

RESOLUTION NO. 02 - 17928

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT 4014 FOR THE PURPOSE OF MAINTAINING PARK IMPROVEMENTS IN BLOCK 7, 13, AND 14 INSTALLED BY PRIVATE PARK IMPROVEMENT CONTRACT, IN RUSH AND SHILOH POINT SUBDIVISIONS; AND REPEALING RESOLUTION 02-17917.

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 **the park improvements and street frontage adjacent to the park located in Blocks 7, 13, and 14, in Rush Subdivision 6th and 7th Filings, installed by private subdivision park improvement contract**, 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 so installed. 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. 4014 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 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: **landscaping, trees, irrigation systems, irrigation system water services, and other park equipment and improvements installed by private subdivision park improvement contract in Blocks 7, 13, and 14, in Rush Subdivision 6th and 7th Filings**

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 subdivision park improvements in Blocks 7, 13, and 14, in Rush Subdivision 6th and 7th Filings, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Park Landscape Improvements, based on the assessable area and frontage methods of assessment described in Section 7-12-4162 through 7-12-4165, M.C.A., as particularly applied and set forth herein.

Section 7. Assessable Area. All properties in the District will be assessed for their proportionate share of the costs of maintaining Park Improvements. The total assessable area of the District to be assessed is 2,643,056 square feet. The costs of maintaining the Improvements per square foot of assessable area for the first year shall be \$0.0007571 per square foot 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 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 Park Improvements Maintenance District No. 4014 may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (Friday, December 13, 2002), written protest against the proposed Park 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, January 13, 2003, at 6:30 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 November 27, 2002, and December 5, 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.

Section 11. Repeal of Resolution of Intent 02-17917. This resolution hereby repeals Resolution 02-17917, Resolution of Intent to Create District No. 4014, passed October 15, 2002.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 25th day of November, 2002.

THE CITY OF BILLINGS:

BY: _____

Charles F. Tooley MAYOR

ATTEST:

BY: _____
Marita Herold, CMC, CITY CLERK

EXHIBIT "D"**ESTIMATE OF PROBABLE COST
SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4014****RUSH SUBDIVISION – SHILOH POINT SUBDIVISION
EXTENDED PARK MAINTENANCE DISTRICT**

1. The District will be to maintain existing and future park improvements in Blocks 13 and 14, Rush Subdivision 6th Filing, Rush Subdivision 7th Filing, and Shiloh Point Subdivision. The parks, as shown on attached Exhibit "A" will be constructed as a part of the development of the Subdivisions and will not be a cost to said district.
2. The costs to create the maintenance district are estimated to be \$500.00.
3. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$ 2,001.00. The first year's assessment is estimated as follows.

Account DescriptionProposed Budget

Salary and Wages:

Salaries: 2 hrs. @ \$29.00/hr.	\$ 58.00
Wages: 8 hrs. @ \$21.00/hr.	168.00
Temporary Wages: 40 hrs. @ \$6.75/hr.	<u>270.00</u>
-Salary and Wages Total	\$496.00

Operations and Supplies, etc:

Clothing and uniforms	10.00
Other operating supplies	25.00
Gas, oil, grease, etc.	30.00
Motor vehicle parts	30.00
Machinery/equipment parts	40.00
Tires, tubes, etc.	25.00
Consumable tools	15.00
Electricity	15.00
Water services	500.00
Natural gas expense	10.00
Labor-motor vehicles	50.00
Ground maintenance	50.00
Other repair/maintenance	105.00
Other service/finance charges	225.00
Other contract services	<u>75.00</u>
-Operation and Supplies Total	\$1,205.00

-Capital Reserve	\$300.00
-Rush Subdivision - Shiloh Point Subdivision PMD Total	\$ 2,001.00

4. Total assessment area is as follows:

Rush Subdivision, 6 th Filing	1,656,308
Rush Subdivision, 7 th Filing	130,724
Shiloh Point Subdivision	856,024
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	2,643,056

Total Assessment Area in Park Maintenance District: **2,643,056 SF,
60.68 ACRES**

5. Estimated annual maintenance assessment per square foot for the first year:

Cost per square foot = \$2,001 / 2,643,056 = **\$0.0007571/ Square Foot
Property**