

RESOLUTION NO. 96- 17096

A RESOLUTION OF INTENTION TO ORDER 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, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of curbs and gutters, sidewalks, drive 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. INTENTION TO ORDER IN. It is the intention of the Council to order the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, and appurtenant improvements in certain locations, which improvements and locations are more fully described in Exhibits "A" and "B" 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 costs, but exclusive of interest charges, will be **\$6,900.00** as described below:

Construction Costs	
(w/contingencies)	\$5,742.62
Engineering & Administration	570.88
Bond Costs	586.50

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/sq. ft.
Remove & Replace Curb, Gutter	20.00/lin. ft.
Remove & Replace Drive Approach	6.00/sq. ft.
Street Reconstruction	25.00/sq. yard
<u>New Construction:</u>	
New Sidewalk	\$ 3.50/sq. ft.
New Curb & Gutter	16.50/lin. ft.
New Drive Approach	5.00/sq. ft.
Street Reconstruction	25.00/sq. 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.

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, and appurtenant structures are \$3,500.00.

5. PERIOD OF ASSESSMENTS. The assessments for all improvements and costs shall be paid in not more than twelve (12) annual 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. In the event that the City Council orders in the above described improvements following the public hearing, then the owners of all properties to be assessed for the costs of said improvements will be notified of such action in writing. Said owners will have thirty

RES. NO. 96- 17096

(30) days from the date of said notice in which to install the required improvements at their own expense. In the event the owners do not install these improvements, the City will do so and will assess the costs against the benefitted properties as described herein.

7. PUBLIC HEARING. On Monday, June 24, 1996, at 7:30 o'clock p.m., in the Council Chambers located on the Second Floor of the Police Facility, 220 North 27th Street, Billings, MT, the City Council will conduct a public hearing concerning this project and all interested parties will be allowed to testify. The City Council will also consider all written comments submitted to the City Clerk prior to the hearing or submitted to the Council during the hearing.

8. NOTICE OF INTENTION. The City Clerk is hereby authorized and directed to publish notice of passage of this resolution in the Billings Times on May 30, 1996 and to send a copy of said notice to every person, firm or corporation, or the agent of such person, firm or corporation, having real property subject to assessment for the above improvements listed in his name upon the last completed assessment roll for state, county and school district taxes, at his last known address, upon the same day such notice is published.

PASSED by the City Council and APPROVED this 28th day of May, 1996.

CITY OF BILLINGS:

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

ATTEST:

Marita Herold
Marita Herold, CMC CITY CLERK

RE: Developer-Related Improvements
W.O. 96-02, Contract #1a

NOTICE

NOTICE IS HEREBY GIVEN that on May 28, 1996, the City Council of Billings, Montana, adopted a Resolution of Intention to order the following described improvements: installation, construction, reconstruction or replacement of curbs and gutters, sidewalks, drive approaches, alley approaches and appurtenant improvements. The improvements shall be installed pursuant to plans and specifications prepared by the City Engineer.

The removal, replacement, and/or new construction of certain sections of curb and gutter, sidewalks, drive approaches, alley approaches, and/or appurtenant features that have deteriorated, settled and cracked, or where none exist or where some of the foregoing do not exist along the streets listed below:

DEVELOPER-RELATED SIDEWALK, DRIVE APPROACH,
CURB, AND GUTTER FOR 1996
CONTRACT #1a: DEVELOPER RELATED IMPROVEMENTS

- A. SIDEWALK
509 South 30th Street
- B. CURB & GUTTER, SIDEWALK, AND DRIVE APPROACHES
2524 Wyoming Avenue
2526 Wyoming Avenue

Reference is hereby made to the Resolution of Intention, 96-17096, on file with the City Clerk which more specifically describes the nature of the improvements, boundaries, and the areas included in this project, the sites of the improvements and other matters pertaining thereto and further particulars.

The estimated assessed costs of the improvements, incidental expenses and fees, exclusive of interest charges are:

DEVELOPER-RELATED IMPROVEMENTS	
Construction Costs (w/contingencies)	\$5,742.62
Engineering & Administration	570.88
Bond Costs	586.50
TOTAL	\$6,900.00

In accordance with the estimate made by the Engineers, payable in twelve (12) equal annual installments, plus interest, provided however, that one-half of each annual installment may be deferred to May 31 of the year following the assessment.

All costs of the improvements will be assessed against the property receiving curb, gutter, sidewalks and appurtenant feature construction, and each lot or parcel of land within the district will be assessed for that part of the alley approach cost which its assessable area bears to the total assessable area of the property served by the alley approach.

The cost of the construction will vary depending upon the actual construction that needs to be performed at a particular lot. The unit construction costs are estimated as follows:

Removal and Replacement of:	Estimated Construction Unit Prices
Remove and Replace Sidewalk	\$ 4.50/square foot
Remove and Replace Curb/Gutter	20.00/linear foot
Remove and Replace Drive Approach	6.00/square foot
Street Reconstruction	25.00/square yard

DEVELOPER RELATED - CONTRACT 1a

New Construction of:

New Sidewalk	\$ 3.50/square foot
New Curb and Gutter	16.50/linear foot
New Drive Approach	5.00/square foot
Street Reconstruction	25.00/square yard

The estimated cost for a typical 50 foot lot that would need total reconstruction of all curb gutter, sidewalk, and appurtenant features would be \$3,500.00. It should be noted that most properties within the project will be assessed less than this typical amount.

On Monday, June 24, 1996, at 7:30 o'clock p.m., in the Council Chambers, Second Floor of the Police Facility, 220 North 27th Street, Billings, MT, the City Council will hear and pass upon all protests against the making of improvements that may be made by any agent, person, firm or corporation owning real property within the proposed project area and whose property is liable to be assessed for the improvements.

All persons are advised and notified that, if the City Council passes the resolution requiring the installation of the improvements, they will have 30 days from the mailing date of a written notice of this action, to install the required improvements at their cost and expense. In the event that the owners do not take said action within said thirty (30) days of this written notice, the City shall take the action indicated and will assess the cost plus costs for engineering, administration, and bond issuance against said real property. Said assessment shall bear interest at the current market rate and shall be spread over a period of twelve (12) years.

Written protests may be submitted to the City Clerk not later than 5:00 o'clock p.m. on Friday, June 14, 1996 or may be submitted to the City Council at the time of the public hearing.

Done by Order of the City Council of Billings, Montana,
this **28th day of May, 1996.**

MARITA HEROLD, CMC
City Clerk
P.O. Box 1178
Billings, MT 59103

Engineering
Publish 5/30/96
10 Copies

**DEVELOPER RELATED IMPROVEMENTS
EXHIBIT "A"**

**Sidewalk, Drive Approach, Curb & Gutter
Program for 1996
Contract Unit #1a**

A. SIDEWALK

509 South 30th Street

B. CURB & GUTTER, SIDEWALK, AND DRIVE APPROACHES

2524 Wyoming Avenue
2526 Wyoming Avenue

EXHIBIT "B"

**CITY OF BILLINGS
1996 CURB & GUTTER, SIDEWALK PROJECT**

W.O. 96-02, CONTRACT NO. 1a (DEVELOPER RELATED)

Tax Account: A-1523 Assessment: \$1,610.00

Ursula A. Brese
509 South 30th Street
Billings, MT 59101

Billings Original Town Block 210 Lots 13 and 14

Tax Account: A-10255 Assessment: \$2,908.55

Mitchell R. Edwards
2524 Wyoming Avenue
Billings, MT 59102

Lillis Subdivision, 3rd Filing Block 4 Lot 6

Tax Account: A-10256 Assessment: \$1,981.45

Thomas C. and Shelley M. Smith
2526 Wyoming Avenue
Billings, MT 59102

Lillis Subdivision, 3rd Filing Block 4 Lot 7