

RESOLUTION NO. 96- 17105

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 or 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 to not exist; and

WHEREAS, on **May 28, 1996**, the Billings City Council passed Resolution No. **96-17096**, 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. **96-17096** was published and mailed

to all affected property owners as required by said Resolution No. **96-17096** and a public hearing was held on **May 28, 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

costs, but exclusive of interest charges, will be \$6,900 as described below:

Assessed Construction Costs (w/contingencies)	\$5,742.62
Engineering & Administration	570.88
Bond Costs	<u>586.50</u>
TOTAL ASSESSED COSTS	\$6,900.00

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/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, appurtenant structures and alley approaches, are \$3500.00.

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. 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 the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

PASSED by the City Council and APPROVED this **24th day of June, 1996.**



THE CITY OF BILLINGS:

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

ATTEST:

BY: Marita Herold
Marita Herold, CMC CITY CLERK

RE: 1996 Developer-Related Program (Addition)
W.O. 96-02, Contract #1A

**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

CITY OF BILLINGS
1996 CURB & GUTTER, SIDEWALK PROJECT
W.O. 96-02, CONTRACT NO. 1a (DEVELOPER RELATED)

Lot 7