

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 266 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. 266" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land designated as Rim Point Subdivision Phase I; 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 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 installed along the required Rimrock Road street widening, adjacent to the subdivision, and consisting of six (6) 150-watt high pressure sodium luminaries mounted at a height of 35 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: \$2.80 per 150 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 \$1,124.64; 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 \$0.001619408 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. 266 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 28th day of September, 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. 266 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. 266. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 24th day of August, 1998.

RESOLUTION NO. 98-17394



CITY OF BILLINGS

By Charles F. Tuley
Mayor

ATTEST:

BY Marita Herold
City Clerk

EXHIBIT "A"

RIM POINT SUBDIVISION SILMD 266

OWNER: The Corporation of the Presiding Bishop of
The Church of Jesus Christ of Latter-Day Saints, a Utah Corporation
50 East North Temple
Salt Lake City, UT 84150

LOT

<u>BLOCK 1</u>	1
<u>BLOCK 2</u>	8
	9
	10
	11
	23
	27
	28
	32
<u>BLOCK 3</u>	1
	2
	3
	4
	5
	6
	7
	8
	9

EXHIBIT C

PROPOSED SILMD 266

DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the southwest corner of Rim Point Subdivision; thence north along the west boundary of Rim Point Subdivision a distance of 410.00 feet to a bend point in said west boundary; thence, continuing along said west boundary, N 38°40'45" E a distance of 493.18 feet to the northwest corner of Rim Point Subdivision; thence S 89°03'00" E a distance of 551.93 feet to the northeast corner of Lot 1, Block 1, Rim Point Subdivision; thence northeasterly across Rim Point Drive to the northwest corner of Lot 8, Block 2, Rim Point Subdivision; thence S 89°03'00" E along the north boundary of said Lot 8, Rim Point Subdivision and Lot 9, Block 2, Rim Point Subdivision, a distance of 266.85 feet to the northeast corner of said Lot 9, Rim Point Subdivision; thence S 00°57'00" W along the east lines of said Lot 9, Rim Point Subdivision through Lot 11, Block 2, Rim Point Subdivision, a distance of 280.00 feet to the southeast corner of said Lot 11, Rim Point Subdivision; thence S 89°03'00" E along the north boundary of Lot 23, Block 2, Rim Point Subdivision, a distance of 34.00 feet to the northeast corner of said Lot 23, Rim Point Subdivision; thence S 11°34'45" E along the east boundary of said Lot 23, Rim Point Subdivision, a distance of 117.32 feet to the southeast corner of said Lot 23, Rim Point Subdivision; thence southeasterly across Rim Point Place to the northeast corner of Lot 27, Block 2, Rim Point Subdivision; thence S 28°09'41" E along the east boundary of said Lot 27, Rim Point Subdivision, a distance of 105.24 feet to the northeast corner of Lot 28, Block 2, Rim Point Subdivision; thence S 25°15'40" E along the east boundary of said Lot 28, Rim Point Subdivision, a distance of 101.05 feet to the southeast corner of said Lot 28, Rim Point Subdivision; thence southeasterly across Audubon Way to the northeast corner of Lot 32, Block 2, Rim Point Subdivision; thence S 25°00'26" E along the east boundary of said Lot 32, Rim Point Subdivision, a distance of 100.71 feet to the southeast corner of said Lot 32, Rim Point Subdivision; thence N 89°03'00" W a distance of 160.00 feet to the southwest corner of said Lot 32, Rim Point Subdivision, which is the northwest corner of Lot 9, Block 18, Lillis Heights Subdivision; thence southerly along the west boundary of said Lot 9, Lillis Heights Subdivision to the southwest corner of said Lot 9, Lillis Heights Subdivision; thence easterly along the south lines of said Lot 9, Lillis Heights Subdivision and Lots 10 through 14, Block 18, Lillis Heights Subdivision, to the southeast corner of said Lot 14, Lillis Heights Subdivision;

thence southerly a distance of 70 feet to the Rimrock Road right-of-way centerline;
thence westerly along said Rimrock Road right-of-way centerline to a point south of the southwest corner of Lot 26, Block 19, Lillis Heights Subdivision;
thence northerly a distance of 70 feet to the southwest corner of said Lot 26, Lillis Heights Subdivision;
thence easterly along the south line of said Lot 26, Lillis Heights Subdivision to the southeast corner of said Lot 26, Lillis Heights Subdivision;
thence northerly along the east boundary of said Lot 26, Lillis Heights Subdivision, to the northeast corner of said Lot 26, Lillis Heights Subdivision, which is the southeast corner of Lots 1, Block 3, Rim Point Subdivision;
thence along the south line of Lots 1 through 9, Block 3, Rim Point Subdivision, crossing the alley located in said Block 3, N 89°03'00" W, a distance of 1135.14 feet to the northwest corner of Lot 15, Block 19, Lillis Heights Subdivision;
thence S 00°57'00" W along the east line of said Lot 9, Rim Point Subdivision, a distance of 100.00 feet to the southeast corner of said Lot 9, Rim Point Subdivision;
thence N 89°03'00" W a distance of 124.23 feet to the southwest corner of Rim Point Subdivision, the point of beginning.