

## RESOLUTION NO. 02-17787

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE AN EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING THE STORM DETENTION FACILITIES ON THE PUBLIC PARK, AND LOT 1, BLOCK 3 OF HOWARD HEIGHTS SUBDIVISION, INSTALLED AS PART OF PRIVATE CONTRACT NO. 421.

**BE IT RESOLVED** by the City Council of the City of Billings (the "City"), Montana, as follows:

**Section 1. Proposed Extended Park Maintenance District; Intention To Create Park Maintenance District.** The City proposes to maintain certain park improvements to benefit certain property located in the City of Billings, Montana. The Improvements consist of **storm detention facilities located in the Public Park, and Lot 1, Block 3 of Howard Heights Subdivision installed as part of Private Contract No. 421**, as more particularly described in Section 5. It is the intention of the Billings City Council to create and establish in the City under Montana Code annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, a park maintenance district (the "Park Maintenance District") for the purpose of financing the maintenance costs for the park landscaping and other improvements portion of the improvements made in Private Contract No. 421. The estimated annual costs for the maintenance of the park improvements to be set by Resolution of the Council each year.

**Section 2. Number of District.** The District, if the same shall be created and established, shall be known and designated as the Extended Park Maintenance District No. 4015 of the City of Billings, Montana.

**Section 3. Boundaries of District.** The limits and boundaries of the District are depicted on a map attached as "Exhibit A" hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on "Exhibit B" hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on "Exhibit C" hereto.

**Section 4. Benefited Property.** The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits "A" and "C" are hereby declared to be the Extended Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the Private Contract No. 421 Park Improvements, and will be assessed for **a portion of the costs** of the maintenance as described in Section 1.

**Section 5. General Character of the Improvements to be Maintained.** The general character of the Improvements to be maintained is as follows: **two storm detention basins and other storm improvements installed as part of Private Contract No. 421.**

**Section 6. Assessment Methods; Property To Be Assessed.** All properties within the District are to be assessed for a portion of the costs of maintaining the Private Contract No. 421 Park Improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Private Contract No. 421 Park Improvements. All lots or parcel of land within the district will be assessed equally.

**Section 7. Assessable Area.** All properties in the District will be assessed for their proportionate share of the costs of maintaining the Private Contract No. 421 Park Improvements. The total number of lots in the District to be assessed is 82 lots. The costs of maintaining the Improvements per lot for the first year shall be \$18.30 per lot as shown in Exhibit "D" (which is hereby incorporated herein and made a part hereof).

**Section 8. Payment of Assessments.** The assessments for the costs of maintaining the Private Contract No. 421 Park Improvements shall be payable, as prescribed in Section 7-12-4162 through 7-12-4165, M.C.A.

**Section 9. Public Hearing; Protests.** At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the proposed Extended District subject to assessment and taxation for the cost and expense of maintaining the Private Contract No. 421 Park Improvements may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (February 7, 2002), written protest against the proposed Special Improvement Maintenance District, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Monday, February 11, 2002, at 7:30 p.m., in the Council Chambers, located on the Second Floor of the Police Facility at 220 North 27th Street, in Billings, Montana.

**Section 10. Notice of Passage of Resolution of Intention.** The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution in the Billings Times, a newspaper of general circulation in the county on January 24 and January 31, 2002, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said Notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the Extended District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 14th day January, 2002.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley      MAYOR

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC, CITY CLERK