RESOLUTION NO. 96- 17055

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 263 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. 263" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting on State Avenue from First Avenue South to South 27th Street and on 12th Avenue South from State Avenue to South 27th Street; to a depth of one block; 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 electrical energy for 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 eighty seven (87) 250-watt high pressure sodium luminaires mounted at a height of 30 feet and of two (2) 400-watt high pressure sodium luminaires mounted at a height of 30 feet on one pole and 40 feet on the second pole. All luminaires 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: $5.02 per 250 watt unit per year and $8.21 per 400 watt unit per year, in accordance with the rate schedule SL-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 $9,364.65; 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 $0.002860241 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.

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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. 263 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 12th day of February, 1996, 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. 263 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. 263. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 8th day of January, 1996.

CITY OF BILLINGS

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SEAL

By Charles F. Tooley
Mayor

ATTEST:

By Marita Herold
City Clerk

EXHIBIT "C"

PROPOSED SILMD 263
DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northwest corner of Lot 10, Block 1, T. O. Rickman Industrial Subdivision;

thence S00°14'00"E a distance of 270.00 feet to a point on the west line of Lot 4A, Block 1, T. O. Rickman Industrial Subdivision;

thence S89°30'00"E a distance of 260.00 feet to a point on the line common to said Lot 4A, Block 1, and Lot 1A1, Block 1, T. O. Rickman Industrial Subdivision;

thence S89°30'02"E a distance of 356.90 feet to the east line of said Lot 1A1, Block 1;

thence northeasterly across Hallowell Lane to the northwest corner of Tract 1, C/S 1930;

thence S00°29'58"E along the west line of said Tract 1, a distance of 16.40 feet;

thence S89°59'00"E a distance of 329.90 feet to the line common to said Tract 1, C/S 1930, and Tract A1, C/S 154;

thence S89°53'00"E a distance of 200.00 feet to the line common to said Tract A1, C/S 154, and Tract A2, C/S 154;

thence S89°53'00"E a distance of 130.00 feet to the east line of said Tract A2, C/S 154;

thence easterly across Van Buren Street to the southwest corner of Lot 24, Block 1, Fairview Subdivision;

thence easterly along the south line of said Block 1 extended a distance of 600.00 feet to the southeast corner of Lot 1, Block 1, Fairview Subdivision;

thence easterly across Jackson Street to the southwest corner of Lot 35, Block 1, State Realty Addition;

thence S89°43'30"E a distance of 270.00 feet to the southeast corner of Lot 14, Block 1, State Realty Addition;

thence easterly across Monroe Street to the southwest corner of Lot 35, Block 2, State Realty Addition;

thence S89°43'30"E a distance of 270.00 feet to the southeast corner of Lot 14, Block 2, State Realty Addition;

thence easterly across Jefferson Street to the southwest corner of Lot 35, Block 3, State Realty Addition;

thence S89°43'30"E a distance of 270.00 feet to the southeast corner of Lot 14, Block 3, State Realty Addition;

thence easterly across Adams Street to the southwest corner of Lot 35, Block 4, State Realty Addition;

thence S89°43'30"E a distance of 272.40 feet to the southeast corner of Lot 14, Block 4, State Realty Addition;

thence northeasterly across Washington Street to the northwest corner of Tract 2, C/S 298;

thence S00°10'00"E a distance of 4.05 feet to a point on the west line of said Tract 2, C/S 298;

thence S89°58'29"E a distance of 231.61 feet to the line common to said Tract 2, C/S 298, and the Factory
Site located in the north 1/2 of the northeast 1/4 corner of the northwest 1/4 corner of Section 10, T.1S., R.26E., P.M.M.;

thence easterly 270.00 feet south of and parallel to the northern boundary of said Factory Site to the eastern boundary of said Factory Site;

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RESOLUTION 96- 17055

thence easterly across Riverside Road to a point, on the western boundary of Tract 1, C/S 1616, located 270.00 feet south of the extension of the northern boundary of said Tract 1, C/S 1616;

thence S89°58'29"E a distance of 2579.46 feet to the eastern boundary of said Tract 1, C/S 1616;

thence easterly across Sugar Avenue to a point, on the western boundary of Lot 1, Clark Subdivision, located 270.00 feet south of the northern boundary of said Lot 1, Clark Subdivision;

thence S90°00'00"E a distance of 270.00 feet to the line common to said Lot 1, Clark Subdivision, and Lot 2, Clark Subdivision;

thence S90°00'00"E a distance of 360.00 feet to the eastern boundary of said Lot 2, Clark Subdivision;

thence northerly along the eastern boundary of said Lot 2, Clark Subdivision, extended across State Avenue to the eastern boundary of Tract 2-A, Block 28, Sugar Factory Subdivision;

thence N34°37'00" a distance of 250.76 feet to the north corner of said Tract 2-A, Sugar Factory Addition;

thence northwesterly across 12th Avenue South to the east corner of Block 26, Sugar Factory Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 26, Sugar Factory Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 26, Sugar Factory Addition;

thence southwesterly across South 28th Street to the north corner of Block 250, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 250, Billings;

thence westerly across South 29th Street to the east corner of Block 247, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 247, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 247, Billings;

thence westerly across South 30th Street to the north corner of Block 248, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 248, Billings;

thence westerly across South 31st Street to the east corner of Block 239, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 239, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 239, Billings;

thence westerly across South 32nd Street to the east corner of Block 236, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 236, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 236, Billings;

thence southwesterly across South 33rd Street to the east corner of Block 237, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 237, Billings;

thence westerly across South 34th Street to the east corner of Block 222, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 222, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 222, Billings;

thence westerly across South 35th Street to the east corner of Block 220, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 220, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 220, Billings;

thence southwesterly across South 36th Street to the north corner of Block 21, Southwest Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 21, Southwest Addition;

thence westerly across South 37th Street to the east corner of Block 22, Southwest Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 22, Southwest Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 22, Southwest Addition;

thence westerly across South 38th Street to the east corner of Block 29, Southwest Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 29, Southwest Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 29, Southwest Addition;

thence westerly across South 39th Street to the east corner of Block 35, Highland Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 35, Highland Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 35, Highland Addition;

thence northerly across 3rd Avenue South to the east corner of Block 36, Highland Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 36, Highland Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 36, Highland Addition;

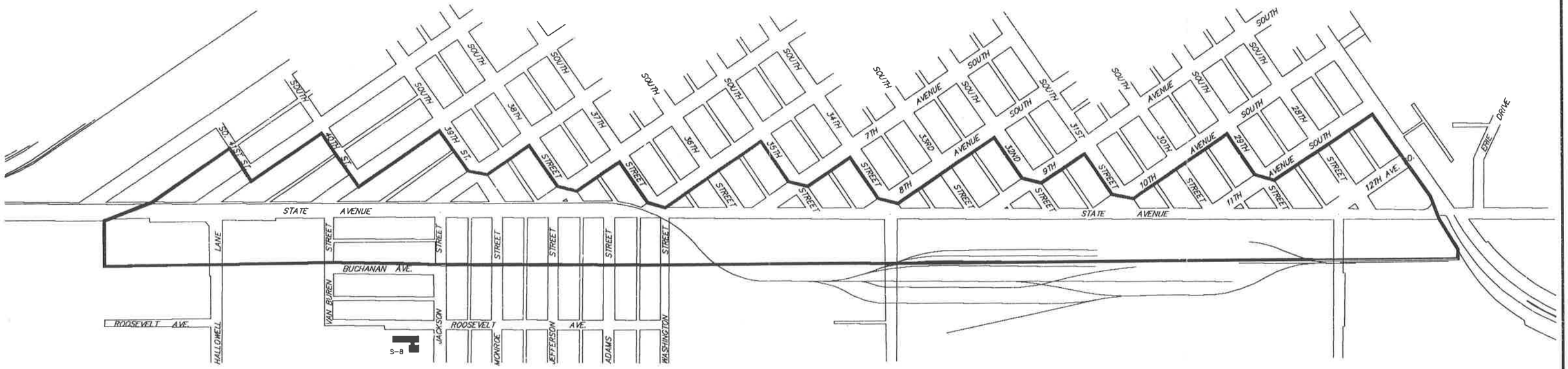
thence northeasterly across 2nd Avenue South to the east corner of Lot 1, Block 38, Highland Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Lot 1, Highland Addition;

thence S55°18'00"W a distance of 583.63 feet to the west corner of Lot 19, Block 38, Highland Addition;

thence southwesterly across State Avenue to the northwest corner of Lot 10, Block 1, T. O. Rickman Industrial Subdivision, which is the point of beginning.

Exhibit B



CITY OF BILLINGS, MONTANA

SCALE: - PLOT 1"=10'	APPROVED BY:	DRAWN BY: TAG
DATE: 12/19/95		REVISED:

SILMD 263 STATE AVENUE

SILMD 263	DWG. FILE NAME: SILMD263.DWG
	SHEET: 1 OF 1

EXHIBIT C

PROPOSED SILMD 263

DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northwest corner of Lot 10, Block 1, T. O. Rickman Industrial Subdivision;

thence S00°14'00"E a distance of 270.00 feet to a point on the west line of Lot 4A, Block 1, T. O. Rickman Industrial Subdivision;

thence S89°30'00"E a distance of 260.00 feet to a point on the line common to said Lot 4A, Block 1, and Lot 1A1, Block 1, T. O. Rickman Industrial Subdivision;

thence S89°30'02"E a distance of 356.90 feet to the east line of said Lot 1A1, Block 1;

thence northeasterly across Hallowell Lane to the northwest corner of Tract 1, C/S 1930;

thence S00°29'58"E along the west line of said Tract 1, a distance of 16.40 feet;

thence S89°59'00"E a distance of 329.90 feet to the line common to said Tract 1, C/S 1930, and Tract A1, C/S 154;

thence S89°53'00"E a distance of 200.00 feet to the line common to said Tract A1, C/S 154, and Tract A2, C/S 154;

thence S89°53'00"E a distance of 130.00 feet to the east line of said Tract A2, C/S 154;

thence easterly across Van Buren Street to the southwest corner of Lot 24, Block 1, Fairview Subdivision;

thence easterly along the south line of said Block 1 extended a distance of 600.00 feet to the southeast corner of Lot 1, Block 1, Fairview Subdivision;

thence easterly across Jackson Street to the southwest corner of Lot 35, Block 1, State Realty Addition;

thence S89°43'30"E a distance of 270.00 feet to the southeast corner of Lot 14, Block 1, State Realty Addition;

thence easterly across Monroe Street to the southwest corner of Lot 35, Block 2, State Realty Addition;

thence S89°43'30"E a distance of 270.00 feet to the southeast corner of Lot 14, Block 2, State Realty Addition;

thence easterly across Jefferson Street to the southwest corner of Lot 35, Block 3, State Realty Addition;

thence S89°43'30"E a distance of 270.00 feet to the southeast corner of Lot 14, Block 3, State Realty Addition;

thence easterly across Adams Street to the southwest corner of Lot 35, Block 4, State Realty Addition;

thence S89°43'30"E a distance of 272.40 feet to the southeast corner of Lot 14, Block 4, State Realty Addition;

thence northeasterly across Washington Street to the northwest corner of Tract 2, C/S 298;

thence S00°10'00"E a distance of 4.05 feet to a point on the west line of said Tract 2, C/S 298;

thence S89°58'29"E a distance of 231.61 feet to the line common to said Tract 2, C/S 298, and the Factory Site located in the north 1/2 of the northeast 1/4 corner of the northwest 1/4 corner of Section 10, T.1S., R.26E., P.M.M.;

thence easterly 270.00 feet south of and parallel to the northern boundary of said Factory Site to the eastern boundary of said Factory Site;

thence easterly across Riverside Road to a point, on the western boundary of Tract 1, C/S 1616, located 270.00 feet south of the extension of the northern boundary of said Tract 1, C/S 1616;

thence S89°58'29"E a distance of 2579.46 feet to the eastern boundary of said Tract 1, C/S 1616;

thence easterly across Sugar Avenue to a point, on the western boundary of Lot 1, Clark Subdivision, located 270.00 feet south of the northern boundary of said Lot 1, Clark Subdivision;

thence S90°00'00"E a distance of 270.00 feet to the line common to said Lot 1, Clark Subdivision, and Lot 2, Clark Subdivision;

thence S90°00'00"E a distance of 360.00 feet to the eastern boundary of said Lot 2, Clark Subdivision;

thence northerly along the eastern boundary of said Lot 2, Clark Subdivision, extended across State Avenue to the eastern boundary of Tract 2-A, Block 28, Sugar Factory Subdivision;

thence N34°37'00" a distance of 250.76 feet to the north corner of said Tract 2-A, Sugar Factory Addition;

thence northwesterly across 12th Avenue South to the east corner of Block 26, Sugar Factory Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 26, Sugar Factory Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 26, Sugar Factory Addition;

thence southwesterly across South 28th Street to the north corner of Block 250, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 250, Billings;

thence westerly across South 29th Street to the east corner of Block 247, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 247, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 247, Billings;

thence westerly across South 30th Street to the north corner of Block 248, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 248, Billings;

thence westerly across South 31st Street to the east corner of Block 239, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 239, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 239, Billings;

thence westerly across South 32nd Street to the east corner of Block 236, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 236, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 236, Billings;

thence southwesterly across South 33rd Street to the east corner of Block 237, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 237, Billings;

thence westerly across South 34th Street to the east corner of Block 222, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 222, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 222, Billings;

thence westerly across South 35th Street to the east corner of Block 220, Billings;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 220, Billings;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 220, Billings;

thence southwesterly across South 36th Street to the north corner of Block 21, Southwest Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 21, Southwest Addition;

thence westerly across South 37th Street to the east corner of Block 22, Southwest Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 22, Southwest Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 22, Southwest Addition;

thence westerly across South 38th Street to the east corner of Block 29, Southwest Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 29, Southwest Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 29, Southwest Addition;

thence westerly across South 39th Street to the east corner of Block 35, Highland Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 35, Highland Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 35, Highland Addition;

thence northerly across 3rd Avenue South to the east corner of Block 36, Highland Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Block 36, Highland Addition;

thence southwesterly along the northwest boundary, and said boundary extended to the west corner, of said Block 36, Highland Addition;

thence northeasterly across 2nd Avenue South to the east corner of Lot 1, Block 38, Highland Addition;

thence northwesterly along the northeast boundary, and said boundary extended to the north corner, of said Lot 1, Highland Addition;

thence S55°18'00"W a distance of 583.63 feet to the west corner of Lot 19, Block 38, Highland Addition;

thence southwesterly across State Avenue to the northwest corner of Lot 10, Block 1, T. O. Rickman Industrial Subdivision, which is the point of beginning.