

RESOLUTION NO. 15-10438

A RESOLUTION DECLARING THE CITY COUNCIL INTENT TO MODIFY THE EAST BILLINGS URBAN RENEWAL DISTRICT WITH TAX INCREMENT AUTHORITY; DECLARING THE EXISTENCE OF BLIGHT WITHIN THE EAST BILLINGS URBAN RENEWAL DISTRICT; SETTING A PUBLIC HEARING DATE; AND REQUIRING PUBLICATION AND MAILING OF THE NOTICE OF HEARING

WHEREAS, under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act"), the City of Billings, Montana (the "City") is authorized, among other things, to identify and declare an area as containing blight with the intention of eliminating it through urban renewal; and

WHEREAS, the City is authorized by the Act to modify urban renewal areas with tax increment provisions by adopting a revised urban renewal plan by ordinance; and

WHEREAS, a revised urban renewal plan has been prepared for the proposed East Billings Urban Renewal District; and

WHEREAS, the City Council desires to conduct a public hearing on the draft modified urban renewal plan for the proposed East Billings Urban Renewal District to determine if it is desirable to modify the district.

NOW, THEREFORE, the City Council of the City of Billings, Montana, declares and resolves as follows:

1. Description of Proposed Modified District The area being considered for inclusion in the proposed modified urban renewal area is described as:

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Tract of land being a portion of Industrial Subdivision 4<sup>TH</sup> Filing: Being Lots 6 through 14 and 59 through 62, Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Recorded March 25, 1963, under Document Number 703562, along with Vacated alley per Yellowstone County Board of Commissioners Resolution, Document Number 851395, filed November 14, 1969; Also being Lot 5-A Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Amended Plat of Lots 1, 2, 3, 4 & 5, Block 11, Recorded October 26, 1983, under Document Number 1284720; Including all adjacent Right-Of-Way of Main Street / US-312 / US-87 and 3<sup>RD</sup> Avenue North.

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Tract of land being a portion of Industrial Subdivision 4<sup>TH</sup> Filing: Being Lots 53 through 58, Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Recorded March 25, 1963, under Document Number 703562, along with Vacated alley per Yellowstone County Board of Commissioners Resolution,

Document Number 851395, filed November 14, 1969; Including all adjacent Right-Of-Way 4<sup>TH</sup> Avenue North.

Tracts of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Tract 1, Certificate of Survey Number 2212, Recorded October 26, 1983, under Document Number 1284766; Tract 1, Certificate of Survey Number 2213, Recorded October 26, 1983, under Document Number 1284767. Including all adjacent Right-Of-Way of Main Street / US-312 / US-87, 4<sup>TH</sup> Avenue North & North 7<sup>th</sup> Street.

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Tract of land being a portion of Industrial Subdivision 2<sup>ND</sup> Filing: Being Lots 1 through 13, Block 6 of Industrial Subdivision 2<sup>ND</sup> Filing, Recorded June 28<sup>TH</sup>, 1949, under Document Number 451738. Including all adjacent Right-Of-Way of North 10<sup>TH</sup> Street, North 9<sup>TH</sup> Street, 2<sup>ND</sup> Avenue North and alley Right-Of-Way within said Block 6.

A tract of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Being Tract 1, Certificate of Survey Number 2196, Recorded July 22<sup>ND</sup>, 1983, under Document Number 1273745. Including all adjacent Right-Of-Way of Main Street / US-312 / US-87, 1<sup>ST</sup> Avenue North, 2<sup>ND</sup> Avenue North and adjacent alley.

Tracts of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Tracts D1, E and F2, Second Amended Certificate of Survey Number 10, Recorded March 26, 1954, under Document Number 521451; Tracts F-1A and G-1, Amended Tracts F-1 and G of the Second Amended Certificate of Survey Number 10, Recorded November 26, 1979, under Document Number 1149504. Including all adjacent Right-Of-Way of 4<sup>TH</sup> Avenue North & North 7<sup>th</sup> Street.

Tracts of land situated in the NW1/4 of Section 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Being Lots 18 through 26, Block 6 of Industrial Subdivision 2<sup>ND</sup> Filing, Recorded June 28<sup>TH</sup>, 1949, under Document Number 451738; Also being Tract 7 of Corrected Plat of Second Amended Plat of Certificate of Survey No. 491 Recorded October 10<sup>th</sup>, 1961, under Document Number 670519. Including all adjacent Right-Of-Way of North 9<sup>TH</sup> Street, 3<sup>RD</sup> Avenue North and alley Right-Of-Way within said Block 6.

Tracts of land situated in Section 33, T.1.N., R.26.E., P.M.M., Yellowstone County, City of Billings, Montana, more particularly described as: Being Lots 7-10 and Lots 11-12, Block 2, North Park Subdivision.

#### **Road Right-of-Way Annexed and to be included in Modified EBURD**

Being 6<sup>th</sup> Avenue North from the extended easterly Right-Of-Way line of North 7<sup>th</sup> Street and running in a southwesterly direction to the west section line of said Section 34;

North 7<sup>th</sup> Street from the southerly Right-Of-Way line of 6<sup>th</sup> Avenue North and running in a southeasterly direction to the extended northern lines of Certificate of Survey's 10 and 2212;

The south half of 4<sup>th</sup> Avenue North from the extended westerly lot line of Lot 53, Block 11 of Industrial Subdivision 4<sup>TH</sup> Filing, Recorded March 25, 1963, under Document Number 703562 and running in a southwesterly direction to the easterly Right-Of-Way line of North 10<sup>th</sup> Street;

3<sup>rd</sup> Avenue North from the extended westerly lot line of Lot 14, Block 11 of said Industrial Subdivision

4<sup>TH</sup> Filing, and running in a southwesterly direction to the east Right-Of-Way line of North 9<sup>th</sup> Street and from the extended westerly lot line of Lot 18, Block 6 of Industrial Subdivision 2<sup>ND</sup> Filing, Recorded June 28<sup>TH</sup>, 1949, under Document Number 451738 and running in a southwesterly direction to the easterly Right-Of-Way line of North 10<sup>th</sup> Street;

The north half of 2<sup>nd</sup> Avenue North adjacent to Lots 9 through 13, Block 5 of said Industrial Subdivision 2<sup>ND</sup> Filing;

The easterly half of North 10<sup>th</sup> Street from the extended centerline of 4<sup>th</sup> Avenue North and running in a southeasterly direction to the northerly alley Right-Of-Way line of Block 6 of said Industrial Subdivision 2<sup>ND</sup> Filing;

Main Street from the extended north line of Certificate of Survey Number 2196, Recorded July 22<sup>ND</sup>, 1983, under Document Number 1273745 and running in a northerly direction to the extended southerly Right-Of-Way line of 3<sup>rd</sup> Avenue North.

*A map of the modified East Billings Urban Renewal District is included in Exhibit A.*

2. Determination of blight. A requirement of Montana Annotated Code 2005 is to justify an urban renewal plan through the determination of *blight*. Blight is defined as an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodation; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- inappropriate or mixed uses of land or buildings;
- defective or inadequate street layout;

- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- unsanitary or unsafe conditions;
- deterioration of site;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes;

The properties in the proposed modified district may be considered blighted, as enumerated in Section 4 and Section 5 of the 2015 Expansion and Amendment to the Urban Renewal Plan.

3. Intent to Modify an Urban Renewal Area with Tax Increment Authority. Pursuant to the Act and considering the blighted conditions cited above, the City Council declares its intention to modify the East Billings Urban Renewal District and that public improvements that will stimulate private investment in the area may be financed in part through tax increment generated from the District, subject to a public hearing and adoption of the draft modified urban renewal plan by ordinance.

4. Public Hearing. A public hearing is hereby called and shall be held on April 13, 2015 at 6:30 p.m. in the Council Chambers at 220 N. 27th Street, on whether to adopt the draft modified urban renewal plan for the proposed East Billings Urban Renewal District.

5. Publication and Mailing of Notice. The City Clerk is hereby authorized and directed to cause notice of the public hearing to be published in the *Billings Times* at least once a week for two consecutive weeks prior to the date set for the hearing and to mail notice of such hearing not less than 10 days prior to the date of the hearing to the persons whose names appear on the county treasurer's tax roll as the owners, reputed owners, or purchasers under contract for the deed of the Property, at the addresses shown on the tax roll.

APPROVED AND PASSED by the City Council of the City of Billings this 23rd day of March, 2015.

CITY OF BILLINGS:

BY:   
Thomas W. Hanel

ATTEST:

BY:   
Cari Martin, City Clerk

## EXHIBIT A

