

RESOLUTION NO. 02-17929

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE AN EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT 4018 FOR THE PURPOSE OF MAINTAINING THE PARK IMPROVEMENTS IN FRANCES'S PARK INSTALLED AND TO BE INSTALLED BY LAKEWOOD PROPERTIES, INC. AND THE PARK DEPARTMENT, AND AS PART OF SPECIAL IMPROVEMENT DISTRICT NO. 1352

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 proposed 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 Frances's Park located in Block 56, Lake Hills Subdivision, Twenty-Second Filing, installed by Lakewood Properties, Inc. and the Park Department, and as part of Special Improvement District No. 1352**, 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, Pars 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 equipment, and other portions of the improvements made in SID No. 1352. The estimated annual costs for the maintenance of the park improvements and equipment 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. 4018 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 SID No. 4018 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 Lakewood Properties, Inc. and the Park Department, and as part of Special Improvements District No. 1352.**

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 SID No. 4018 Park Improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the SID No. 4018 Landscape Improvements, based on the unit method 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 the SID No. 4018 Park Improvements. The total assessable units of the District to be assessed is 184 units. The costs of maintaining the Improvements per square foot of assessable area for the first year shall be \$16.30 per unit, 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 SID No. 4018 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 SID No. 4018 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 (December 13, 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, January 13, 2003, 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 on November 27 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.

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. 4018

FRANCES'S PARK EXTENDED PARK MAINTENANCE DISTRICT

1. Frances's Park Landscaping Improvements and associated lineal park improvements along the southerly line of Lots 8 and 10, Block 56, Lake Hills Subdivision, Twenty-Second Filing have been or will be installed by Lakewood Properties, Inc. and the Park Department, and SID 1352.
2. For the property as shown on attached Exhibit "A", construction has been completed and will not be a cost to said district.
3. The costs to create the maintenance district are estimated to be \$1,335.00.
4. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$3,000.00. The first year's assessment is estimated as follows.

Accounting Description

Proposed Budget

Salary and Wages:

Salaries: 4 hrs @ \$29.00/hr.	\$ 116.00
Wages: 16 hrs @ \$21.00/hr.	336.00
Temporary Wages: 80 hrs. @ \$6.75/hr.	<u>540.00</u>
Salary and Wages Total	\$ 992.00

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	30.00
Water services	480.00
Natural gas expense	10.00
Labor-motor vehicles	50.00
Ground maintenance	100.00
Other repair/maintenance	105.00
Other service/finance charges	225.00
Other contract services	<u>75.00</u>
Operation and Supplies Total	\$ 1,250.00

Capital Reserve	\$ 758.00
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Frances's Park SIMD Total

\$ 3,000.00

5. Total assessment by units is as follows:

Plats of Lake Hills Subdivision

		<u>Lots</u>		<u>Units</u>		
Twentieth Filing:	Block 48	1 thru 7	x	1 ea.	=	7 units
	Block 49	1 thru 11	x	1 ea.	=	11 units
	Block 50	1 thru 23	x	1 ea	=	<u>23 units</u>
						40 units
Twenty-First Filing:	Block 51	1 thru 9	x	1 ea	=	9 units
	Block 52	1 thru 11	x	1 ea	=	11 units
	Block 53	1 thru 6	x	1 ea	=	6 units
	Block 54	1 thru 18	x	1 ea	=	<u>18 units</u>
						44 units
Twenty-Second Filing:	Block 55	1 thru 10	x	1 ea	=	10 units
	Block 56	1 thru 5	x	1.5 ea	=	7.5 units
	Block 56	11 thru 15	x	1.5 ea	=	7.5 units
	Block 57	29 thru 35	x	1 ea	=	7 units
	Block 58	19 thru 28	x	1 ea	=	<u>10 units</u>
						42 units
Twenty-Third Filing:	Block 57	8 thru 28	x	1 ea	=	22 units
	Block 58	2 thru 18	x	1 ea	=	18 units
	Block 59	6 thru 10	x	1 ea	=	<u>5 units</u>
						45 units
Twenty-Fourth Filing:	Block 57	1 thru 7	x	1 ea	=	7 units
	Block 58	1	x	1 ea	=	1 unit
	Block 59	1 thru 5	x	1 ea	=	<u>5 units</u>
						13 units

Total Units Special Improvement Maintenance District: 184 Units

Total Number of Lots in Special Improvement Maintenance District: 179 Lots

6. Estimated annual maintenance assessment per lot for the first year:

Cost per unit	=	\$3000/184 units	=	\$ 16.30 per unit
Cost per 169 lots @ 1 unit ea	=	\$169 x \$16.30	=	2,754.70
Cost per 10 lots @ 1.5 units each	=	10 x 1.5 (\$16.30)	=	<u>244.50</u>
Total				\$ 2,999.20