name: BIES, JOSEPH P & JODY L	Address: 1729 SYLVAN LN , BILLINGS MT	59105	
Property Desc: 1729 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	2 28		ASSESSMENT \$ 5,531.31
Tax Account: A22347	Name: CIMMINO, PAUL F & ANGELA	Address: 1745 SYLVAN LN , BILLINGS MT	59105	
Property Desc: 1745 SYLVAN LN	Legal: LAKE HILLS SUB 6TH	3 28		ASSESSMENT \$ 19,860.75

CITY OF BILLINGS  
ST ANDREWS DRIVE PHASE II, STREET IMPROVEMENTS  
AND SYLVAN LANE, STREET & STORM DRAIN IMPROVEMENTS  
Based on Engineer's Estimate

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Tax Account: A22348	Name: BUCHHOLZ, STANLEY L & MARCIA L	Address: 1773 SYLVAN LN , BILLINGS MT	Property Desc: 1773 SYLVAN LN	Legal: LAKE HILLS SUB 6TH 4 28	ASSESSMENT \$ 8,583.1
Tax Account: A22350	Name: FIELDS, TIMOTHY W & PAULA S	Address: 1783 SYLVAN LANE , BILLINGS MT	Property Desc: 1783 SYLVAN LN	Legal: LAKE HILLS SUB 6TH 6 28	ASSESSMENT \$ 29,016.4
Tax Account: A22353	Name: ROLLINS, MYRON B & ERMA S	Address: 1748 SYLVAN LN , BILLINGS MT	Property Desc: 1748 SYLVAN LN	Legal: LAKE HILLS SUB 5TH AMND 3&4 3A 29	ASSESSMENT \$ 7,138.2
Tax Account: A22354	Name: KELLER, PAUL C	Address: 1764 SYLVAN LN , BILLINGS MT	Property Desc: 1764 SYLVAN LN	Legal: LAKE HILLS SUB 5TH AMND 3&4 4A 29	ASSESSMENT \$ 5,464.3
Tax Account: A22355	Name: HARRIS, GARY D & TAMMARA J	Address: 1772 SYLVAN LN , BILLINGS MT	Property Desc: 1772 SYLVAN LN	Legal: LAKE HILLS SUB 5TH 5 29	ASSESSMENT \$ 6,777.4
Tax Account: A22356	Name: REITER, MEREDITH L & JANET	Address: 1780 SYLVAN LN , BILLINGS MT	Property Desc: 1780 SYLVAN LN	Legal: LAKE HILLS SUB 5TH AMND 6 29	ASSESSMENT \$ 8,469.5
Tax Account: A22357	Name: BALSTAD, CLINTON & HOLLY	Address: 1788 SYLVAN LN , BILLINGS MT	Property Desc: 1788 SYLVAN LN	Legal: LAKE HILLS SUB 5TH AMND 6A 29	ASSESSMENT \$ 7,034.0
Tax Account: A22358	Name: MCHENRY, CHARLES C & ROZELLA	Address: 1804 SYLVAN LN , BILLINGS MT	Property Desc: 1804 SYLVAN LN	Legal: LAKE HILLS SB 5TH AM 7 29 7TH 8A 29	ASSESSMENT \$ 5,695.1
Tax Account: A22360	Name: SCHNEITER ENTERPRISES	Address: 8858 SOUTH 1240 EAST, SANDY UT	Property Desc: 0 ST ANDREWS DR	Legal: LAKE HILLS SUB 7TH 9 29	ASSESSMENT \$ 17,402.3

CITY OF BILLINGS  
ST ANDREWS DRIVE PHASE II, STREET IMPROVEMENTS  
AND SYLVAN LANE, STREET & STORM DRAIN IMPROVEMENTS  
Based on Engineer's Estimate

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Tax Account: D 5232 1

Name: CITY OF BILLINGS

Address: PO BOX 1178 , BILLINGS MT 59103

Property Desc: 1601 ST ANDREWS OR

Legal: \*\* C/S 1981 TR 2-B

ASSESSMENT \$

0.00

Tax Account: 011655

Name: OUR SAVIOR EVANGELICAL

Address: 1603 ST ANDREWS OR , BILLINGS MT 59105

Property Desc: 1603 ST ANDREWS LN

Legal: \*\* C/S 1981 TR 1-A

ASSESSMENT \$

22,218.71