

RESOLUTION NO. 15-10519

A RESOLUTION OF INTENTION TO CREATE **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 321** 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. 321" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land abutting Grand Avenue between 30th Street West and Country Manor Boulevard, 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 pursuant to MCA 7-12-4327, the City of Billings intends to assess properties outside of, but contiguous to, the city limits of the City of Billings for a portion of the costs of the District.

SECTION 5:

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 fifty-four (54) LED luminaires mounted on steel poles with underground wiring. The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

SECTION 6:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$10.41 per unit, per month, and that NorthWestern Energy 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 7:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$14,800; 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 its assessable lot frontage bears to the total assessable lot frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. Excepting that in accordance with the Subdivision Improvements Agreement for Cardwell Ranch Subdivision, 1st Filing (Document 3510814 as recorded with the Yellowstone County Clerk and Recorder) the costs of lighting for the Grand Avenue frontage of Cardwell Ranch Subdivision shall be apportioned over the entire subdivision. Each lot within Cardwell Ranch Subdivision, 1st Filing shall be assessed for that portion of the whole cost for the Subdivision which its area bears to the total area of all lots in the Subdivision. The estimated cost of the District per year for property owners is on the basis of approximately \$1.38033949 per linear foot.

SECTION 8:

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. 321 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 9:

That on the 25th day of January, 2016, 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. 321 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 10:

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

PASSED by the City Council and APPROVED this 21st day of December, 2015.

CITY OF BILLINGS

By Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:



By Billie Guenther
Billie Guenther, City Clerk

SILMD 321 - Exhibit A

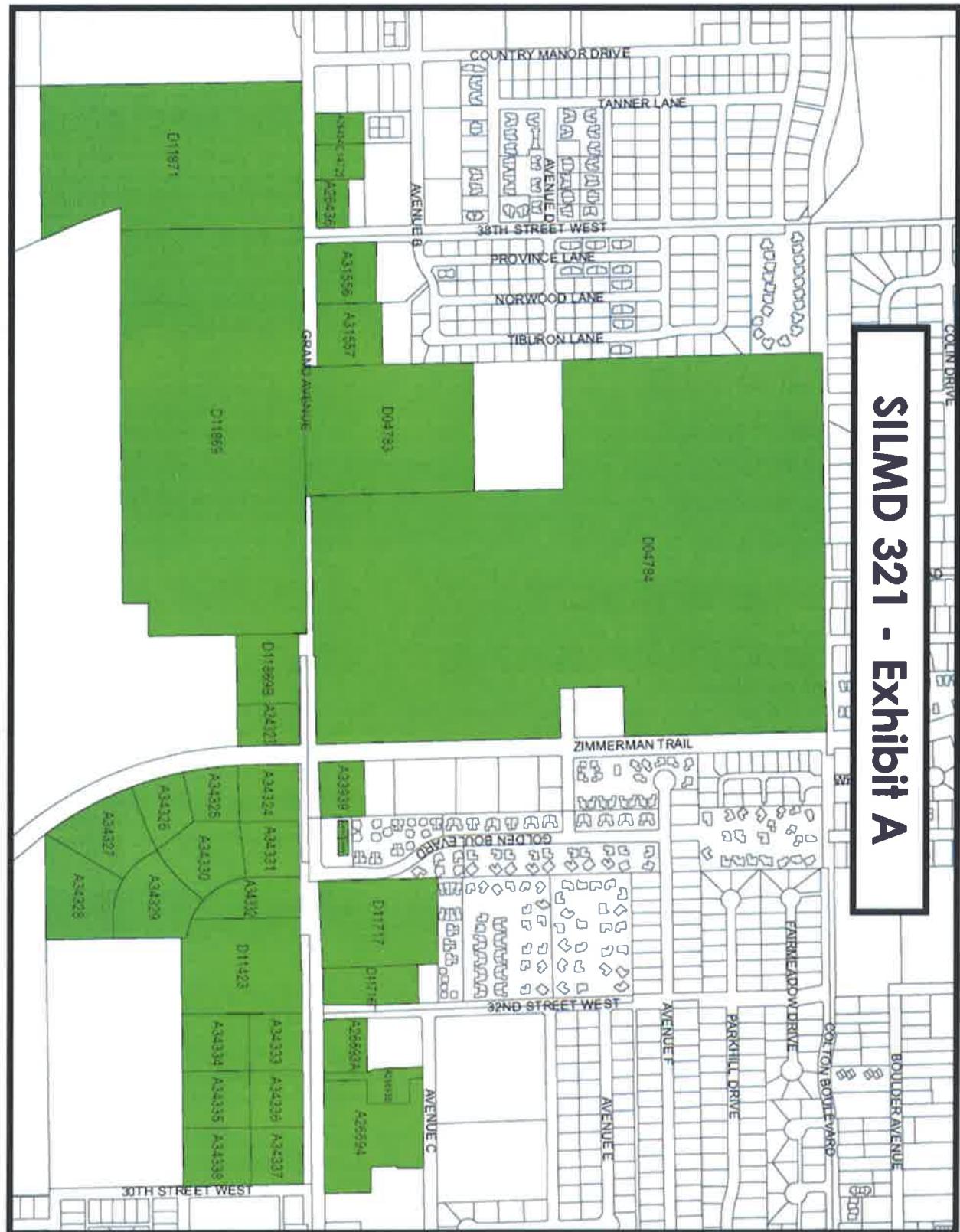


Exhibit B
SLMD 321
Grand Avenue

TAX ID	OwnerName	Property Address	Acres	Frontage	Assmt Frontage	Ex. Assmt
D11869	VEGEN GRAND AVE FARMS INC	3440 GRAND AVE	0.02, T01 S, R05 E, C0 S, 2702, PARCEL 2A, AMND (99)	2060.77	2053	\$2,831.08
D11871	VEGEN GRAND AVE FARMS INC	3440 GRAND ST SW	0.02, T01 S, R05 E, C0 S, 2702, PARCEL 3	751.72	752	\$1,078.02
A26435	ROCKY MOUNTAIN BANK	3450 30TH ST SW	0.02, T01 S, R05 E, C0 S, 2702, PARCEL 7	219.88	240	\$231.28
C16775	JO DRINGLE & HOMOTH DRINGLE REVOCABLE	3455 GRAND AVE	CIRCLE FIFTY SUBD, S03, T01 N, R05 E, BLOCK 2, LOT 7, 61.719 SQ FT (67)	185.92	186	\$256.76
A26434	O. L. SWAN, INC.	3475 GRAND AVE	CIRCLE FIFTY SUBD, S03, T01 N, R05 E, BLOCK 2, LOT 6a only	162	162	\$223.61
A31556	HETTINGER, DANIEL L	3485 GRAND AVE	HANCOCK GRAND SUBD, S04, T01 N, R05 E, BLOCK 1, LOT 1A2, (65) 2231 AC	304.25	304	\$419.62
A31557	WEST END COMMERCIAL PROPERTIES LLC 96.31% INT'L	3477 GRAND AVE	HANCOCK GRAND SUBD, S04, T01 N, R05 E, BLOCK 1, LOTS 2B-2C, AMND	113.27	113	\$437.05
D004783	NANCIE LOTT'S SAWMILL & NORDQUEST MORTUARY INC	3465 GRAND AVE	HANCOCK GRAND SUBD, S04, T01 N, R05 E, BLOCK 1A, AMND (13)	667.42	667	\$920.69
D004784	EZ BAR LIMITED PARTNERSHIP	3475 GRAND AVE	HANCOCK GRAND SUBD, S04, T01 N, R05 E, C0 S, 2974, PARCEL 1A, AMND (11)	1284.58	1285	\$1,773.74
D118690	VEGEN GRAND AVE FARMS INC	3480 GRAND AVE	CARLTON RANCH 15A, FENCE - white plus Grand Ave Frontage 277.631 LF.	45.2664	2737.63	0
A34323	VEGEN GRAND AVE FARMS INC	3480 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 1, LOT 1	2.5716	359.59	156
A34325	VEGEN GRAND AVE FARMS INC	3485 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 1, LOT 2	1.5109	209.88	91
A34326	VEGEN GRAND AVE FARMS INC	3490 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 3	1.7572	577	513.69
A34327	VEGEN GRAND AVE FARMS INC	3495 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 4	1.5673	572	512.61
A34328	VEGEN GRAND AVE FARMS INC	3500 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 5	1.3674	192	5265.01
A34329	VEGEN GRAND AVE FARMS INC	3505 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 6	1.5186	214	5295.39
A34330	VEGEN GRAND AVE FARMS INC	3510 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 7	1.2186	195	5269.17
A34334	VEGEN GRAND AVE FARMS INC	3515 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 8	2.7772	146	5211.90
A34335	VEGEN GRAND AVE FARMS INC	3520 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 12	2.2779	138	5190.49
A34336	VEGEN GRAND AVE FARMS INC	3525 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 13	2.294	139	5191.87
D118423	FRONTIER ONCOLOGY LLC	3526 30TH ST SW	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 16	2.3124	140	5191.25
A34338	VEGEN GRAND AVE FARMS INC	3534 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 10	6.6395	492.19	405
A34339	VEGEN GRAND AVE FARMS INC	3535 ZIMBERMAN TER	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 1	2.0482	294.99	124
A34341	VEGEN GRAND AVE FARMS INC	3535 GOLDEN VALLEY CIR	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 1	1.0639	286.45	113
A34342	VEGEN GRAND AVE FARMS INC	3535 GOLDEN VALLEY CIR	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 9	2.2794	210.44	135
A34343	VEGEN GRAND AVE FARMS INC	3535 GOLDEN VALLEY CIR	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 11	1.8931	109	5186.35
A34346	VEGEN GRAND AVE FARMS INC	3540 GRAND AVE	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 14	1.7984	295.33	109
A34347	VEGEN GRAND AVE FARMS INC	3550 30TH ST SW	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 16	1.7809	291.62	108
A33939	WAGGREEN CO	3553 Grand Ave	CARLTON RANCH SUB 1ST FILING (10), T01 S, R05 E, BLOCK 2, LOT 1	283.03	283	5390.64
A32624	BIRITANIA PLAZA	3557 Grand Ave	BRITANIA PLAZA, S04, T01 N, R05 E, BLOCK 1, LOT 1A2, AMND (99)	0	0	0
A26693	LAND PROPERTIES, INC.	3557 Grand Ave	BRITANIA PLAZA, S04, T01 N, R05 E, BLOCK 1, LOT 1B1, UNIT 1-5%, COMMON AREA INTEREST, LOC @ LT 9 BLK 4 BRITANIA SUB 1ST	118.99	119	\$164.76
A26694	WILLINGTON, FAMILY PARTNERSHIP LP	3557 Grand Ave	JUBO CENTER SUBD, S04, T01 N, R05 E, BLOCK 1, LOT 1B2, AMND (99)	263.44	249	\$434.70
A26695	COSTOCK REAL ESTATE HOLDINGS LLC	3561 Grand Ave	JUBO CENTER SUBD, S04, T01 N, R05 E, BLOCK 1, LOT 1B3, AMND (99)	58.3	58.3	\$804.74
D11716	GRAND UHUR CO	3561 Grand Ave	JUBO CENTER SUBD, S04, T01 N, R05 E, BLOCK 1, LOT 1B4, AMND (99)	42	42	\$57.97
D11717	CAUMONT LIMITED LIABILITY COMPANY	3569 GRAND AVE	JUBO CENTER SUBD, S04, T01 N, R05 E, C0 S, 2631, PARCEL 2	197	5211.90	5601.83
			435.52	436	\$14,800.04	

Total assessment table
Assessment rate
1,300.73469

EXHIBIT "C"

SILMD 321 – BOUNDARY DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Grand Avenue between 30th St. West and Country Manor Boulevard in Yellowstone County, Montana. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

Lot 9, Block 4, Britannia Subdivision, as recorded May 25, 1994, under Document Number 1742438;

Tracts 2 & 3, Certificate of Survey 2631, as recorded June 24, 1991, under Document Number 1599065;

Tract 2A of Amended Tracts 1-A and 2, Certificate of Survey 2702, as recorded September 3, 2008, under Document Number 3478524;

Tract 3, Certificate of Survey 2702, as recorded July 7, 1992, under Document Number 1642566;

Tract 2A of Amended Tract 2, Certificate of Survey 2974, as recorded November 26, 2012, under Document Number 3647208;

Tract 1A, Certificate of Survey 3364 Amended, as recorded March 25, 2010, under Document Number 3544428;

All lots within Cardwell Ranch Subdivision, 1st Filing, as recorded June 8, 2009, under Document Number 3510813;

Lots 6A and 6D, of the Amended Plat of Lot 6, Block 2, Circle Fifty Subdivision as recorded June 16, 2004, under Document Number 3292596;

Lot 7, Block 2, Circle Fifty Subdivision as recorded February 6, 1985, under Document Number 1339215;

Lot 3, Block 1, E.D. King Subdivision as recorded December 18, 2006, under Document Number 3404172;

Lots 1A-2, 2-B and 2-C, of the Amended Plat of Lots 1A and 2, Block 1, Hancock-Grand Subdivision, as recorded September 23, 2004, under Document Number 3305752;

Lot 1-A-2 of the Amended Plat of Lot 1-A, Block 5, of the Amended Plat of Block 5, Judd Center Subdivision, as recorded August 10, 1994, under Document Number 1752645;

Lots 1-A-1-B, and 2-A-1 of the Amended Plat of Lots 1-A-1 and 2-A, Block 5, Judd Center Subdivision, as recorded December 29, 1997, under Document Number 1904145

Exempting there from all lands which are public street, road, or alley rights-of-way.