

RESOLUTION NO. 05-18293

**A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY
COUNCIL TO CREATE A SPECIAL IMPROVEMENT
MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING
EXISTING AND FUTURE PUBLIC AREA IMPROVEMENTS IN
COTTONWOOD GROVE SUBDIVISION,
FIRST AND SECOND FILINGS.**

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

Section 1. Proposed Special Improvement Maintenance District; Intention To Create Special Improvement Maintenance District. The City proposes to maintain certain public area improvements to benefit certain property located in the City of Billings, Montana. The improvements consist of existing and future public area improvements in Cottonwood Grove Subdivision, First and Second Filings, 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 special improvement maintenance district (the "Special Improvement Maintenance District") for the purpose of financing the maintenance costs for the public area improvements made with the development of Cottonwood Grove Subdivision, First and Second Filings. The estimated annual costs for the maintenance of the special improvements 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 Special Improvement Maintenance District No. 4029 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 Special Improvement Maintenance District and the territory which will benefit and be benefited by the maintenance of the Cottonwood Grove Subdivision, First and Second Filings, Public Area 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: boulevard in 54th Street West, landscaping, trees, irrigation systems, irrigation system water services, weed control, storm detention facilities, and other public area improvements installed by the developer, Parks Department and/or as part of a future Special Improvement District.

Section 6. Assessment Methods; Property To Be Assessed. All eligible properties within the District are to be assessed for a portion of the costs of maintaining the existing and future Cottonwood Grove Subdivision, public area improvements, as specified herein. Said properties shall not be eligible for assessment until such time as the final plat of the property is filed and the Restrictions on Transfers and Conveyances has been lifted. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Cottonwood Grove Subdivision, Public Area 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 eligible properties in the District will be assessed for their proportionate share of the costs of maintaining the Cottonwood Grove Subdivision, First and Second Filings, Public Area Improvements. The total square footage in the District to be assessed is 1,206,422 square feet. The costs of maintaining the Improvements for the first year shall be \$0.00239 per square foot of each lot 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 Cottonwood Grove Subdivision, First and Second Filings, Park Area 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 District subject to assessment and taxation for the cost and expense of maintaining the Cottonwood Grove Subdivision, First and Second Filings, Public Area Improvements may make and file with the City Clerk until **5:00 p.m. M.D.T., July 15th, 2005**, on the expiration date of said 15-day period, written protest against the proposed Special Improvement Maintenance District No. 4029, 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 25th, 2005, at 6:30 p.m. M.D.T.**, in the Council Chambers, located on the Second Floor of the City Hall 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 **June 30th, and July 7th, 2005**, 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 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 27th day of June, 2005.



THE CITY OF BILLINGS:

BY: Charles F. Tooley
Charles F. Tooley, MAYOR

ATTEST:

BY: Marita Herold
Marita Herold, CMC/AAE CITY CLERK

EXHIBIT "A"
PARK MAINTENANCE DISTRICT #4029
COTTONWOOD GROVE SUBDIVISION, FIRST AND SECOND FILINGS
BEING LOTS 65A-1, 65A-2 AND 65A-3 OF AMENDED LOT 65A OF SUNNY COVE FRUIT FARMS
SITUATED IN THE SE1/4 OF SECTION 31, T. 1 N., R. 25 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

SCALE : 1"=100'

MARCH, 2003
BILLINGS, MONTANA

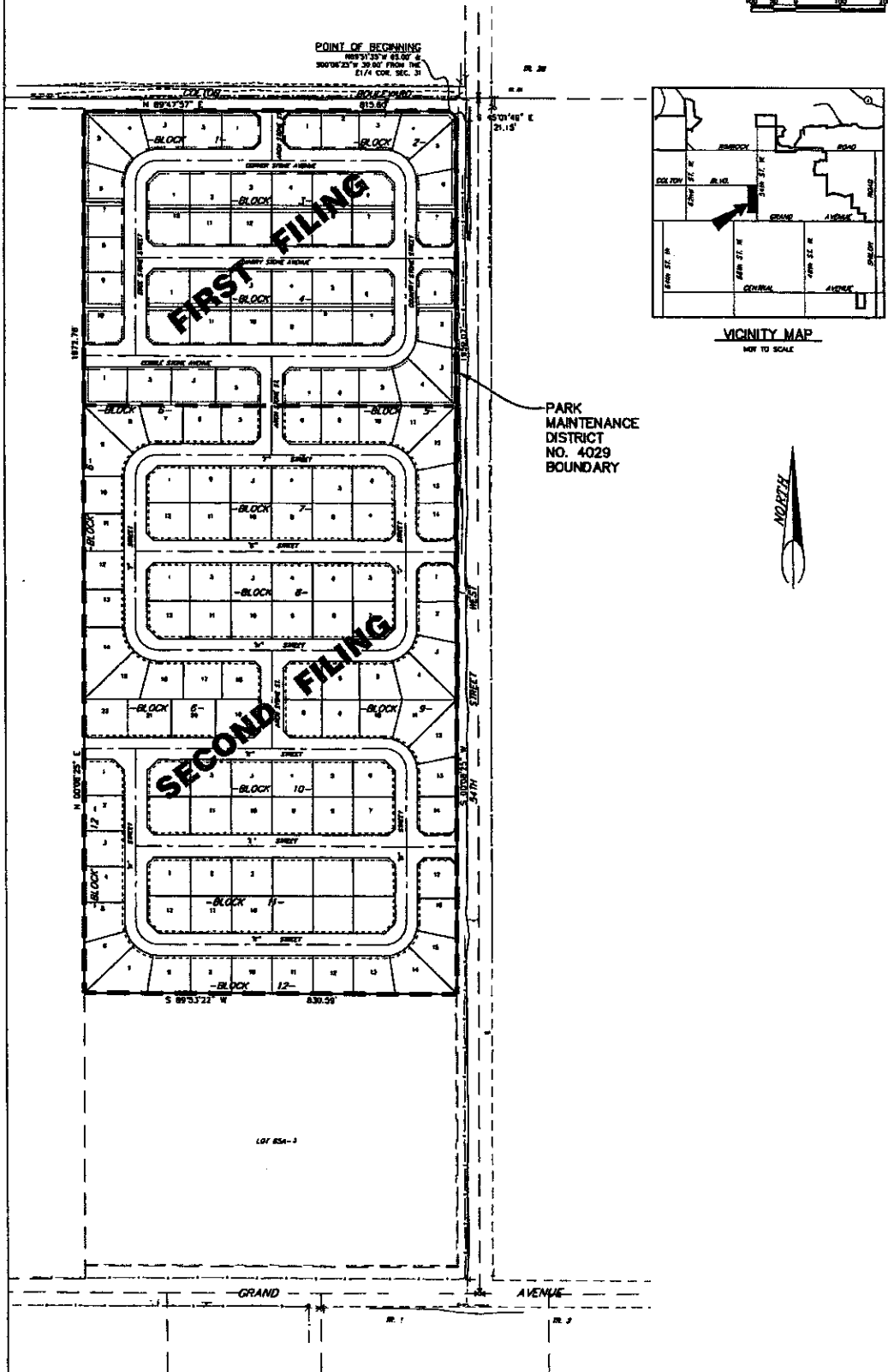


EXHIBIT "B"

BOUNDARY DESCRIPTION SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4029 COTTONWOOD GROVE SUBDIVISION, FIRST & SECOND FILINGS PARK MAINTENANCE DISTRICT

Meets and Bounds Description:

Beginning at a point which is situated N 89°51'35" W a distance of 65.00 feet and S 00°08'25" W a distance of 30.00 feet from the East ¼ Corner of Section 31, T. 1 N., R. 25 E., P.M.M.;
thence, from said point of beginning S 45°01'49" E a distance of 21.15 feet to the westerly right-of-way line of 54th Street West;
thence S 00°08'25" W a distance of 1,959.07 feet to the northeast corner of Lot 65A-4 of amended Lot 65A of Sunny Cove Fruit Farms;
thence S 89°53'22" W along the north lot line of said Lot 65A-4 a distance of 830.59 feet to the northwest corner of said Lot 65A-4;
thence N 00°08'25" E a distance of 1,972.76 feet to the southerly right-of-way line of Colton Boulevard;
thence N 89°47'57" E along said southerly right-of-way line a distance of 815.60 feet to the point of beginning;
said tract containing an area of 37.63 acres.

EXHIBIT "C"

**OWNERSHIP RECORDS
SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4029
COTTONWOOD GROVE SUBDIVISION,
FIRST & SECOND FILINGS
PARK MAINTENANCE DISTRICT**

STATE OF MONTANA
COUNTY OF YELLOWSTONE

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CHECKED THE RECORDS IN MY
OFFICE FROM March 23, 2005 TO May 31, 2005
AND THE LISTED PERSONS ARE THE OWNERS OF RECORD FOR THE LISTED PROPERTY.
SIGNED AND SEALED THIS 2nd DAY OF June 2005

1 NAMES \$.50

TONY NAVE

CERT \$ 2.00

CLERK & RECORDER

TOTAL \$ 2.50

1 PAGES

BY Eric S. Jensen
DEPUTY

Ranges: TAX YEAR: (R) 2005 - 2005
ASSESSOR#: (L) A31803, A31804
TAX TYPE: (A)
LEVY DISTRICT: (A)
SUB-LEVY DIST: (A)
SPECIAL DISTRICT: (A)

Certified Thru
6-1-05 3-23-05
Dept of Revenue
J. Richards DOR

OPTIONS: SORT ORDER: N # OF COPIES: 1

| Assessor# | Owner/Mailing Address | Legal Description | levy Sub Tax Dist Dist Type Key #1 |
|-----------|--|---|---------------------------------------|
| A31803 | KRAMER, MARY ✓ 3011 REIMERS PARK DR BILLINGS MT 59102-0219 | 03-1032-31-4-90-50-0000 SUF SUNNYCOVE FRUIT FARMS LT 65A-2 SUNNY COVE FRUIT FARMS AND 12.542 AC (OLD #D04668) (05) ANNEX/RES 04-18140 6/14/04 | 2 RE |
| A31804 | KRAMER, MARY ✓ 3011 REIMERS PARK DR BILLINGS MT 59102-0219 | 03-1032-31-4-90-70-0000 SUF SUNNYCOVE FRUIT FARMS 1I 65A-3 SUNNY COVE FRUIT FARMS AND 12.543 AC (OLD #D04668) (05) ANNEX/RES 04-18140 6/14/04 | 2 RE |

EXHIBIT "D"

ESTIMATE OF PROBABLE COST SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4029 COTTONWOOD GROVE SUB, FIRST AND SECOND FILINGS CITY OF BILLINGS, MONTANA

1. The costs to create the maintenance district are estimated to be \$1,500.
2. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$ 1,596

The first year's assessment is estimated as follows:

CITY OF BILLINGS - PARK MAINTENANCE DISTRICT NO. 4029 ESTIMATE OF ANNUAL MAINTENANCE COSTS

PMD Description: Cottonwood Grove Subdivision, 1st & 2nd Filings

PMD Number: 4029

Date: 6/1/2005

| INDEX | BA SUB | ELE | SUB OBJ | ACCOUNT DESCRIPTION | ESTIMATED MAINTENANCE COSTS |
|-------|-----------|-----|------------|---|-----------------------------------|
| 5198 | 452 | 35 | 60 | Creation Document and Exhibit Preparation Costs | \$1,500.00 |
| | 452 | 34 | 10 | Operations and Supplies | |
| | | | | Electricity | \$0.00 |
| | | | | City Water | \$0.00 |
| | | | | Ground Maintenance | \$200.00 |
| | | 39 | 65 | Other Service/Finance Charges | \$215.00 |
| | | | | Parks Charge for Services | \$250.00 |
| | | 54 | 10 | Special Assessments | \$220.00 |
| | | | | Total Operations and Supplies, Etc. | \$2,385.00 |
| | | | | Capital E/I Reserve | \$500.00 |
| | | | | Total Cottonwood Grove Subdivision, 1st & 2nd Filings Cost Estimate | \$2,885.00 |
| | | | | Equal Assessment Per Square Foot | 1,206,422 |
| | | | | 1st year Assessment (Per Square Foot) | \$0.00239 |