

RESOLUTION 05-18287

**A RESOLUTION TO EXPAND THE BOUNDARIES OF EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4014 FOR THE PURPOSE OF MAINTAINING THE EXISTING AND FUTURE PARK IMPROVEMENTS IN RUSH AND SHILOH POINT SUBDIVISIONS TO INCLUDE GOODMAN SUBDIVISION, IMPROVEMENTS INSTALLED BY THE DEVELOPER AS PART OF A FUTURE CONSTRUCTION PHASE OF THE SUBDIVISION.**

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. 4014 created by *Resolution 03-17943 on January 13<sup>th</sup>, 2003*.
2. 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.4014 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. 4014. All lands included in the expanded boundaries of Extended Special Improvement Maintenance District No. 4014 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 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 Special Improvement District.
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 **\$0.00206** 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 **\$0.00206** 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<sup>st</sup> 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. 4014.
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 13<sup>th</sup> day of June, 2005.



CITY OF BILLINGS

By: Charles F. Tooley  
Charles F. Tooley Mayor

ATTEST:

By: Marita Herold  
Marita Herold, CMC/AAE City Clerk

EXHIBIT "A" OF  
**EXPANDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT 4014**

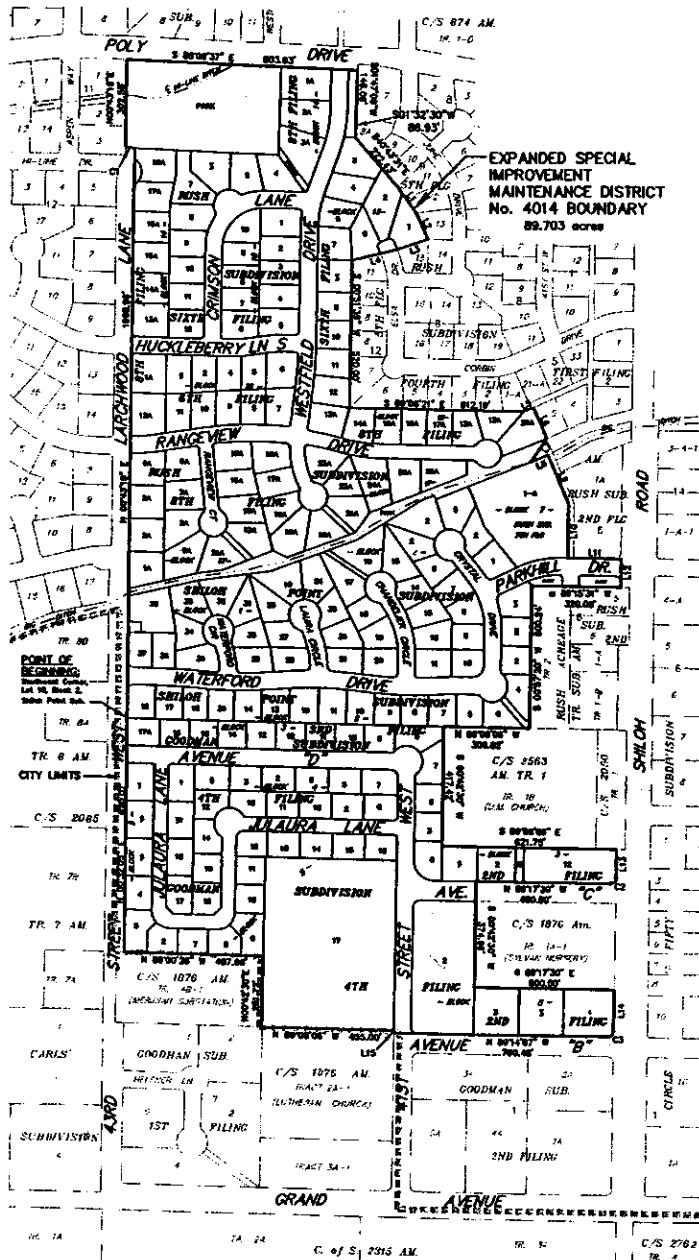
RUSH SUBDIVISION, 6TH, 7TH, & 8TH FILINGS; SHILOH POINT SUBDIVISION,  
& GOODMAN SUBDIVISION, 2ND, 3RD & 4TH FILINGS

MAINTENANCE DISTRICT No. 4014

BILLINGS, MONTANA

200 100 0 200 400  
SCALE 1" = 200'

ARCO



**ENGINEERING, INC.**

Consulting Engineers and Land Surveyors

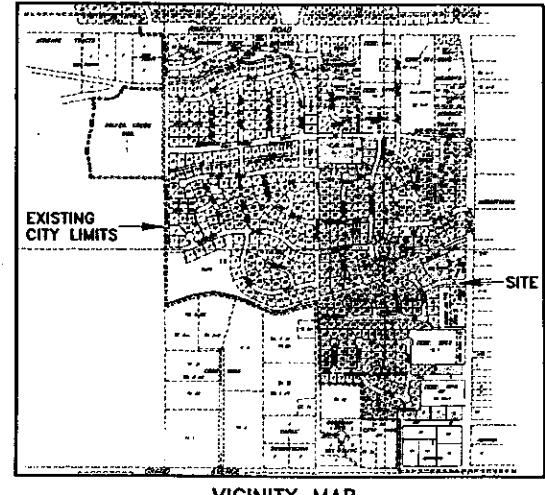
800 Park Street, Room 3702  
Billings, Montana 59102  
(406) 654-8255  
www.eiinc.com

BOUNDARY DESCRIPTION:

A tract situated in the NW 1/4, NE 1/4, SE 1/4, and SW 1/4 of Section 33, T. 1 N., R. 25 E., P.M.M. in the City of Billings, Yellowstone County, Montana; said tract being more particularly described as follows, to-wit:

Considering the basis of bearings to be those shown on the individual recorded plots and certificates of survey with no adjustment or correction being applied:

Beginning at a point which is the southwest corner of Lot 18, Block 2 of Shiloh Point Subdivision; thence, along the easterly right-of-way of 43rd Street West (aka Larchwood Lane), N 00°43'18" E a distance of 1980.96 feet to the northwest corner of Lot 18A, Block 14 of Rush Subdivision, Eighth Filing; thence along a non-tangent curve to the right having a radius of 280.00 feet, a distance of 30.16 feet, (chord bearing of N 047.03°) and chord distance of 30.15 feet; thence N 00°43'18" E a distance of 302.58 feet to a point on the northerly right-of-way line; thence along a tangent curve to the right-of-way line, S 052°37' E a distance of 803.83 feet to a point on the westerly line of Lot 7, Block 8, Rush Subdivision, Fifth Filing; thence, along said westerly line, S 014°7.08" W a distance of 40.00 feet to the northwest corner of Lot 8A of the Amended Plot of Lot 8, Block 8, Rush Subdivision, Fifth Filing; thence S 0132.30" W a distance of 86.93 feet to the southwest corner of said Lot 8A; thence S 047.31" E a distance of 222.43 feet to the southern corner of Lot 10 of said Block 8; thence S 047.31" E a distance of 113.64 feet to the southern corner of said Block 8; thence S 047.31" E a distance of 89.00 feet to the northerly corner of Lot 13 of said Block 8; thence, crossing the 8th Drive right-of-way, S 047.31" E a distance of 162.41 feet to the northeast corner of Lot 8, Block 13 of Rush Subdivision, Lot 15, Block 13 of Rush Subdivision, Eighth Filing; thence S 003°02'21" E a distance of 612.19 feet to the northeast corner of Lot 18A, Block 13 of said Rush Subdivision, Eighth Filing; thence N 002°23'00" E a distance of 36.98 feet to the northeast corner of Lot 20A, Block 13 of said Rush Subdivision, Eighth Filing; thence S 023°51'10" W a distance of 120.00 feet to the southwesterly corner of said Lot 20A; thence S 002°23'00" W a distance of 15.53 feet to a point on the northerly line of Lot 1-A, Block 7 of Rush Subdivision, Seventh Filing; thence, along said northerly line, N 002°23'44" E a distance of 67.63 feet to the northeast corner of said Lot 1-A; thence S 23°16'01" E a distance of 147.59 feet to the westerly corner of said Lot 1-A; thence S 00°44'25" W a distance of 169.87 feet to the southwest corner of said Lot 1-A and also being a point on the northerly right-of-way line of Parkhill Drive; thence, along said northerly right-of-way line, S 0015.31" E a distance of 160.00 feet to the northerly right-of-way line of 8th Drive; thence, along said northerly right-of-way line, S 0015.31" E a distance of 160.00 feet to a point on the northerly line of Lot 1-A, Block 7 of Rush Subdivision, Second Filing; thence, along said northerly right-of-way line, N 0015.31" W a distance of 320.00 feet to the northeast corner of Lot 1, Block 2 of Shiloh Point Subdivision; thence S 0057°20" W a distance of 300.24 feet to a point on the northerly line of Tract 18 of Amended Plot 1 of Certificate of Survey No. 2553; thence N 003°02'08" W a distance of 308.82 feet to the northwest corner of Lot 8, Block 3 of Goodman Subdivision, Third Filing; thence S 0042'30" W a distance of 417.42 feet to the northerly corner of Lot 3, Block 3 of Goodman Subdivision, Third Filing; thence N 0042'30" W a distance of 621.52 feet to the northeast corner of Lot 1A of Plot of Amended Lot 1, Block 3 of Goodman Subdivision, Second Filing; thence, along a westerly right-of-way line of Avenue "C", thence along a tangent curve to the right having a radius of 20.00 feet, a distance of 31.42 feet, (chord bearing of N 0017.30" W a distance of 460.00 feet) to a point on the northerly right-of-way line, S 0014'23" W a distance of 374.90 feet to the northerly corner of Lot 3, Block 2 of Goodman Subdivision, Second Filing; thence S 0017.30" W a distance of 300.00 feet to the northeast corner of Lot 1, Block 2 of Goodman Subdivision, Second Filing; thence, also being a westerly right-of-way line, S 0042'30" W a distance of 147.71 feet; thence along a tangent curve to the right having a radius of 20.00 feet, a distance of 31.14 feet, (chord bearing of N 04544'12" W, and a chord distance of 28.30 feet) to a point on the northerly right-of-way line of Avenue "B"; thence, along said northerly right-of-way line, N 0017.30" W a distance of 780.46 feet to a point on the northerly right-of-way line of 8th Street; thence N 0042'30" W a distance of 87.87 feet to the northeast corner of Lot 17, Block 8 of Goodman Subdivision, Fourth Filing; thence N 002°00'25" W a distance of 487.98 feet; thence N 0032'05" E a distance of 820.07 feet to the point of beginning; said described tract having an area of 86.703 acres.



LOT	PARCEL	ACRES
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**EXPANDED SPECIAL IMPROVEMENT MAINTENANCE  
DISTRICT No. 4014**

**BOUNDARY DESCRIPTION:**

Considering the basis of bearings to be those shown on the individual recorded plats and certificates of survey with no adjustment or correction being applied:

Beginning at a point which is the southwest corner of Lot 18, Block 2 of Shiloh Point Subdivision; thence, along the easterly right-of-way of 43<sup>rd</sup> Street West (aka Larchwood Lane), N 00°43'18" E a distance of 1998.96 feet to the northwest corner of Lot 18A, Block 14 of Rush Subdivision, Eighth Filing; thence along a non-tangent curve to the right having a radius of 280.00 feet, a distance of 30.16 feet, (chord bearing of N 83°34'53" W, chord distance of 30.15 feet); thence N 00°43'18" E a distance of 302.58 feet to a point on the southerly right-of-way of Poly Drive; thence, along said right-of-way line, S 88°08'37" E a distance of 803.93 feet to a point on the westerly line of Lot 7, Block 9, Rush Subdivision, Fifth Filing; thence, along said westerly line, S 01°47'09" W a distance of 146.08 feet to the northwest corner of Lot 8A of the Amended Plat of Lot 8, Block 9, Rush Subdivision, Fifth Filing; thence S 01°32'30" W a distance of 86.93 feet to the southwest corner of said Lot 8A; thence S 40°43'31" E a distance of 222.43 feet to the southerly corner of Lot 10 of said Block 9; thence S 36°04'21" E a distance of 113.64 feet to the southerly corner of Lot 12 of said Block 9; thence S 24°29'07" E a distance of 99.88 feet to the southwest corner of Lot 13 of said Block 9; thence S 70°39'39" W a distance of 113.54 feet to the northwest corner of Lot 15 of said Block 9; thence, crossing the Elsa Drive right-of-way, S 76°18'50" W a distance of 162.41 feet to the northeast corner of Lot 8, Block 13 of Rush Subdivision, Sixth Filing; thence S 00°51'39" W a distance of 520.00 feet to the northeast corner of Lot 13A, Block 13 of Rush Subdivision, Eight Filing; thence S 89°08'21" E a distance of 612.19 feet to the northeast corner of Lot 19A, Block 13 of said Rush Subdivision, Eight Filing; thence N 66°23'09" E a distance of 36.98 feet to the northeast corner of Lot 20A, Block 13 of said Rush Subdivision, Eight Filing; thence S 23°36'51" E a distance of 120.00 feet to the southeast corner of said Lot 20A; thence S 34°57'10" W a distance of 101.53 feet to a point on the northerly line of Lot 1-A, Block 7 of Rush Subdivision, Seventh Filing; thence, along said northerly line, N 68°22'54" E a distance of 67.63 feet to the northeast corner of said Lot 1-A; thence S 23°16'01" E a distance of 187.59 feet to the easterly corner of said Lot 1-A; thence S 00°44'29" W a distance of 189.87 feet to the southeast corner of said Lot 1-A and also being a point on the northerly right-of-way line of Parkhill Drive; thence, along said northerly right-of-way line, S 89°15'31" E a distance of 190.00 feet to the westerly right-of-way line of Shiloh Road; thence, along said westerly right-of-way line, S 00°44'29" W a distance of 100.00 feet to a point on the northerly line of Lot 5, Block 6 of Rush Subdivision, Second Filing; thence N 89°15'31" W a distance of 320.00 feet to the northeast corner of Lot 1, Block 2 of Shiloh Point Subdivision; thence S 00°57'20" W a distance of 500.24 feet to a point on the northerly line of Tract 1B of Amended Tract 1 of Certificate of Survey No. 2563; thence N 89°08'06" W a distance of 308.62 feet to the northeast corner of Lot 8, Block 3 of Goodman Subdivision, Third Filing; thence

S 00°42'30" W a distance of 417.42 feet to the northwest corner of Lot 3, Block 3 of said Goodman Subdivision, Third Filing; thence S 89°08'06" E a distance of 621.75 feet to the northeast corner of Lot 1A of Plat of Amended Lot 1, Block 3 of Goodman Subdivision, Second Filing and also being a point on the westerly right-of-way line of Shiloh Road; thence, along said westerly right-of-way line, S 00°42'30" W a distance of 100.08 feet; thence along a tangent curve to the right having a radius of 20.00 feet, a distance of 31.42 feet, (chord bearing of S 45°42'30" W, and a chord distance of 28.28 feet) to a point on the northerly right-of-way line of Avenue "C"; thence, along said northerly right-of-way line, N 89°17'30" W a distance of 480.00 feet; thence, crossing the Avenue "C" right-of-way, S 00°42'30" W a distance of 374.96 feet to the northwest corner of Lot 3, Block 2 of Goodman Subdivision, Second Filing; thence S 89°17'30" E a distance of 500.00 feet to the northeast corner of Lot 1, Block 2 of Goodman Subdivision, Second Filing and also being a point on the westerly right-of-way line of Shiloh Road; thence, along said westerly right-of-way line, S 00°42'30" W a distance of 147.74 feet; thence along a tangent curve to the right having a radius of 20.00 feet, a distance of 31.44 feet, (chord bearing of S 45°44'12" W, and a chord distance of 28.30 feet) to a point on the northerly right-of-way line of Avenue "B"; thence, along said northerly right-of-way line, N 89°14'07" W a distance of 760.48 feet to a point on the westerly right-of-way line of 41<sup>st</sup> Street West; thence N 00°42'30" E a distance of 8.72 feet to the southeast corner of Lot 17, Block 5 of Goodman Subdivision, Fourth Filing; thence N 89°08'06" W a distance of 455.00 feet to the southwest corner of said Lot 17; thence N 00°42'30" E a distance of 251.72 feet to the southeast corner of Lot 9, Block 5 of Goodman Subdivision, Fourth Filing; thence N 89°00'28" W a distance of 487.98 feet; thence N 00°32'05" E a distance of 820.07 feet to the point of beginning; said described tract having an area of 89.703 acres.

## EXHIBIT "D"

**ESTIMATE OF PROBABLE COST**  
**EXTENDED SPECIAL IMPROVEMENTS MAINTENANCE DISTRICT NO. 4014**  
**RUSH, SHILOH POINT AND GOODMAN SUBDIVISIONS**  
**EXTENDED PARK MAINTENANCE DISTRICT**

1. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$7,625.00 for Rush, Shiloh Point and Goodman Subdivisions.

The first year's assessment for PMD 4014 including Goodman Subdivision is estimated as follows:

<b>CITY OF BILLINGS - PARK MAINTENANCE DISTRICT 4014</b> <b>ESTIMATE OF ANNUAL MAINTENANCE COSTS</b>			
<b>BA SUB</b>	<b>ELE</b>	<b>SUB OBJ</b>	<b>ACCOUNT DESCRIPTION</b>
			<b>Goodman Expansion Creation documents and exhibits:</b>
			<b>Operations and Supplies:</b>
	34	10	Electricity
		20	Water Service
	39	50	Ground Maintenance
		65	Other Service/Finance Charges
		68	Parks Charge for Services
		90	Other Contract Services
	54	10	Special Assessments
			<b>Total Operations and Supplies, Etc.</b>
			\$ 5,725.00
			<b>Total Goodman Sub. / Rush / Shiloh Point PMD 4014</b>
			\$ 7,625.00
			<b>Park area to be maintained (Square Feet)</b>
			<b>Total Assessment Area of expanded District (Square Feet)</b>
			<b>Total Area Assessment (Per Square Foot)</b>
			<b>Assessable Area Added to PMD in Goodman Subd. (Square Feet)</b>
			<b>Goodman Sub. Proportionate Share of PMD 4014 O &amp; M Annual Cost Estimate</b>
			<b>\$ 2,180.48</b>

4. Total Goodman Subdivision assessment area is as follows:

Plat of Goodman Subdivision

<u>Block 2</u>	<u>Lot Area (SF)</u>
Lot 1	30,095
Lot 2	26,801
Lot 3	26,775
Lot 4	103,883
<u>Block 3</u>	<u>Lot Area (SF)</u>
Lot 1	43,554
Lot 2	16,347
Lot 3	15,201
Lot 4	13,498
Lot 5	9,874
Lot 6	9,874
Lot 7	11,199
Lot 8	12,539
Lot 9	9,966
Lot 10	9,690
Lot 11	9,690
Lot 12	9,690
Lot 13	9,690
Lot 14	9,690
Lot 15	9,690
Lot 16	9,690
Lot 17	10,213
<u>Block 4</u>	<u>Lot Area (SF)</u>
Lot 1	11,880
Lot 2	11,700
Lot 3	11,700
Lot 4	11,679
Lot 5	10,853
Lot 6	9,983
Lot 7	9,983
Lot 8	9,983
Lot 9	9,983
Lot 10	10,837
Lot 11	10,232
Lot 12	10,232
Lot 13	10,232
Lot 14	10,232
Lot 15	10,676
Lot 16	11,206
Lot 17	11,158
Lot 18	10,415
Lot 19	11,388
<u>Block 5</u>	<u>Lot Area (SF)</u>
Lot 1	11,842
Lot 2	11,843
Lot 3	11,796
Lot 4	10,635
Lot 5	12,548
Lot 6	9,866
Lot 7	9,600
Lot 8	10,733
Lot 9	13,965
Lot 10	10,370
Lot 11	10,054
Lot 12	10,082
Lot 13	9,900
Lot 14	9,900
Lot 15	9,900
Lot 16	10,094
Lot 17	273,391

Total Assessment Area in Goodman Expansion =	1,059,520 SF
	24.30 AC
Total Number of Lots =	57

4. Total Goodman Subdivision assessment is as follows:

<u>Block</u>	<u>Cost</u>
Lot 1	\$61.99
Lot 2	\$55.21
Lot 3	\$55.15
Lot 4	\$213.99
<u>Block</u>	<u>Cost</u>
Lot 1	\$89.72
Lot 2	\$33.67
Lot 3	\$31.31
Lot 4	\$27.80
Lot 5	\$20.34
Lot 6	\$20.34
Lot 7	\$23.07
Lot 8	\$25.83
Lot 9	\$20.53
Lot 10	\$19.96
Lot 11	\$19.96
Lot 12	\$19.96
Lot 13	\$19.96
Lot 14	\$19.96
Lot 15	\$19.96
Lot 16	\$19.96
Lot 17	\$21.04
<u>Block</u>	<u>Cost</u>
Lot 1	\$24.47
Lot 2	\$24.10
Lot 3	\$24.10
Lot 4	\$24.06
Lot 5	\$22.36
Lot 6	\$20.56
Lot 7	\$20.56
Lot 8	\$20.56
Lot 9	\$20.56
Lot 10	\$22.32
Lot 11	\$21.08
Lot 12	\$21.08
Lot 13	\$21.08
Lot 14	\$21.08
Lot 15	\$21.99
Lot 16	\$23.08
Lot 17	\$22.98
Lot 18	\$21.45
Lot 19	\$23.46
<u>Block</u>	<u>Cost</u>
Lot 1	\$24.39
Lot 2	\$24.40
Lot 3	\$24.30
Lot 4	\$21.91
Lot 5	\$25.85
Lot 8	\$20.32
Lot 7	\$19.78
Lot 8	\$22.11
Lot 9	\$28.77
Lot 10	\$21.36
Lot 11	\$20.71
Lot 12	\$20.77
Lot 13	\$20.39
Lot 14	\$20.39
Lot 15	\$20.39
Lot 16	\$20.79
Lot 17	\$563.17