

## SILMD 316

### RESOLUTION NO. 15 -10440

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 316 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR 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 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. 316" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land in proposed Josephine Crossing Subdivision, 5<sup>th</sup> Filing as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is 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 consisting of twenty-one (21) 100-watt high-pressure sodium, pendant cone style, black luminaire fixtures mounted on decorative round tapered fiberglass poles and served by underground wiring. NorthWestern Energy shall own and install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

The City of Billings intends to establish the approximate contract rate for installation & operation of the street lighting as follows: \$4.58 per 100 watt unit, per month for supplying electrical energy; \$1.24 per unit, per month for operation & maintenance; and \$45.36 per unit, per month for installation and ownership costs. These rates are in accordance with the applicable rate schedules approved by the Montana Public Service Commission. NorthWestern Energy Company shall provide energy to all of the lights and shall at all times own the light fixtures, poles, cables, and other incidental equipment, and shall provide maintenance and repairs to said equipment as part of the monthly rate for these lights.

SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$14,605; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "B" attached hereto, 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 total 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 \$0.032190 per square foot of assessed area.

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. 316 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 8:

That on the 11th day of May, 2015, at 6:30 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. 316 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 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. 316. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 13<sup>th</sup> day of April, 2015.

CITY OF BILLINGS



By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin  
Cari Martin, City Clerk



## Exhibit B

All parcels currently part of Lot 33A, of Am. Plat of Lot 33, Block 1, Josephine Crossing, 3rd Filing  
Tax Code A34659

### Parcel designations in proposed Josephine Crossing, 5th Filing

BLOCK#	LOT#	AREA-SF	
BLOCK 1	33	0	<i>Remains in SILMD 301</i>
	34	0	<i>Remains in SILMD 301</i>
	35	4,491	
	36	3,570	
	37	3,910	
	38	3,910	
	39	3,910	
	40	3,570	
	41	3,860	
	42	3,860	
	43	3,910	
	44	3,917	
	45	4,821	
	46	5,523	
	47	6,303	
	48	5,390	
	49	4,887	
	50	6,500	Private Park
	51	4,960	
	52	5,390	
	53	3,790	
	54	3,280	
	55	3,280	
	56	6,500	Private Park
	57	3,280	
	58	3,280	
	59	3,790	
	60	5,390	
	61	4,960	
	62	6,045	Private Park
	63	4,960	
	64	5,390	
	65	3,790	
	66	3,280	
	67	3,280	
	68	6,045	Private Park
	69	3,280	
	70	3,280	
	71	3,790	
	72	2,731	
	73	1,565	
	74	2,086	
	75	1,565	
	76	3,254	

## Exhibit B

All parcels currently part of Lot 33A, of Am. Plat of Lot 33, Block 1, Josephine Crossing, 3rd Filing  
Tax Code A34659

### Parcel designations in proposed Josephine Crossing, 5th Filing

BLOCK#	LOT#	AREA-SF	
BLOCK 8	27	0	<i>Remains In SILMD 301</i>
	28	0	<i>Remains in SILMD 301</i>
	29	3,840	
	30	3,680	
	31	3,680	
	32	4,320	
	33	9,390	
	34	4,000	
BLOCK 11	1	3,255	
	2	1,566	
	3	2,088	
	4	1,566	
	5	2,784	
	6	5,440	
	7	4,960	
	8	6,045	Private Park
	9	4,960	
	10	5,440	
	11	3,840	
	12	3,280	
	13	3,280	
	14	6,045	Private Park
	15	3,280	
	16	3,280	
	17	3,840	
	18	5,440	
	19	4,960	
	20	6,500	Private Park
	21	4,960	
	22	5,440	
	23	3,840	
	24	3,280	
	25	3,280	
	26	6,500	Private Park
	27	3,345	
	28	3,280	
	29	3,820	
	30	4,827	
	31	4,975	
	32	4,954	
	33	4,062	
	34	3,924	
	35	3,860	
	36	4,540	

## Exhibit B

All parcels currently part of Lot 33A, of Am. Plat of Lot 33, Block 1, Josephine Crossing, 3rd Filing  
Tax Code A34659

### Parcel designations in proposed Josephine Crossing, 5th Filing

BLOCK#	LOT#	AREA-SF
BLOCK 11	37	4,590
	38	3,910
	39	3,910
	40	3,910
	41	4,590
	42	4,833
	43	5,406
	44	5,984
	45	6,500 Private Park
	46	5,456
	47	5,984
	48	4,896
	49	5,980
	50	33,549 Private Park

453,717 Total Assessable Area

**EXHIBIT "C"**

**SILMD 316 – BOUNDARY DESCRIPTION**

A Special Improvement Lighting Maintenance District encompassing Lot 33A, Block 1, of the Amended Plat of Lot 33, Block 1, Josephine Crossing Subdivision, 3<sup>rd</sup> Filing as filed in the Office of the Yellowstone County Clerk and Recorder under Document Number 3722833; said lot 33A is proposed to be replatted as Josephine Crossing Subdivision, 5<sup>th</sup> Filing.

Exempting there from the following tracts in proposed Josephine Crossing, 5<sup>th</sup> Filing:

- Lot 33, Block 1
- Lot 34, Block 1
- Lot 27, Block 8
- Lot 28, Block 8

Also exempting there from all lands which are or will be platted as public street, road, or alley rights-of-way.