

RESOLUTION NO. 96- 17082

A RESOLUTION ORDERING IN THE INSTALLATION, CONSTRUCTION, RECONSTRUCTION, OR REPLACEMENT OF CURBS AND GUTTERS, SIDEWALKS, DRIVE APPROACHES, ALLEY APPROACHES, AND/OR APPURTENANT FACILITIES AT DESIGNATED LOCATIONS WITHIN THE CITY OF BILLINGS.

WHEREAS, the City is granted the power pursuant to M.C.A. 7-14-4109 to order certain improvements without creation of a special improvement district and certain sections of curb and gutter, sidewalks, drive approaches, alley approaches and/or appurtenant features have deteriorated, settled and cracked, or none exist, or some of the foregoing do not exist; and

WHEREAS, on February 12, 1996, the Billings City Council passed Resolution No. 96-17067, a Resolution of Intent to order in the above described improvements at specified locations within the City; and

WHEREAS, notice of the passage of Resolution No. 96-17067 was published and mailed to all affected property owners as required by said Resolution No. 96-17067 and a public hearing was held on March 18, 1996; and

WHEREAS, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of curbs and gutters, sidewalks, drive approaches, alley approaches, and/or appurtenant features or combinations thereof; and

WHEREAS, said improvements should be ordered as provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. ORDER. It is hereby ordered that the following improvements shall be constructed, reconstructed, repaired or replaced:

SEE EXHIBIT "A" ATTACHED HERETO

2. AFFECTED PROPERTIES. All properties which will be required to pay any portion of the costs of the improvements identified herein are listed and the owners of those properties are identified on Exhibit "B" attached hereto.

3. ESTIMATED COSTS. The estimated costs of the proposed improvements, including construction costs, incidental expenses, engineering fees, legal fees, administrative fees and bond issuance

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costs, but exclusive of interest charges, will be \$238,000.00 as described below:

Construction Costs (w/contingencies)	\$197,972.73
Engineering & Administration	19,797.27
Bond Costs	<u>20,230.00</u>
TOTAL	\$238,000.00

Estimated unit costs for construction only, not including engineering, legal, administrative and bond costs, are as follows:

<u>Removal and Replacement of:</u>	<u>Construction Unit Price</u>
Remove & Replace Sidewalk	\$ 4.50/square foot
Remove & Replace Gutter	20.75/linear foot
Remove & Replace Drive Approach	5.60/square foot
Street Reconstruction	24.00/square yard
<u>New Construction:</u>	
New Sidewalk	\$ 3.50/square foot
New Curb & Gutter	16.50/linear foot
New Drive Approach	4.60/square foot
Street Reconstruction	24.00/square yard

The actual cost to be assessed against any benefitted property will be determined by the actual amount of work done adjacent to the property plus a proportionate share of the costs of any alley approaches for the block within which the property is located.

4. ASSESSMENT OF COSTS. All costs of constructing the curbs, gutters, sidewalks, and drive approaches, including engineering, administrative and bond costs, will be assessed against the properties which are adjacent to the improvements installed. In addition, if alley approaches are constructed or reconstructed within a block, each property within that block will be assessed for a portion of the costs based on a ratio determined by the area of each parcel and the total area of all properties served by the alley.

The costs for each property will vary depending upon the actual construction that is required adjacent to each property. The estimated costs, for construction only, for a typical 50 foot lot requiring reconstruction for all curb and gutter, sidewalk, appurtenant structures and alley approaches, are \$3,500.00.

5. PERIOD OF ASSESSMENTS. The assessments for all improvements and costs herein shall be paid in not more than twelve (12) annual

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installments, plus interest, provided however, that payment of one-half of each annual installment, plus interest, may be deferred to May 31 of the year following the assessment.

6. PROPERTY OWNER OPTION TO CONSTRUCT IMPROVEMENTS. Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs for administration and engineering and all bond issuance costs against the real property.

PASSED by the City Council and APPROVED this 18th day of March, 1996.



CITY OF BILLINGS:

BY: Charles F. Tooley
Charles F. Tooley, MAYOR

ATTEST:

Marita Herold
Marita Herold, CMC CITY CLERK

RE: 1996 Developer-related Curb, Gutter & Sidewalk Program.
W.O. 96-02, Contract #1

DEVELOPER RELATED IMPROVEMENTS

EXHIBIT "A"

Sidewalk, Drive Approach, Curb & Gutter Program for 1996

A. SIDEWALK

- ▶ 1019 North 25th Street
- ▶ 506 South 35th Street
- ▶ 829 Yellowstone Avenue
- ▶ 3009 Poly Drive

B. CURB & GUTTER, SIDEWALK, AND DRIVE APPROACHES

- ▶ 400-402 Sharron Lane and 2111-2113 Lake Elmo Drive
- ▶ 3005 Rosebud Drive
- ▶ 4188 State Avenue
- ▶ 1441 Central Avenue
- ▶ South Side of Grandview Boulevard between Spruce Street and Pine Street

C. CURB & GUTTER AND DRIVE APPROACHES

- ▶ 832 Lake Elmo Drive

D. CURB & GUTTER AND SIDEWALK

- ▶ 1501 1st Avenue North
- ▶ West Side of South 38th Street West from Monad Road to approximately 1,040 feet northerly
- ▶ 340 Stillwater Lane
- ▶ 844 Wyoming Avenue

- ▶ 1045 North 25th Street
- ▶ 845 Wyoming Avenue
- ▶ 519-523 South 30th Street
- ▶ North Side of Grandview Boulevard between Virginia Lane and Spruce Street
- ▶ North Side of Grandview Boulevard between Pine Street and Elm Street
- ▶ North Side of Grandview Boulevard between Locust Street and North 30th Street
- ▶ East Side of North 13th Street between 2nd Avenue North and 3rd Avenue North
- ▶ South Side of Grandview Boulevard between Pine Street and Elm Street
- ▶ South Side of Grandview Boulevard between Ash Street and Locust Street

E. SIDEWALK AND DRIVE APPROACHES

- ▶ 224 North 18th Street

F. DRIVE APPROACHES

- ▶ 928 Ahoy Avenue
- ▶ 2944 Monad Road
- ▶ 945 Lewis Avenue

G. ALLEY APPROACHES

- ▶ West Side of 5th Street West between Saint Johns Avenue and Cook Avenue
- ▶ West Side of 5th Street West between Howard Avenue and Miles Avenue
- ▶ East Side of 5th Street West between Wyoming Avenue and Yellowstone Avenue
- ▶ East Side of 5th Street West between Yellowstone Avenue and Clark Avenue
- ▶ East Side of 5th Street West between Burlington Avenue and Alderson Avenue
- ▶ West Side of 5th Street West between Burlington Avenue and Alderson Avenue
- ▶ East Side of 5th Street West between Alderson Avenue and Grand Avenue

H. HANDICAP RAMPS

- ▶ Northwest Corner of Central Avenue and 15th Street West
- ▶ Southwest Corner of Central Avenue and 15th Street West
- ▶ Southeast Corner of Central Avenue and 15th Street West
- ▶ Traffic Island at Central Avenue and 15th Street West
- ▶ Southeast Corner of Grandview Boulevard and Locust Street

I. CURB & GUTTER

- ▶ West Side of Parkway Lane between King Avenue East and Laurel Road

J. CURB & GUTTER, DRIVE APPROACHES AND ALLEY APPROACHES

- ▶ North Side of 2nd Avenue North between North 12th Street and North 13th Street
- ▶ South Side of 3rd Avenue North between North 12th Street and North 13th Street

K. SIDEWALK, CURB & GUTTER, AND ALLEY APPROACHES

- ▶ South Side of Grandview Boulevard between Virginia Lane and Spruce Street

L. SIDEWALK, CURB & GUTTER, DRIVE APPROACHES, AND ALLEY APPROACHES

- ▶ South Side of Grandview Boulevard between Elm Street and Ash Street

CITY OF BILLINGS
1996 CURB & GUTTER, SIDEWALK PROJECT
W.O. 96-02 CONTRACT NO. 1 (DEVELOPER RELATED)
Based on Engineer's Estimate

EXHIBIT B

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Tax Account: A 471	Name: HALE, VERLIN C			
	Address: 2011 9TH AVE N	, BILLINGS MT	59101	
	Property Desc: 224 N 18TH ST			
	Legal: BILLINGS E 98' OF 11 & 12	67		
			ASSESSMENT \$	1,634.72
Tax Account: A 510	Name: FRANK, RAYMOND A			
	Address: 1927 NORTHRIDGE CR	, BILLINGS MT	59102	
	Property Desc: 1201 2ND AVE N AVE			
	Legal: BILLINGS 1 TO 12	73		
			ASSESSMENT \$	19,265.52
Tax Account: A 511	Name: FRANK, RAYMOND A			
	Address: 1927 NORTHRIDGE CR	, BILLINGS MT	59102	
	Property Desc: 1201 2ND AVE N AVE			
	Legal: BILLINGS 13 TO 24	73		
			ASSESSMENT \$	27,579.22
Tax Account: A 531	Name: KING MANAGEMENT INC			
	Address: P O BOX 80208	, BILLINGS MT	59108	
	Property Desc: 1501 1ST AVE N AVE			
	Legal: BILLINGS 1 TO 7	80		
			ASSESSMENT \$	8,948.23
Tax Account: A 1522	Name: VESTAL, KATHRYN			
	Address: P O BOX 413	, BILLINGS MT	59103	
	Property Desc: 519 S 30TH ST ST			
	Legal: BILLINGS 11 & 12	210		
			ASSESSMENT \$	4,512.72
Tax Account: A 4231	Name: CENTRAL DEVELOPEMENT CO			
	Address: 1802 OAKRIDGE LN	, BILLINGS MT	59102	
	Property Desc: 1424 CENTRAL AVE AVE			
	Legal: CENTERVIEW SUBD 5 TO 9	2		
			ASSESSMENT \$	1,966.10
Tax Account: A 5457	Name: BENNETT, MELBA D			
	Address: 845 WYOMING AVE	, BILLINGS MT	59101	
	Property Desc: 845 WYOMING AVE			
	Legal: COMTE ADDITION 22 & 23	1		
			ASSESSMENT \$	530.80
Tax Account: A 5479	Name: WICKS, JOHN E			
	Address: 2820 LYNDALE LN	, BILLINGS MT	59102	
	Property Desc: 844 WYOMING AVE			
	Legal: COMTE ADD 24 & 25	2		
			ASSESSMENT \$	1,741.63
Tax Account: A 5740	Name: BURTON, RICHARD A & GENEVIEVE			
	Address: 835 YELLOWSTONE AVE	, BILLINGS MT	59101	
	Property Desc: 829 YELLOWSTONE AVE			
	Legal: CRAIG ADD 3 & 4	1		
			ASSESSMENT \$	1,606.82

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Tax Account: A 5759			
Name:	MURRAY, ARLEN G & ANNE N		
Address:	945 LEWIS AVE	, BILLINGS MT	59101
Property Desc:	945 LEWIS AVE AVE		
Legal:	CRAIG SUB	W 76.4' OF 1	
		ASSESSMENT \$	1,261.16
Tax Account: A 7457			
Name:	ENEBOE, JAMES		
Address:	1248 SUN VALLEY DR	, BILLINGS MT	59105
Property Desc:	1511 CENTRAL AVE AVE		
Legal:	GLENN SUBD	1 & 2	1
		ASSESSMENT \$	2,560.01
Tax Account: A 7496 1			
Name:	MERILL, E D & BARBARA		
Address:	3118 THOUSAND OAKS	, BILLINGS MT	59102
Property Desc:	1441 CENTRAL AVE		
Legal:	GLENN SUB 2ND	4 TO 7	3
		ASSESSMENT \$	2,546.36
Tax Account: A 8170 2			
Name:	CITY OF BILLINGS		
Address:	P O BOX 1178	, BILLINGS MT	59103
Property Desc:	0 POLY & N30 TH ST		
Legal:	GRANDVIEW SUB	(GRAN	
		ASSESSMENT \$	468.81
Tax Account: A 8171			
Name:	CHURCH OF JESUS CHRIST OF LDS		
Address:	50 EAST N TEMPLE	, SALT LAKE CITY UT	84150
Property Desc:	0		
Legal:	GRANDVIEW SUB ALL TRIANGLE BLK 3	SS94% E	
		ASSESSMENT \$	1,567.67
Tax Account: A 8188			
Name:	ROBBINS, DALE R &		
Address:	114 LOCUST ST	, BILLINGS MT	59101
Property Desc:	114 LOCUST ST		
Legal:	GRANDVIEW SUB (LESS S13')	7	5
		ASSESSMENT \$	948.58
Tax Account: A 8189			
Name:	MCGEE, DOROTHY B		
Address:	2331 ASH ST	, BILLINGS MT	59101
Property Desc:	2331 ASH ST		
Legal:	GRANDVIEW SUB	8	5
		ASSESSMENT \$	0.00
Tax Account: A 8219			
Name:	GERMER, WILLIAM C & SUSAN M		
Address:	P O BOX 636	, BILLINGS MT	59103
Property Desc:	2304 ASH ST		
Legal:	GRANDVIEW SUB	1	8
		ASSESSMENT \$	104.74
Tax Account: A 8220			
Name:	HOUGAARD, MYRTLE D & CAREY, FRANKIE		
Address:	2308 ASH ST	, BILLINGS MT	59101
Property Desc:	2308 ASH ST		
Legal:	GRANDVIEW SUB	2	8
		ASSESSMENT \$	104.74

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Tax Account: A 8221			
Name:	FRIGUGLIETTI, JAMES		
Address:	2312 ASH ST	, BILLINGS MT	59101
Property Desc:	2312 ASH ST		
Legal:	GRANDVIEW SUB	3 8	
		ASSESSMENT \$	104.74
Tax Account: A 8222			
Name:	EGGERT, OPAL R		
Address:	2316 ASH ST	, BILLINGS MT	59102
Property Desc:	2316 ASH ST		
Legal:	GRANDVIEW SUB 4 & S1/2 OF 5	8	
		ASSESSMENT \$	157.12
Tax Account: A 8223			
Name:	HOWE, JENNIFER CRAIG		
Address:	2328 ASH ST	, BILLINGS MT	59101
Property Desc:	2328 ASH ST		
Legal:	GRANDVIEW SUB 6 & N1/2 OF 5	8	
		ASSESSMENT \$	157.12
Tax Account: A 8224			
Name:	CROWLEY, SARIANN		
Address:	P O BOX 90115	, HENDERSON NV	89009
Property Desc:	2332 ASH ST		
Legal:	GRANDVIEW SUB	7 8	
		ASSESSMENT \$	1,169.76
Tax Account: A 8225			
Name:	TAFOYA, NICHOLAS A		
Address:	2331 ELM ST	, BILLINGS MT	59101
Property Desc:	2331 ELM ST		
Legal:	GRANDVIEW SUB N 68' OF	8 8	
		ASSESSMENT \$	118.71
Tax Account: A 8226			
Name:	BROWNLEE, WILLIAM H & DEBORAH J		
Address:	P O BOX 31915	, BILLINGS MT	59107
Property Desc:	2327 ELM ST		
Legal:	GRANDVIEW SUB 9 & S 3.44'	8 8	
		ASSESSMENT \$	110.75
Tax Account: A 8227			
Name:	HAARR, SHARON L		
Address:	2323 ELM ST	, BILLINGS MT	59102
Property Desc:	2323 ELM ST		
Legal:	GRANDVIEW SUB	10 8	
		ASSESSMENT \$	104.74
Tax Account: A 8228			
Name:	KELLY, DEBBIE		
Address:	2317 ELM ST	, BILLINGS MT	59101
Property Desc:	2317 ELM ST		
Legal:	GRANDVIEW SUB	11 8	
		ASSESSMENT \$	104.74
Tax Account: A 8229			
Name:	GUSICK, JOHN J		
Address:	2311 ELM ST	, BILLINGS MT	59101
Property Desc:	2311 ELM ST		
Legal:	GRANDVIEW SUB	12 8	
		ASSESSMENT \$	104.74

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Tax Account: A 8230			
Name:	KEEFE, LORENE L TRUSTEE		
Address:	2307 ELM ST	, BILLINGS MT	59101
Property Desc:	2307 ELM ST		
Legal:	GRANDVIEW SUB	13 8	
		ASSESSMENT \$	104.74
Tax Account: A 8231			
Name:	WEBER, GORDON G & LILA M		
Address:	2303 ELM ST	, BILLINGS MT	59101
Property Desc:	2303 ELM ST		
Legal:	GRANDVIEW SUB	14 8	
		ASSESSMENT \$	104.74
Tax Account: A 8242			
Name:	KENSON, GAIL E		
Address:	2404 ELM ST	, BILLINGS MT	59101
Property Desc:	2404 ELM ST		
Legal:	GRANDVIEW SUB	1 10	
		ASSESSMENT \$	1,323.16
Tax Account: A 8256 1			
Name:	O'BRIEN, JOHN J & LUCY E		
Address:	2332 ELM ST	, BILLINGS MT	59101
Property Desc:	2332 ELM ST		
Legal:	GRANDVIEW SUB	7 11	
		ASSESSMENT \$	0.00
Tax Account: A 8257			
Name:	ODEGAARD, AUDREY M		
Address:	2331 PINE ST	, BILLINGS MT	59101
Property Desc:	2331 PINE ST		
Legal:	GRANDVIEW SUB	8 11	
		ASSESSMENT \$	0.00
Tax Account: A 8294			
Name:	BROOKS, JACK M & BERTHA M		
Address:	2332 PINE ST	, BILLINGS MT	59101
Property Desc:	2332 PINE ST		
Legal:	GRANDVIEW SUB	7 14	
		ASSESSMENT \$	282.03
Tax Account: A 8295			
Name:	MACBOYLE, WILLIAM L & JANI R		
Address:	2331 SPRUCE ST	, BILLINGS MT	59101
Property Desc:	2331 SPRUCE ST		
Legal:	GRANDVIEW SUB	N 61.69' OF 8 14	
		ASSESSMENT \$	0.00
Tax Account: A 8310			
Name:	RAITT, GRANT P & VIOLA E TRUSTEES		
Address:	2410 SPRUCE ST	, BILLINGS MT	59101
Property Desc:	2410 SPRUCE ST		
Legal:	GRANDVIEW SUB	1 & S 25' OF 2 16 & 10' A	
		ASSESSMENT \$	1,330.79
Tax Account: A 8314			
Name:	SCOTT, JAMES R AND FIRST INTERSTATE		
Address:	P O BOX 30918	, BILLINGS MT	59116
Property Desc:	439 GRANDVIEW		
Legal:	GRANDVIEW SUB	6 TO 8 16	
		ASSESSMENT \$	972.59

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Tax Account: A 8320			
Name:	BREW, HELEN L & WILLIAM F SR		
Address:	2332 SPRUCE ST	, BILLINGS MT	59101
Property Desc:	2332 SPRUCE ST		
Legal:	GRANDVIEW SUB	7	17
			ASSESSMENT \$ 0.00
Tax Account: A 8321			
Name:	VANDERMARK, DAVID M		
Address:	2327 VIRGINIA LN	, BILLINGS MT	59101
Property Desc:	2327 VIRGINIA LN		
Legal:	GRANDVIEW SUB	8 & 9	17
			ASSESSMENT \$ 0.00
Tax Account: A 8510			
Name:	SIELER, DAVID & LEAH		
Address:	3109 CACTUS DR	, BILLINGS MT	59102
Property Desc:	3009 POLY DR DR		
Legal:	HAMMERGREN SUB AMEND	2A	1
			ASSESSMENT \$ 1,347.94
Tax Account: A14078			
Name:	SCHUCK, JEANNETTE		
Address:	506 S 35TH ST	, BILLINGS MT	59101
Property Desc:	506 35TH ST S ST		
Legal:	SOUTHWEST ADD	9 & 10	11
			ASSESSMENT \$ 842.57
Tax Account: A16380			
Name:	CROFT, C CLAYTON & MARY LOU &		
Address:	1802 S MARIPOSA	, BILLINGS MT	59102
Property Desc:	1045 N 25TH ST		
Legal:	SUNNYSIDE SUB 2ND	N 50' OF 2	7
			ASSESSMENT \$ 0.00
Tax Account: A16384			
Name:	ANDERSON, CHRIS		
Address:	1019 N 25TH ST	, BILLINGS MT	59101
Property Desc:	1019 N 25TH ST		
Legal:	SUNNYSIDE SUB 2ND	S50' OF N100'	3 7
			ASSESSMENT \$ 1,614.25
Tax Account: A20297			
Name:	MILLS, BOBBY R & DORIS J		
Address:	P O BOX 22999	, BILLINGS MT	59106
Property Desc:	4188 STATE AVE AVE		
Legal:	CONTIZ SUB	1A	
			ASSESSMENT \$ 17,540.82
Tax Account: A20562			
Name:	JANOUSEK, ARNOLD L		
Address:	832 LAKE ELMO DR	, BILLINGS MT	59105
Property Desc:	832 LAKE ELMO DR DR		
Legal:	WINSOR SUB	1	
			ASSESSMENT \$ 5,133.49
Tax Account: A23898			
Name:	LEIKAM, CHARLES W SR & KATHLEEN A		
Address:	928 AHOY AVE	, BILLINGS MT	59105
Property Desc:	928 AHOY AVE		
Legal:	MOODY SUB 2ND	9	3
			ASSESSMENT \$ 639.90

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Tax Account: C 367	Name: HAMMOND, MICHAEL F & BARBARA J			
	Address: 1630 LAKE ELMO DR , BILLINGS MT	59105		
	Property Desc: 340 STILLWATER LN			
	Legal: HAPPY HOLLOW SUB 17 & 18 1			
		ASSESSMENT \$	8,731.39	
Tax Account: C 1461 1	Name: HAMAN, JOHN M & VIVIAN L			
	Address: 35 S CRESTWOOD DR , BILLINGS MT	59102		
	Property Desc: 2111 LAKE ELMO DR			
	Legal: SUPERIOR HOMES W 90' OF 5 2			
		ASSESSMENT \$	21,174.53	
Tax Account: C 7890	Name: HAMILTON, JERRY D			
	Address: #8 SAGE PO BOX 963 , ROUNDUP MT	59072		
	Property Desc: 2944 MONAD RD			
	Legal: LAMPMAN SUB 17 8 ANNEX			
		ASSESSMENT \$	1,707.74	
Tax Account: C 7938	Name: JENSEN, OTTO E			
	Address: 2562 LILLIS LN , BILLINGS MT	59102		
	Property Desc: 3005 ROSEBUD DR			
	Legal: LAMPMAN SUB 1 14			
		ASSESSMENT \$	17,901.44	
Tax Account: C 8658	Name: EGGBRECHT, HOWARD E & PAULI M			
	Address: P O BOX 21012 , BILLINGS MT	59104		
	Property Desc: 0 38TH ST W ST			
	Legal: SHILOH VILLAGE SUB 2ND SEC A-B 8			
		ASSESSMENT \$	10,289.79	
Tax Account: C 8660	Name: EGGBRECHT, HOWARD E & PAULI M			
	Address: P O BOX 21012 , BILLINGS MT	59104		
	Property Desc: 0 38TH ST W ST			
	Legal: SHILOH VILLAGE SUB 2ND (PRVATE PARK)			
		ASSESSMENT \$	34,261.87	
Tax Account: C 8661 1	Name: EGGBRECHT, HOWARD E & PAULI M			
	Address: P O BOX 21012 , BILLINGS MT	59104		
	Property Desc: 0 38TH ST W ST			
	Legal: SHILOH VILLAGE SUB 2ND SEC C-D 8			
		ASSESSMENT \$	9,993.58	
Tax Account: D 1350	Name: CITY OF BILLINGS (PARKS DEPT)			
	Address: P O BOX 1178 , BILLINGS MT	59103		
	Property Desc: 1700 CENTRAL AVE AVE			
	Legal: MOUNTVIEW CEMETERY			
		ASSESSMENT \$	2,216.83	
Tax Account: D 1380 1	Name: PORTER HOUSE INC, THE			
	Address: 5516 LAUREL RD , BILLINGS MT	59101		
	Property Desc: 5516 LAUREL RD			
	Legal: C/S 2324 TRCT B			
		ASSESSMENT \$	1,733.06	