

## RESOLUTION 03-18019

A RESOLUTION TO EXPAND THE BOUNDARIES OF EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4013 FOR THE PURPOSE OF MAINTAINING THE STREETScape IMPROVEMENTS INSTALLED IN CONJUNCTION WITH THE NORTH BROADWAY STREETScape PROJECT BETWEEN MONTANA AVENUE AND 4<sup>TH</sup> AVENUE NORTH.

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

1. The public interest and convenience require expanding the boundaries of Extended Special Improvement Maintenance District No. 4013 created by Resolution 00-17622 on September 25, 2000.
2. Additional streetscape improvements were constructed on 2<sup>nd</sup> Avenue North and 4<sup>th</sup> Avenue North following the adoption of Resolution 00-17622 requiring that said district boundaries be expanded.
3. All lands are benefited and no lands that 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 cost and expenses of the district.

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

1. *Jurisdiction and Creation:* Extended Special Improvement Maintenance District No. 4013 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the improvements and it does hereby expand the boundaries of Extended Special Improvement Maintenance District No. 4013. All lands included in the expanded boundaries of Extended Special Improvement Maintenance District No. 4013 are benefited and no lands that are not benefited have been included in said district.
2. *General Character of Improvements and Maintenance:* The general character of the improvements to be maintained are as follows: all trees within the district boundaries (new, and those existing prior to the creation of the district), new and existing ornamental plantings, lighting and electrical outlets, irrigation, intersection bulbs, sidewalk repairs, curb and gutter repairs, storm drainage modifications, colored concrete crosswalks and curb borders, sidewalk furniture, all tree grates, and the repair and servicing of all trash receptacles. The above items all to be maintained as part of the newly installed North Broadway Streetscape project between Montana Avenue and 4<sup>th</sup> Avenue North.

3. *Boundaries:* The boundaries of the district are described and designated on Exhibit "A" attached hereto.
4. *Maintenance Estimate:* The estimated cost of the proposed expansion maintenance for the current year shall be **\$2,765.88** as described in the Maintenance Estimate attached hereto as Exhibit "D".
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 current year will be approximately \$0.035815 per 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 the 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 the existing fund known as Fund of Special Improvement Maintenance District No. 4013.
7. *Bonds for Improvements:* There will be no bonds sold for this district as it is for maintenance only.
8. *Engineering:* No engineering will be required for the maintenance of the 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 APPROVED by the City Council of the City of Billings, Montana, this 8<sup>th</sup> day of September, 2003.

CITY OF BILLINGS

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

ATTEST:

By: Marita Herold, CMC/AAE      City Clerk