

RESOLUTION NO. 03-18046

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE AN EXTENDED PARK MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING WALDEN GROVE PARK AND WALKWAY IMPROVEMENTS IN J AND E SUBDIVISION, TO BE INSTALLED BY THE DEVELOPER AS PART OF THE CONSTRUCTION OF THE SUBDIVISION.

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 and boulevard improvements located in j & e Subdivision to be installed by the developer as part of a construction phase of the subdivision**, 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 made by the developer as part of a future construction phase of the Subdivision. The estimated annual costs for the maintenance of the park improvements and other improvements as outlined herein, 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. 4024 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" as Metes and Bounds 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" attached 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 "B" are hereby declared to be the Extended Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the existing and future 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 the developer and as part of a future construction phase of the subdivision within the dedicated park areas as well as the Carrol Drain Easement area within Lot 1, Block 6. Also included is the maintenance of the Hawthorne Lane boulevard area adjacent to the Subdivision, the Kelly Lane boulevard area adjacent to the subdivision, the street landscape median within Dublin Street, surface restoration of the Carrol Drain easement area within the subdivision, in the event, the drain district finds it necessary to excavate the Carrol Drain for repairs, and maintenance of the temporary stormwater detention areas to be constructed in conjunction with Phase I of the subdivision. Said temporary**

detention facilities to be located within easements provided to the City upon Lot 9, Block 1 and Lot 8, Block 4, j and e Subdivision.

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 existing and future Park Improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Improvements, based on the assessable area 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 existing and future Park Improvements. The total assessable area of the District to be assessed is 817,616 square feet. The costs of maintaining the Improvements per square foot of assessable area for the first year shall be \$0.010372 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 existing and future 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 existing and future 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 26th, 2003), 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 12, 2004, 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 December 11, and December 18th, 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 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 8th day December, 2003.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

RES 03-18046

ATTEST:

BY: _____
Marita Herold, CMC, CITY CLERK