

RESOLUTION NO. 16-10520

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 319 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR 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 providing energy and maintenance for new street lights for lighting in 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. 319" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land directly abutting Orchard Lane between the alley south of Lux Avenue and State Avenue, as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is attached hereto. Properties within SILMD 152 are specifically excluded because District 152 already includes lighting on Orchard Lane.

**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 benefited 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 pursuant to MCA 7-12-4327, the City of Billings intends to assess properties outside of, but contiguous to, the city limits of the City of Billings for a portion of the costs of the District.

**SECTION 5:**

That the general character of the improvements to be made for the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of twenty (20) LED luminaires mounted on steel poles with underground wiring. The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

**SECTION 6:**

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$6.49 per unit, per month, and that NorthWestern Energy 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 7:**

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$4,400.00; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "B" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its assessable area bears to the total assessable area of the entire District, exclusive of public streets, avenues, alleys and other public places. Commercial and industrial zoned properties shall be assessed a maximum distance of 200 feet back from Orchard Lane. Residentially zoned properties shall be assessed a maximum distance of 100 feet back from Orchard Lane. The estimated cost of the District per year for property owners is on the basis of approximately \$0.005507 per square foot of assessed area.

SECTION 8:

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. 319 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 9:

That on the 8th day of February, 2016, at 6:30 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. 319 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 published in "The Billings Times".

**SECTION 10:**

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. 319. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 11th day of January, 2016.



CITY OF BILLINGS

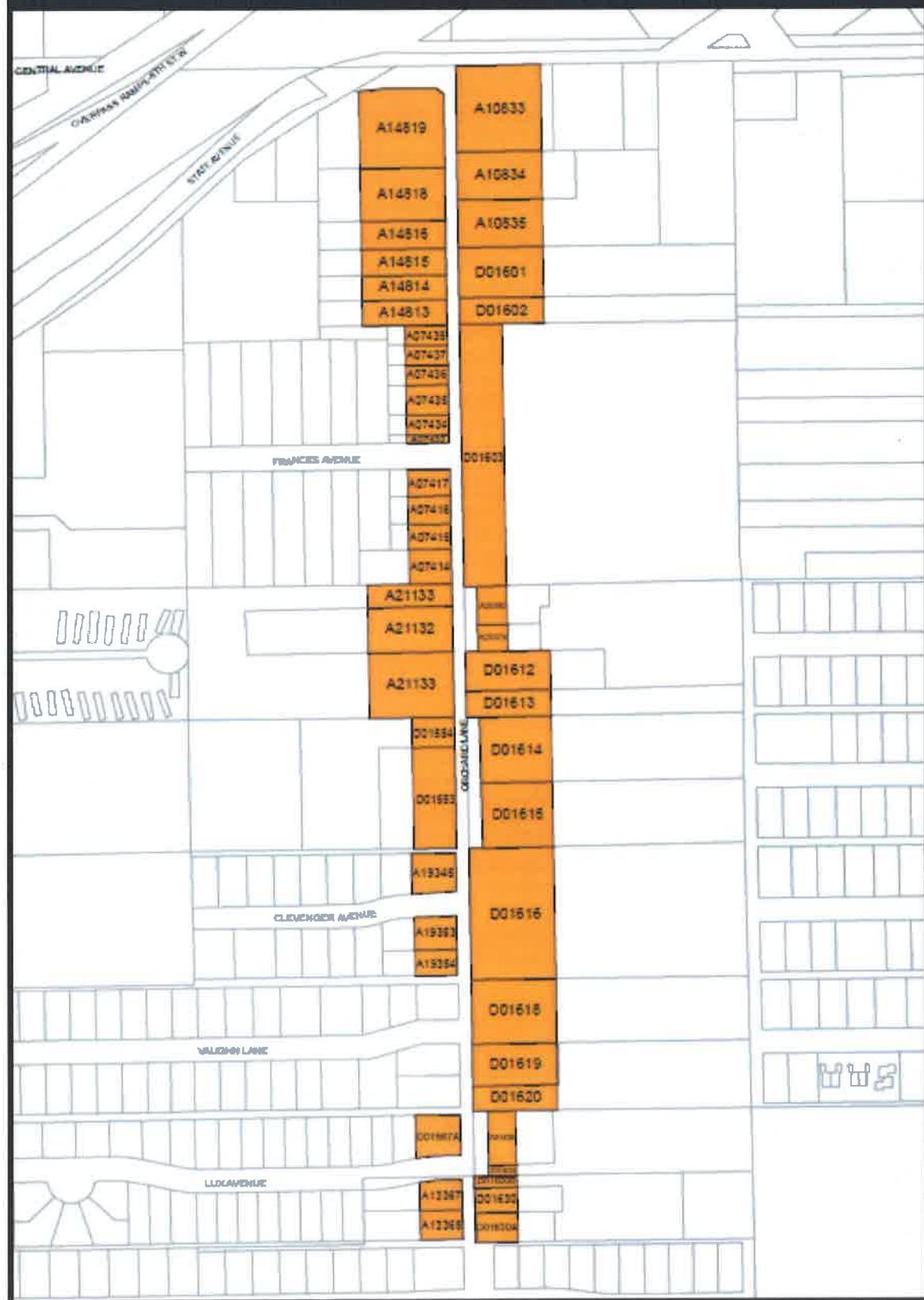
By Thomas W. Hanel  
Thomas W. Hanel

Mayor

ATTEST:

By Billie Guenther  
Billie Guenther  
City Clerk

SILMD 319 - Exhibit A



**Exhibit B**  
**SILMD 319**  
**Assessment Data**

TAX_ID	OwnerName	PropertyAddress	ShortLegalDescr	Assessed Area	Annual Assmt
001618	STRYPE A LINE, LLC	335 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 1938, PARCEL A, & TR 8 2.53 AC	33208	182.89
001616	ADM DEVELOPERS, INC	301 ORCHARD LN	S09, T01 S, R26 E, N2SWSWNE4 5.00 AC	66000	363.49
001615	BFM INVESTMENTS, LLC	237 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 1954, PARCEL 2	32952	181.48
001614	MAH PROPERTIES, LLC	233 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 1954, PARCEL 1	32952	181.48
001613	YBARRA, ROBERT Y	222 ORCHARD LN	S09, T01 S, R26 E, S1 ACRE OF N2 LOT 12 IN NE4	13200	72.70
001612	GORDON, JUDE D	215 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 125	19800	109.05
A20379	HALTER LARRY R & JAME L	205 ORCHARD LN	CASSINO SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 1	6750	37.18
A20380	THREET, T JOE & PAT CASE	201 ORCHARD LN	CASSINO SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 2A, AMD	9786	53.90
D01603	FORQUEY/STUART LLC	127 ORCHARD LN	S09, T01 S, R26 E, LT 5 IN NE4	66000	363.49
D01602	GEORGE S ALLEN TRUST	105 ORCHARD LN	S09, T01 S, R26 E, S 66 FT OF LOT 4 IN NE4	13200	72.70
D01601	GEORGE S ALLEN TRUST	43 ORCHARD LN	S09, T01 S, R26 E, N126 OF S192 LT 4 IN NE (1.91ACRES)	25200	138.79
A10835	BELL-MONT PROPERTIES INC	4300 STATE AVE	S09, T01 S, R26 E, C.O.S. 21, PARCEL 87-88, & 9-10 AMMO LESS W30 FT (AKA MAGELSEN ACRES)	24000	122.18
A10833	THOTUS, ELLEN M TRUSTEE	4318 STATE AVE	S09, T01 S, R26 E, C.O.S. 21, PARCEL 6, AMD (LESS ROADS) (AKA MAGELSEN ACRES)	38052	209.57
A10834	KORTRIGAN, JOHN F JR	29 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 21, PARCEL 7 & 8, AMD LESS 230 FT (AKA MAGELSEN ACRES)	24000	132.18
A19353	MACQUISTON, LE ROY M & WANTA A	316 ORCHARD LN	AL'S SUBD FIRST, S09, T01 S, R26 E, BLOCK 2, Lot 8	8700	47.92
A19354	BRANGER, DUANE L & MARY L	322 ORCHARD LN	AL'S SUBD FIRST, S09, T01 S, R26 E, BLOCK 2, Lot 9	6145	33.84
A19345	LARSON, LLOYD C & KELLY L	4403 CLEVENGER AVE	AL'S SUBD FIRST, S09, T01 S, R26 E, BLOCK 1, Lot 9	10000	55.07
D01553	NEW SOUTHSIDE PROPERTIES LLC	ORCHARD LN	S09, T01 S, R26 E, S2 LT 9 (LESS C75, 1942 & 2219) (1.07 ACRES)	25436	140.09
D01554	VAUGHT, GEORGE G JR &			7500	41.31
A21133	NAME INC	214 ORCHARD LN	SALT CREEK SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 2	43896	241.76
A21132	NAME INC	214 ORCHARD LN	SALT CREEK SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 1	22000	121.15
A07214	KARLA GRAYSON JAGER REV LIVING TRUST	154 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 1	8400	46.26
A07415	GEORGE, RON L &	148 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 02	7200	39.65
A07416	ADLER, ROBERT L & KATHY P	140 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 3	7200	39.65
A07417	ADLER, LOUIS H & SHARON M	138 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 4	7200	39.65

**Exhibit B**  
**SILMD 319**  
**Assessment Data**

TAX ID	OwnerName	PropertyAddress	ShortLegalDescr	Assessed Area	Annual Assmt
A07433	ADLER, ROBERT L & KATHY P	128 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 19, S25' L19	2500	13.77
A07434	OLSON, MARVIN E	126 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 19, N 50 FT LT 19	5000	27.54
A07435	LAUMERS, AMANDA N & JASON A	122 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 20	7500	41.31
A07436	CRAFT, THOMAS D JR & TAMARA L	114 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 21, S50' L21	5000	27.54
A07437	BURNS, CLIFTON T & VIRGINIA M	108 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 22, N75 FT LT 21 S25 FT LT 22	5000	27.54
A07438	BURNS, CLIFTON T & VIRGINIA M	106 ORCHARD LN	FRANKLIN SUBD, S09, T01 S, R26 E, Lot 22, N49 FT LT 22	4979	27.42
A14813	EMANETH, ROBERT J & KRISTAL	102 ORCHARD LN	STRECKER SUBD, S09, T01 S, R26 E, Lot 1	13200	72.70
A14814	ED & JOHNS PROPERTY LLP	50 ORCHARD LN	STRECKER SUBD, S09, T01 S, R26 E, Lot 2	13200	72.70
A14815	OAK, DARWIN G	36 ORCHARD LN	STRECKER SUBD, S09, T01 S, R26 E, Lot 3	13200	72.70
A14816	OAK, DARWIN G	32 ORCHARD LN	STRECKER SUBD, S09, T01 S, R26 E, Lot 4	13200	72.70
A14818	JMS PROPERTIES, LLC	26 ORCHARD LN	STRECKER SUBD, S09, T01 S, R26 E, Lot 5 - 6	26400	145.40
A14819	G & L PROPERTIES LLC	4410 STATE AVE	STRECKER SUBD, S09, T01 S, R26 E, Lot 7A - 8A, AMD [14]	42124	232.00
D01620	STRIP A LINE LLC	ORCHARD LN	S09, T01 S, R26 E, C.O.S. 1882, PARCEL 2	11762	64.78
D01619	STRIP A LINE LLC	341 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 1882, PARCEL 1	19080	105.08
A13368	VAN WINKLE, ERIC S	424 ORCHARD LN	ROBISON SUBD, S09, T01 S, R26 E, Lot 2	7300	40.20
A13367	VAN WINKLE FAMILY TRUST	416 ORCHARD LN	ROBISON SUBD, S09, T01 S, R26 E, Lot 1	7443	40.77
D01567A	STUART, SCOTT A	402 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 31 PARCEL 2A, TR 2A COS 31 AMD & LT 1B BLD 2 GUNN ESTATES SUB	10272	56.57
D01630A	STAHL, GLADYS M &	423 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 359-M, PARCEL 2	7000	38.55
D01629	GOODWIN, RUTH E	405 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 312, PARCEL 3, AMD	3000	16.52
D01628	GOODWIN, RUTH E	417 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 359-M, PARCEL 1A, AMD (10)	13500	74.35
D01630	SCHANZ, ARTHUR	410 STEPHENS LN	S09, T01 S, R26 E, C.O.S. 3524, PARCEL 1, (14)	6517	35.89
D01630B	SCHANZ, RACHEL			3000	16.52
<b>Total Basis</b>				<b>798,914</b>	<b>\$4,399.99</b>

## EXHIBIT "C"

### SILMD 319 - DISTRICT DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Orchard Lane between the alley south of Lux Avenue and State Avenue in Yellowstone County, Montana. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

The following commercial and industrial zoned properties are assessed to a maximum depth of 200 feet from their Orchard Lane right-of-way line:

Certificate of Survey 125, as recorded June 4, 1948, under Document Number 439079;

Tracts 6, A7, A8, 9, and 10, of the Amended Plat of Certificate of Survey 21 (aka Magelssen Acres), as recorded June 12, 1952, under Document Number 492688;

Tracts 1 & 2, Certificate of Survey 1882, as recorded April 30, 1979, under Document Number 1126863;

Tracts A & B, Certificate of Survey 1938, as recorded September 26, 1979, under Document Number 1143039;

Tracts 1 & 2, Certificate of Survey 1954, as recorded November 29, 1979, under Document Number 1149891;

Lots 1 through 6, Strecker, Subdivision as recorded November 21, 1946, under Document Number 420483;

Lots 7A and 8A of Lots 7 & 8 Amended, Strecker Subdivision, as recorded October 9, 1985, under Document Number 1367405;

Lots 1 and 2, Block 1, Salt Creek Subdivision, as recorded June 27, 1973, under Document Number 937771;

The following parcels in the subdivision of Section 9, Township 1 South, Range 26 East, as filed February 11, 1895:

North 126 feet of the South 192 feet, in Lot 4, in the Northeast  $\frac{1}{4}$  of Section 9

North  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 9 (a 5 acre parcel)

South 1 acre of North  $\frac{1}{2}$  Lot 12 in Northeast  $\frac{1}{4}$  of Section 9

South 66 feet of Lot 4 in the Northeast  $\frac{1}{4}$  of Section 9

The following residentially zoned properties are assessed to a maximum depth of 100 feet from their Orchard Lane right-of-way line:

Lot 9, Block 1 and Lots 8 & 9 Block 2, Al's Subdivision, 1<sup>st</sup> Filing, as recorded February 15, 1965, under Document Number 748408;

Lot 1, Block 1, Cassino Subdivision, as recorded June 11, 1971, under Document Number 884212;

Lot 2A of the Amended Plat of Lot 2, Block 1, Cassino Subdivision, as recorded October 27, 2011, under Document Number 3603490;

Lots 1, 2, 3, 4, 19, 20, 21 & 22, Franklin Subdivision, as recorded April 19, 1947 under Document Number 425422;

Lot 1B, Block 2, Gunn Estates Subdivision, as recorded July 13, 2006, under Document Number 3384813;

Lots 1 & 2, Robinson Subdivision, as recorded April 23, 1958, under Document Number 600422;

Tract A, Certificate of Survey 1942, as recorded September 28, 1979, under Document Number 1143432;

Tract 2A, Amended Certificate of Survey 31, as recorded August 27, 1984, under Document Number 1320982;

Tracts 2 & 3, Certificate of Survey 312 Amended, as recorded April 11, 1980, under Document Number 1162128;

Tract 1A, Amended Tract 1 of Amended Certificate of Survey 359-M, recorded August 8, 2009, under Document Number 3522191;

Tract 2, Amended Certificate of Survey 359-M, recorded November 1, 1985, under Document Number 1370759;

Tract 1, Certificate of Survey 3524, recorded June 20, 2013, under Document Number 3672117;

The following parcels in the subdivision of Section 9, Township 1 South, Range 26 East, as filed February 11, 1895:

Lot 5 in the Northeast  $\frac{1}{4}$  of Section 9

South half of Lot 9 in the Northwest  $\frac{1}{4}$  of Section 9, less C/S 1942 & C/S 2219

Exempting there from all lands which are public street, road, or alley rights-of-way.