

RESOLUTION NUMBER 96- 17110

A RESOLUTION CREATING EXTENDED SPECIAL IMPROVEMENT
MAINTENANCE DISTRICT NUMBER 4009

Aspen Grove Subdivision, Fourth Filing
Boulevard Maintenance

WHEREAS, the City Council of Billings, Montana, hereby finds, determines and declares that:

1. The public interest and convenience require the creation of the above named district;
2. That said district is of more than local or ordinary public benefit which requires that said district be an extended district;
3. All lands are benefitted and no lands which are not benefitted have been included within the district. All lands within the district will be enhanced in value to the extent of the assessments to be levied upon such lands, and all lands included within the district should be assessed accordingly to pay the costs and expenses of the district;
4. All lands included in the district are held by one owner and the creation of the district has been requested by this owner.

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

1. *Jurisdiction and Creation.* Special Improvement Maintenance District Number 4009 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvements, and it does hereby create Extended Special Improvement Maintenance District Number 4009. All lands included within Special Improvement Maintenance District Number 4009 are benefitted and no lands which are not benefitted have been included in said district.
2. *General Character of Improvements and Maintenance.* The general character of the improvements is seeded boulevards adjacent to 32nd Street West along Aspen Grove Subdivision, Fourth Filing as shown on Exhibit "A" attached hereto. The seeded boulevards will be installed under City Work Order 95-09. The purpose of said district is to provide perpetual maintenance of the subject boulevard seeded areas and sidewalk.

3. *Boundaries.* The boundaries of the district are described and designated on Exhibit "A" attached hereto.
4. *Engineer's Estimate.* The estimated cost of the proposed maintenance for the first year will be \$1,236.40 as described in the Engineer's Estimate attached hereto as Exhibit "B".
5. *Assessment Method.* All of the costs and expenses of the district will be assessed against the entire district, and each lot or parcel of land within the district will be assessed for that part of the whole cost which its assessable area bears to the total assessable area in the entire district, exclusive of streets, avenues, alleys and public places. Assessments for each lot during the first year will be approximately \$0.0033/square foot of lot area. In accordance with 7-12-4179 MCA, the assessment for each lot in each ensuing year will be set by the City Council by resolution.
6. *Payment of Assessments.* The assessments for all maintenance and costs of the district shall be paid in equal annual installments, provided that payment of one-half of said annual assessment may be deferred to May 31 of the year following the assessment. All money derived from the collection of said assessments otherwise shall constitute a fund to be known as Fund of Special Improvement Maintenance District Number 4009.
7. *Bonds for Improvements.* There will be no bonds sold for this district as it is for maintenance only.
8. *Engineering.* The improvements shall be installed under City of Billings Work Order 95-09. No engineering will be required for the said maintenance district.
9. *District Accounts.* The Director of Finance is hereby authorized and directed to establish the necessary accounts to govern the receiving of all revenues and the expenditures of the same for the district.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, and
APPROVED July 8, 1996.



CITY OF BILLINGS

By: Charles F. Tuley
Mayor

Attest:

By: Marita Herold
City Clerk

EXHIBIT "A"

PLAT OF
ASPEN GROVE SUBDIVISION, FOURTH FILING

BEING REMAINDER OF TRACT 1, CERTIFICATE OF SURVEY No. 1232
AND LOT 20 OF BLOCK 1, ASPEN GROVE SUBDIVISION FIRST FILING
SITUATED IN THE SW 1/4 SECTION 1, T. 1 S., R. 25 E., P.M.M.

BILLINGS, YELLOWSTONE COUNTY, MONTANA

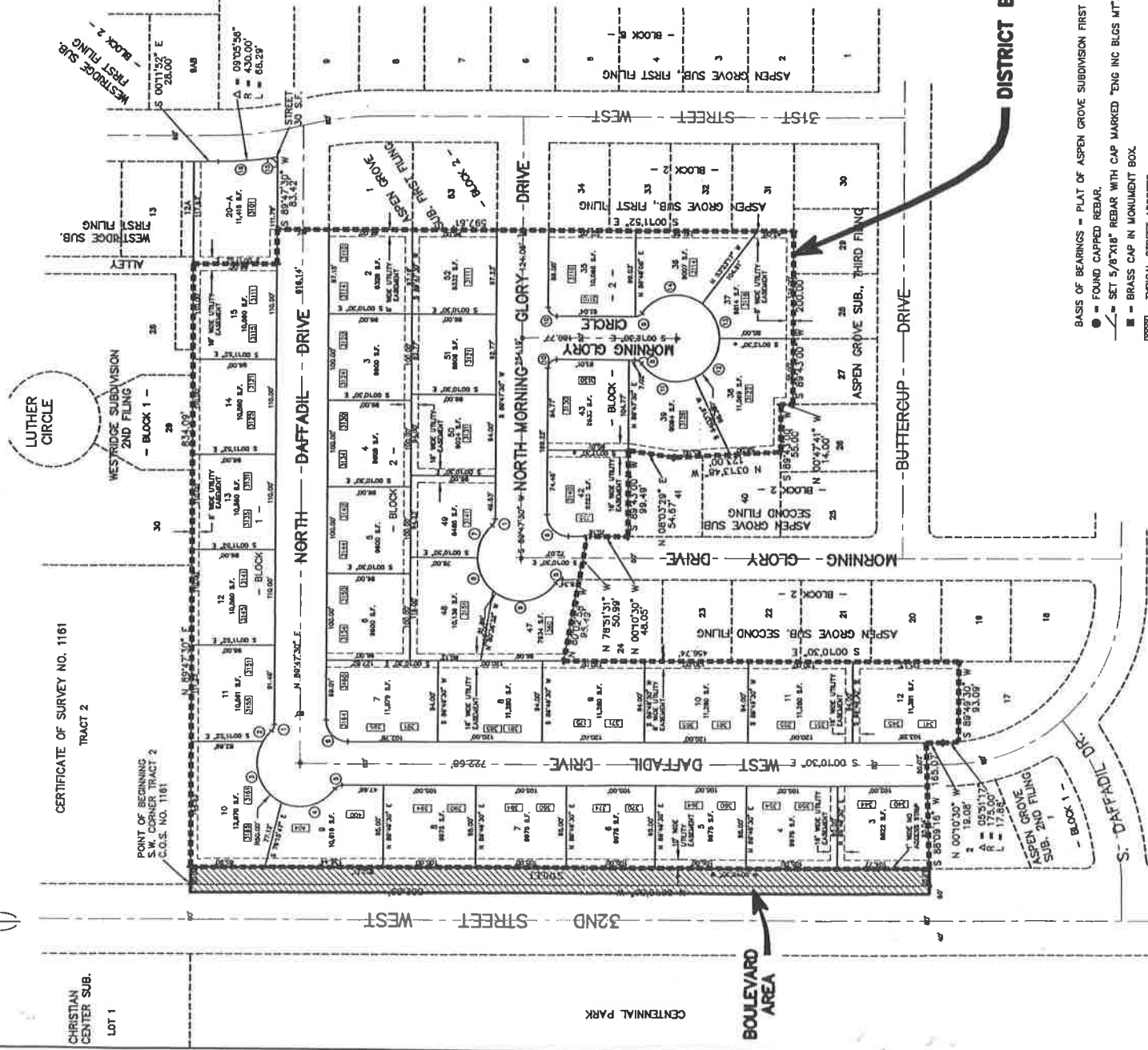
PREPARED FOR: ASPEN GROVE PARTNERSHIP

PREPARED BY: ENGINEERING, INC.

SCALE: 1"=60'

JANUARY, 1996

BILLINGS, MONTANA



DISTRICT BOUNDARY

- BASE OF BEARINGS = PLAT OF ASPEN GROVE SUBDIVISION FIRST FILING.
- = FOUND CAPPED REBAR.
 - SET 5/8"x16" REBAR WITH CAP MARKED "ENG INC BLOS MT".
 - = BRASS CAP IN MONUMENT BOX.
 - XXXXX = TYPICAL STREET ADDRESS.

DISTRICT BOUNDARY DESCRIPTION
SPECIAL IMPROVEMENT MAINTENANCE
DISTRICT NUMBER
ASPEN GROVE SUBDIVISION, FOURTH FILING

Beginning at a point which is the northwest corner of Lot 10, Block 1, Aspen Grove Subdivision, Fourth Filing; thence, from said point of beginning N89°47'30"E a distance of 696.16 feet; thence, S00°11'52"E a distance of 96.00 feet; thence, N89°47'30"E a distance of 39.84 feet; thence S00°11'52"E a distance of 597.61

CURVE DATA		
Δ	RADIUS	LENGTH
1. 48°11'23"	10.00'	8.41'
2. 18°12'28"	50.00'	15.89'
3. 84°29'42"	50.00'	82.46'
4. 70°46'05"	50.00'	89.61'
5. 54°15'53"	10.00'	8.46'
6. 89°48'00"	25.00'	39.26'



EXHIBIT "B"

Engineer's Estimate of Probable Cost
Special Improvement Maintenance District Number 4009

Aspen Grove Subdivision, Fourth Filing
Boulevard Maintenance

1. The boulevards adjacent to and along Aspen Grove Subdivision, Fourth Filing as shown on attached Exhibit "A" will be seeded as part of Work Order 95-09 and will not be a cost to said district.
2. The costs to create the maintenance district are estimated to be \$0.00.
3. The City Parks and Recreation Department estimates the maintenance of the boulevards for the first year at \$0.05/square foot of boulevard area. The first year's assessment is estimated as follows:

Total boulevard area	=	24,728 square feet
Total assessment for the first year	=	(\$0.05/SF)(24,728 SF)
	=	\$1,236.40

4. Total assessment area is as follows:

Property Address or Legal Description:

Lots 3-15, Lots 2-12, 35-42, & 47-52	Block 1		4th Filing		Net total assessment area equals
	Block 2	Block 2	4th Filing	4th Filing	
					374,438 square feet

5. Estimated annual assessment per lot for the first year:

Cost per square foot of lot area	=	\$1,236.40/374,438 SF
	=	\$0.0033/SF
Cost for typical 10,000 SF lot	=	(\$0.0033/SF)(10,000SF) = \$33.00/yr