

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. 98-17342, entitled: "A RESOLUTION RELATING TO W.O. 95-15: THE 1998 ST. ANDREW'S DRIVE CURB, GUTTER AND SIDEWALK PROGRAM, PHASE II; ORDERING 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 April 13, 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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: McDaniel, Iverson, Mayor Tooley, Kennedy, Johnson, Ohnstad, & Larson; voted against the same: McDermott, Regnier, Deisz, Ellison; abstained from voting thereon: none; or were absent: none.

WITNESS my hand officially this 13th day of April, 1998.

Marita Herold
Marita Herold, CMC CITY CLERK

A RESOLUTION RELATING TO W.O. 95-15: THE 1998 ST. ANDREW'S DRIVE CURB, GUTTER AND SIDEWALK PROGRAM, PHASE II; ORDERING 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 AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Passage of Resolution of Intention. This Council, on **March 9, 1998**, adopted Resolution No. 98-17331 (the "Resolution of Intention"), pursuant to which this Council declared its intention to order in certain sidewalks, curb and gutter improvements, designated as W.O. 95-15 (the "Project") of the City, under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of sidewalk, curb and sidewalk, curb and gutter improvement bonds drawn on the Project (the "Bonds"), the creation and administration of the Project, and the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on **March 9, 1998**, this Council conducted a public hearing on the ordering in of the Project and the making of the Improvements.

Section 3. Order. It is hereby ordered that the following improvements shall be constructed, reconstructed, repaired, or replaced:

See Exhibit "A" attached hereto.

Section 4. 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 in Exhibit "B" attached hereto.

Section 5. Reimbursement Expenditures.

5.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage

rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$232,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

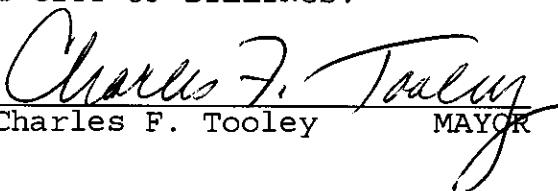
5.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.05. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

Section 6. Property Owner Option to Construct Improvements.
Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 13th day of April, 1998.

THE CITY OF BILLINGS:

BY 
Charles F. Tooley MAYOR

RESOLUTION NO. 98- 17342

ATTEST:

BY Marita Herold
Marita Herold, CMC CITY CLERK

RE: W.O. 95-15: The 1998 St. Andrew's Drive
Curb, Gutter & Sidewalk Phase II Program

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, 6th Filing
- ~~Both Sides of Sylvan Lane~~

EXHIBIT "B"
 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: 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 SILVERWOOD 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 \$ 9,019.49
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 (-) NO 85' 1 27		ASSESSMENT \$ 14,510.30
						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	Property Desc: 0	Legal: LAKE HILLS SUB 6TH NO 85' 1 27	ASSESSMENT \$ 5,888.75
Tax Account: A22334	Name: ERPENBACH, GREGORY M	Address: 1715 ST ANDREWS DR , BILLINGS MT	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	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	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	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	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	Property Desc: 1717 SYLVAN LN	Legal: LAKE HILLS SUB 6TH 1 28	ASSESSMENT \$ 6,223.76
Tax Account: A22346	Name: BIES, JOSEPH P & JODY	Address: 1729 SYLVAN LN , BILLINGS MT	Property Desc: 1729 SYLVAN LN	Legal: LAKE HILLS SUB 6TH 2 28	ASSESSMENT \$ 5,531.31
Tax Account: A22347	Name: CIMMING, PAUL F & ANGELA	Address: 1745 SYLVAN LN , BILLINGS MT	Property Desc: 1745 SYLVAN LN	Legal: LAKE HILLS SUB 6TH 3 28	ASSESSMENT \$ 19,860.76

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: A22340

Name: BUCHHOLZ, STANLEY L & MARCIA L
Address: 1773 SYLVAN LN, BILLINGS MT 59105
Property Desc: 1773 SYLVAN LN
Legal: LAKE HILLS SUB 6TH 4 28

ASSESSMENT \$ 8,563.1

Tax Account: A22350

Name: FIELDS, TIMOTHY W & PAULA S
Address: 1783 SYLVAN LANE, BILLINGS MT 59102
Property Desc: 1783 SYLVAN LN
Legal: LAKE HILLS SUB 6TH 6 28

12,848.85

ASSESSMENT \$ 29,016.4

Tax Account: A22353

Name: ROLLINS, MYRON B & ERMA S
Address: 1748 SYLVAN LN, BILLINGS MT 59105
Property Desc: 1748 SYLVAN LN
Legal: LAKE HILLS SUB 5TH AMND 3&4 3A 29

ASSESSMENT \$ 7,130.6

Tax Account: A22354

Name: KELLER, PAUL C
Address: 1764 SYLVAN LN, BILLINGS MT 59105
Property Desc: 1764 SYLVAN LN
Legal: LAKE HILLS SUB 5TH AMND 3&4 4A 29

ASSESSMENT \$ 5,464.0

Tax Account: A22355

Name: HARRIS, GARY D & TAMMARA J
Address: 1772 SYLVAN LN, BILLINGS MT 59105
Property Desc: 1772 SYLVAN LN
Legal: LAKE HILLS SUB 5TH 5 29

ASSESSMENT \$ 6,777.6

Tax Account: A22356

Name: REITER, MEREDITH L & JANET
Address: 1780 SYLVAN LN, BILLINGS MT 59105
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 59105
Property Desc: 1788 SYLVAN LN
Legal: LAKE HILLS SUB 5TH AMND 6A 29

ASSESSMENT \$ 7,034.6

Tax Account: A22358

Name: MCHENRY, CHARLES C & ROZELLA
Address: 1804 SYLVAN LN, BILLINGS MT 59105
Property Desc: 1804 SYLVAN LN
Legal: LAKE HILLS SUB 5TH AM 7 29 7TH 8A 29

ASSESSMENT \$ 5,695.1

Tax Account: A22360

Name: SCHNEITER ENTERPRISES
Address: 8858 SOUTH 1240 EAST, SANDY UT 84070
Property Desc: 0 ST ANDREWS DR
Legal: LAKE HILLS SUB 7TH 9 29

9,697.57

ASSESSMENT \$ 17,402.0

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 DR

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

ASSESSMENT \$ 0.00

Tax Account: D11655

Name: OUR SAVIOR EVANGELICAL

Address: 1603 ST ANDREWS DR , BILLINGS MT 59105

Property Desc: 1603 ST ANDREWS LN

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

20,201.31

ASSESSMENT \$ 22,218.71