

## RESOLUTION 02 –17830

### A RESOLUTION CREATING EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4017 IN SOUTHGATE SUBDIVISION, FIRST FILING, FOR THE PURPOSE OF MAINTENANCE OF LANDSCAPE IMPROVEMENTS

**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 benefited and no lands which are not benefited 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 in the district are subject to the cost of maintaining the landscape buffer in Block 2, Lot 15 – A by virtue of which, and the benefit for, this maintenance district is being created.

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

1. *Jurisdiction and Creation.* Special Improvement Maintenance District Number 4017 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Extended Special Improvement Maintenance District Number 4017. All lands included within Special Improvement Maintenance District Number 4017 are benefited and no lands which are not benefited have been included in said district.
2. *General Character of Improvement and Maintenance.* The general character of the improvements are landscape improvements to Southgate Subdivision, First Filing, Block 2, Lot 15 – A, as shown on Exhibit "A" attached hereto. The landscape improvements were installed by private development. The purpose of said district is to

provide perpetual maintenance of the subject landscape improvements.

3. *Boundaries.* The Boundaries of the district are described and designated on Exhibit "B" attached hereto.
4. *Maintenance Estimate.* The estimated cost of the proposed maintenance for the first year will be \$10,007.00 as described in the Maintenance Estimate attached hereto in Exhibit "C".
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 \$0.0056224/square foot of lot area. In accordance with 7-1-1479 MCA, the assessment for each lot in each ensuing year will be set by the City Council by resolution.
6. *Payment of Assessment.* 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 Landscape Improvement Maintenance District Number 4017.
7. *Bonds for Improvement.* There will be no bonds sold for this district as it is for maintenance only.
8. *Engineering.* The landscape improvements were installed by private developer. 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 district.

**PASSED AND ADOPTED** by the City Council of the City of Billings, Montana, this 13<sup>th</sup> day of May, 2002.

CITY OF BILLINGS

By: \_\_\_\_\_  
Charles F. Tooley      Mayor

Attest:

By: \_\_\_\_\_  
Marita Herold, CMC      City Clerk