

RESOLUTION NO. 98-17354

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 265 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 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. 265" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting on, Joyce Circle and Clause Circle in Two Moon Subdivision; all as listed in Exhibit "A" attached hereto, and as shown on the map designated as 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 benefitted 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 street lights, electrical energy, and maintenance of said street lights.

SECTION 4:

That the general character of the improvements to be made in the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities along and upon portions of the streets and avenues within the boundaries of the district consisting of twelve (12) 70-watt high pressure sodium luminaries mounted at a height of 25 feet. All luminaries will be mounted on fiberglass poles served by underground wiring. Montana Power Company shall own and install said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying materials, installation, electrical energy, and maintenance as follows: \$21.39 per 70 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 and 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 \$3,542.18; 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 \$0.013190232 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. 265 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 July, 1998, 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. 265 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

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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. 265. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 8th day of June, 1998.



CITY OF BILLINGS

BY:

Charles F. Tooley
Charles F. Tooley,

Tooley
MAYOR

ATTEST:

BY:

Marita Herold
Marita Herold, CMC CITY CLERK

EXHIBIT "A"

TWO MOON SUBDIVISION

Owner: Roy Clause
ABC Development
635 Bench Blvd.
Billings, MT 59105

BLOCK ONE

<u>LOT</u>	<u>SE</u>
1	6839
2	6601
3	6601
4	6601
5	6852
6	6606
7	7432
8	7814
9	6662
10	6624
11	6638
12	6605
13	7600
14	7139
15	6636
16	7141
17	6600
18	6601
19	6602
20	1936
21	6613
22	7189
23	6611
24	6645
25	7660
26	6606
27	6721
28	6600
29	6600
30	7147

BLOCK 2

<u>LOT</u>	<u>SE</u>
1	7324
2	6618
3	6618
4	6618
5	7141
6	6600
7	6600
8	6600
9	6600
10	7305

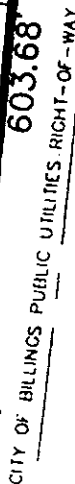
EXHIBIT B

EXHIBIT C

PROPOSED SILMD 265

DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northwest corner of Two Moon Subdivision;

thence S 89°59'25" E along the north boundary of Two Moon Subdivision a distance of 590.79 feet to the northeast corner of said Two Moon Subdivision;

thence S 07°20'18" W along the east boundary of said Two Moon Subdivision a distance of 501.48 feet to the southeast corner of Lot 14, Block 1, Two Moon Subdivision;

thence N 88°59'27" W a distance of 193.84 feet to the northeast corner of Lot 18, Block 1, Two Moon Subdivision;

thence S 01°02'50" W a distance of 281.97 feet to a point on the south boundary of Two Moon Subdivision defined as the southeast corner of Lot 22, Block 1, Two Moon Subdivision;

thence N 89°04'27" W along the south boundary of Two Moon Subdivision a distance of 341.47 feet to the southwest corner of said Two Moon Subdivision;

thence N 01°00'33" E along the west boundary of Two Moon Subdivision a distance of 780.90 feet to the northwest corner of said Two Moon Subdivision, the point of beginning.