

RESOLUTION 03-17996

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO EXPAND THE BOUNDARIES OF EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4013 FOR THE PURPOSE OF MAINTAINING THE STREETSCAPE IMPROVEMENTS INSTALLED IN CONJUNCTION WITH SPECIAL IMPROVEMENT DISTRICT NO. 1346 NORTH BROADWAY STREETSCAPE PROJECT.

WHEREAS, the City Council of Billings, Montana, hereby finds, determines and declares that:

1. On September 25, 2000, the City Council passed Resolution 00-17622 which created Extended Special Improvement Maintenance District 4013 for the purpose of financing the maintenance of streetscape improvements associated with the construction under the related Special Improvement District No. 1346 known as the North Broadway Streetscape Project between Montana Avenue and 4th Avenue North.
2. Additional streetscape improvements were constructed on 2nd Avenue North and 4th Avenue North that were not part of the original North Broadway Streetscape Project.
3. All lands within the extended boundaries of Extended Special Improvement Maintenance District No. 4013 are benefited by the improvements constructed under the North Broadway Streetscape Project, and no lands which are not benefited have been included within the boundaries of the extended district. All lands within the extended district will be enhanced in value to the extent of the assessment to be levied upon such lands, and all lands included within the extended district should be assessed accordingly to pay the costs of maintaining the improvements.

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

Section 1. Proposed Expansion Of Extended Special Improvement Maintenance District No. 4013: Intention to Expand the Boundaries of Extended Special Improvement Maintenance District. The City proposes to expand the boundaries of Extended Special Improvement Maintenance District No. 4013 for the purposes of maintaining certain improvements to benefit certain property located in the City of Billings, Montana. The improvements consist of **streetscape improvements along North Broadway between Montana Avenue and 4th Avenue North installed as part of the North Broadway Streetscape Project**, as more particularly described in

Section 5. It is the intention of the Billings City Council to expand the boundaries of the Extended Special Improvement Maintenance District No. 4013, created and established in the City under Montana Code annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the maintenance costs for the landscaping and other improvements installed as part of the North Broadway Streetscape Project between Montana Avenue and 4th Avenue North. The estimated annual costs for the maintenance of the improvements to be set by the 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 Special Improvement Maintenance District No. **4013** of the City of Billings, Montana.

Section 3. Boundaries of District. The boundaries of the District are to be extended to include the property depicted on a map attached as "Exhibit A" hereto (which is hereby incorporated herein and made a part hereof). The boundary of the extended District is more particularly described on "Exhibit B" hereto (which is hereby incorporated herein and made a part hereof), which boundary is designated and confirmed as the boundary of the District. A listing of each property to be added to 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", "B" and "C" are hereby declared to be the Extended Special Improvement Maintenance District and the territory which will benefit and be benefited by the maintenance of the North Broadway Streetscape Improvements installed between Montana Avenue and 4th Avenue North, 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: **trees, ornamental plantings, lighting, irrigation, intersection bulbs, sidewalk repairs, curb and gutter repairs, storm drainage modifications, colored concrete crosswalks and curb borders, sidewalk furniture, tree grates, and trash receptacles installed as part of the North Broadway Streetscape Project between Montana Avenue and 4th Avenue North.**

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 North Broadway Streetscape Project Improvements between Montana Avenue and 4th Avenue North, as specified herein. The costs of maintaining the Improvements shall be assessed against the property on the District benefiting for the North Broadway Streetscape Improvements between Montana Avenue and 4th Avenue North, 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 the North Broadway Streetscape Improvements between Montana Avenue and 4th Avenue. The total assessable area to be added to the District is **72,500** square feet bringing the total assessment area within the District to **361,250** square feet. The costs of maintaining the Improvements per square foot of assessable area for the current year shall be **\$0.035815** 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 North Broadway Streetscape Improvements between Montana Avenue and 4th Avenue North 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 being added to Extended Special Improvement Maintenance District No. 4013 subject to assessment and taxation for the cost and expense of maintaining the North Broadway Streetscape Improvements between Montana Avenue and 4th Avenue North may make and file with the City Clerk until **5:00 p.m. MDT**, on the expiration date of said 15-day period, **July 25, 2003**, written protest against being included in Extended Special Improvement Maintenance District No. 4013, 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, July 28, 2003, at 6:30 p.m., MDT**, 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 the Resolution in the Billings Times, a newspaper of general circulation in the county on **July 10, and July 17, 2003**, 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 that is being added to Extended Special Improvement Maintenance District No. 4013 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 23rd day of June, 2003.

THE CITY OF BILLINGS

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk