

RESOLUTION NO. 18-10690

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 325 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. 325" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land directly abutting Central Avenue between the 32<sup>nd</sup> Street West and Shiloh Road, as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is attached hereto.

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 forty-one (41) 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 \$6.60 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 \$8,800.00; 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 Central Avenue frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. The estimated cost of the District per year for property owners is on the basis of approximately \$0.921498 per lineal foot of property frontage.

## 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. 325 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 12<sup>th</sup> day of March, 2018, 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. 325 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 "Yellowstone County News".

**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 "Yellowstone County News", 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. 325. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 12<sup>th</sup> day of February, 2018.



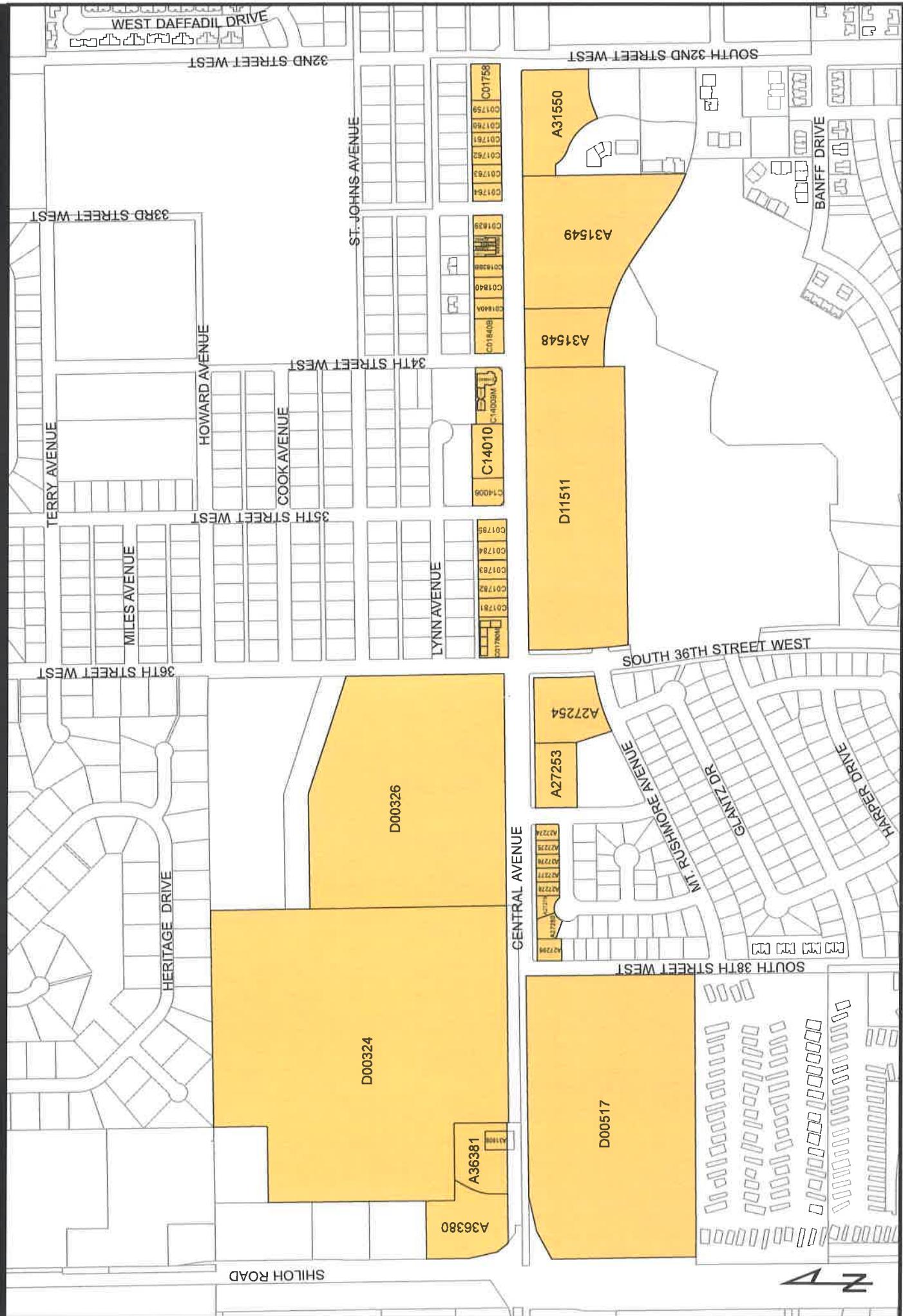
CITY OF BILLINGS

By William A. Cole,  
William A. Cole Mayor

ATTEST:

By Denise R. Bohlman,  
Denise R. Bohlman City Clerk

SILMD 325  
Exhibit A



**EXHIBIT "C"**

**SILMD 325 – DISTRICT DESCRIPTION**

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Central Avenue between 32<sup>nd</sup> Street West and Shiloh Road 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.

Lots 1-6, Block 6, Central Acres Subdivision, 4<sup>th</sup> Filing, as recorded July 27, 1956, under Document Number 567327;

Lots 1, 4, and 5, Block 1, West Central Subdivision, as recorded May 29, 2002, under Document Number 3178104;

Lot 9-A of the Amended Plat of Lots 8 & 9, Block 2, Central Acres Subdivision, 2<sup>nd</sup> Filing, as recorded October 12, 2007, under Document Number 3441807;

Lots 10-14, Block 2, Central Acres Subdivision, 2<sup>nd</sup> Filing, as recorded September 4, 1954, under Document Number 532311;

Lots 1-10, Central Acres Subdivision, 1<sup>st</sup> Filing, as recorded August 26, 1954, under Document Number 528910;

Tract 2A, of the Amended Plat of Certificate of Survey 2547, as recorded December 7, 2007, under Document Number 3447703;

Tract 1, of the Plat of Certificate of Survey 3340, as recorded December 7, 2007, under Document Number 3447704;

Tract 1, of the Plat of Certificate of Survey 3202, as recorded August 12, 2004, under Document Number 3300544;

Tract 1A, of the Amended Plat of Certificate of Survey 787, as recorded July 30, 2004, under Document Number 3298687;

Lots 4 and 5, Shiloh Commons Subdivision, as recorded August 16, 2017, under Document Number 3824058;

Tract 1-B-1A, of the Amended Plat of Certificate of Survey 1492, as recorded May 8, 1986, under Document Number 1392379;

Lots 1-7, and 23, Block 19, Lots 1 and 2, Block 17, Parkland West Subdivision, 2<sup>nd</sup> Filing, as recorded October 9, 1986, under Document Number 1413418;

Lot 3A of the Amended Plat of Lot 3, Block 10, Parkland West Subdivision, 6<sup>th</sup> Filing, as recorded August 31, 2005, under Document Number 3346317;

Lots 1 and 2, Parkland West Subdivision, 6<sup>th</sup> Filing, as recorded April 14, 2004,  
under Document Number 3283298;

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

**SILMD 325: Central Avenue: 32nd Street West to Shiloh Road**  
**Exhibit B: Boundary Description**

LandID	OwnerName	PhysicalAddress	LegalDescription	LotFrontage	Assessment
A26052	EMERSON, PATRICIA A	3309 CENTRAL AVE	OVERLAND TOWNHOMES, S02, T01 S, R05 E, UNIT 1, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,73
A26053	EMERSON, PATRICIA A	3309 CENTRAL AVE	OVERLAND TOWNHOMES, S02, T01 S, R05 E, UNIT 2, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,73
A26054	EMERSON, PATRICIA A	3311 CENTRAL AVE	OVERLAND TOWNHOMES, S02, T01 S, R05 E, UNIT 3, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,73
A26055	EMERSON, PATRICIA A	3313 CENTRAL AVE	OVERLAND TOWNHOMES, S02, T01 S, R05 E, UNIT 4, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,73
A27253	HOMESTEAD CAPITAL INC	255 37TH ST NW	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 17, Lot 1	281	\$ 255,68
A27254	HOMESTEAD CAPITAL INC	3611 MOUNT RUSHMORE AVE	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 2	281	\$ 255,67
A27274	JANGILA, DEBBY J	3705 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 1	70	\$ 64,50
A27275	EHRAHNTAUT, KENNETH M & MANETTE	3722 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 2	60	\$ 55,38
A27276	GERHART, RON N & LINDA M	3735 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 3	60	\$ 55,38
A27277	JAMISON, ZACHERY W & LINDA M	3745 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 4	60	\$ 55,39
A27278	SCHULKE, CODY & SARAH	3757 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 5	60	\$ 55,39
A27279	WESTERN, MATTHEW R & REBECCA S	3769 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 6	100	\$ 92,15
A27280	LEONARD, RICHARD M	3781 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 7	86	\$ 79,17
A27286	LARSON, DENNIS S & LERNY & SHARON	135 36TH ST NW	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 23	95	\$ 87,54
A31548	MICHAEL S EASTWOOD TRUST	3340 CENTRAL AVE	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 10, Lot 1	254	\$ 233,79
A31549	CENTRAL CAPITAL LLC	3350 CENTRAL AVE	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 10, Lot 2	390	\$ 390,40
A33550	ALTAIR FEDERAL CREDIT UNION	3312 CENTRAL AVE	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 10, Lot 3A, AMD 2,651 AC. (06)	463	\$ 463
E00035	WBI ENERGY TRANSMISSION INC	CENTRAL AVE	**CENTRALLY ASSESSED** S02, T01 S, R05 E, C05 787 PARCEL 1A, TR 1A CDS 287 AND	80	\$ 73,72
A35380	GRANT ROAD LLC	277 SHILOH RD	SHILOH COMMONS SUBD S02, T01 S, R05 E, BLOCK 1, Lot 4	212	\$ 194,82
A35381	GRANT ROAD LLC	3911 CENTRAL AVE	SHILOH COMMONS SUBD S02, T01 S, R05 E, BLOCK 1, Lot 5	228	\$ 210,13
C01758	LEO C SCHWEIRER BYPASS TRUST	4 32ND ST NW	CENTRAL ACRES SUBD 1ST FILING, S02, T01 S, R25 E, BLOCK 1, Lot 1-2, E40 FT LT 3	160	\$ 147,44
C01759	LEO C SCHWEIRER BYPASS TRUST	1727 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, S02, T01 S, R25 E, BLOCK 1, Lot 3 LT W20 FT LT 3	80	\$ 73,72
C01760	MARMAN, ADAM J.	3922 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, S02, T01 S, R25 E, BLOCK 1, Lot 5	60	\$ 55,29
C01761	LOVE, WAYNE & LAURA A.	3925 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, S02, T01 S, R25 E, Lot 6	50	\$ 55,29
C01762	WICCOMAS, LINDSEI WOLF &	3231 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, S02, T01 S, R25 E, BLOCK 1, Lot 7 & E50 FT LT 8	80	\$ 72,12
C01763	SSN ENTERPRISES LLC	3237 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, S02, T01 S, R25 E, W40 FT LT 8-40 FT LT 9	80	\$ 73,72
C01764	GRODTERS, RONALD V/S INT &	3310 CENTRAL AVE	DORN/PENTECOST PROFESSIONAL PLAZA, S02, T01 S, R25 E, UNIT 1, 1.9% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AND	34	\$ 30,93
C01765	BENIT VENTURES LLC	3312 CENTRAL AVE	DORN/PENTECOST PROFESSIONAL PLAZA, S02, T01 S, R25 E, UNIT 2, 1.9% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AND	34	\$ 30,93
C01766	YELLOWFIN LLC	3315 CENTRAL AVE	DORN/PENTECOST PROFESSIONAL PLAZA, S02, T01 S, R25 E, UNIT 3, 1.9% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AND	34	\$ 30,93
C01767	DORN PROPERTY AND HOMES LLC	3317 CENTRAL AVE	DORN/PENTECOST PROFESSIONAL PLAZA, S02, T01 S, R25 E, UNIT 4, 21.5% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AND	38	\$ 35,00
C01768	DORN PROPERTY AND HOMES LLC	3321 CENTRAL AVE	DORN/PENTECOST PROFESSIONAL PLAZA, S02, T01 S, R25 E, UNIT 5, 21.5% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AND	38	\$ 35,00
C01769	WOLF, CONNIE M	3323 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 2, Lot 10	82	\$ 75,66
C01770	STANBOW, LAURIE G	3325 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 2, Lot 11	82	\$ 75,56
C01771	ALLEN, PAUL G & SHARON L	3315 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 2, Lot 12	82	\$ 75,56
C01772	NINH BACK, FORTY LLC	3313 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 2, Lot 13	82	\$ 75,56
C01774	NESSAN, RICHARD TRUSTEE	3443 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 2, Lot 14	94	\$ 86,65
C01775	HIBEST, STEVEN & YVONNE	3401 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 6, Lot 1	90	\$ 82,93
C01776	ZOVANDOVICH, JACOB D	3419 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 6, Lot 3	90	\$ 82,93
C01778	RONALD A. BUTTON LIVING TRUST	3515 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 6, Lot 4	83	\$ 82,93
C01779	MORGAN, MICHAEL A	3521 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, S02, T01 S, R25 E, BLOCK 6, Lot 5	150	\$ 138,22
C01780	NELSON, WALTER	3533 CENTRAL AVE	WEST CENTRAL SUBD S02, T01 S, R25 E, BLOCK 1, Lot 1	120	\$ 110,58
C01785	STORY DISTRIBUTING COMPANY	3443 CENTRAL AVE	WEST CENTRAL SUBD S02, T01 S, R25 E, BLOCK 1, Lot 2	53	\$ 48,66
C01795	CPC, INC	3419 CENTRAL AVE	CENTRAL OFFICE CONDOMINIUMS (15), S02, T01 S, R25 E, UNIT 2, 21.5% COMMON AREA INTEREST, LOC @ LT 4 BLK 1 WEST CENTRAL SUB 1ST FILING	51	\$ 47,11
C01809	CPC, INC	3419 CENTRAL AVE	WEST CENTRAL SUBD S02, T01 S, R25 E, BLOCK 1, Lot 5	235	\$ 216,28
C01810	ITIUS RENTALS LLC	3429 CENTRAL AVE	S02, T01 S, R25 E, 3400, PARCEL 1 (08)	935	\$ 863,90
C01824	MONTANA UNIVERSITY SYSTEM FOR THE USE AND BENEFIT OF	3803 CENTRAL AVE	S02, T01 S, R25 E, C05 1,257 PARCEL 2A (08)	2001	\$ 922,25
C01826	SCHOOL DISTRICT #2	3723 CENTRAL AVE	S11, T01 S, R25 E, C05 1,492, PARCEL 1B1A, AND LESS HWY 10	1032	\$ 951,44
C01827	EGGEREICH FAMILY LIMITED PARTNERSHIP	3500 CENTRAL AVE	S11, T01 S, R25 E, C05 3,302, PARCEL 1, (05)	1122	\$ 1126,37
C11511	LYNDES, JAY C				