

RESOLUTION 05-18311

A RESOLUTION CREATING SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4029 FOR THE PURPOSE OF MAINTAINING EXISTING AND FUTURE PUBLIC AREA IMPROVEMENTS IN COTTONWOOD GROVE SUBDIVISION, FIRST AND SECOND FILINGS, CITY OF BILLINGS, MONTANA

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

1. The public interest and convenience require the creation of the above named district.
2. That said district is of more than local or ordinary public benefit.
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 costs and expenses of the district.

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

1. *Jurisdiction and Creation.* Special Improvement Maintenance District Number 4029 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Special Improvement Maintenance District Number 4029. All lands included within Special Improvement Maintenance District Number 4029 are benefited and no lands that are not benefited have been included in said district.
2. *General Character of Improvement and Maintenance.* 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. The purpose of said district is to provide perpetual maintenance of the above-mentioned items.
3. *Boundaries.* The Boundaries of the district are described and designated on Exhibits "A" and "B" attached hereto.
4. *Ownership.* The ownership records of all properties within the said district are described and designated in Exhibit "C" attached hereto.
5. *Maintenance Estimate.* The estimated cost of the proposed maintenance for the first year will be \$2,885.00 as described in the Maintenance Estimate attached hereto in Exhibit "D".
6. *Assessment Method.* All of the costs and expenses of the district will be assessed against the eligible lots in the entire district, and each lot or parcel of land within the district will be assessed per square foot of lot area. Assessments for each lot during the first year will be approximately \$0.00239 per square foot. 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.
7. *Payment of Assessment.* The assessments for all maintenance and costs of the district shall be paid in equal annual installments, provided that 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 a fund to be known as Fund of Special Improvement Maintenance District Number 4029.
8. *Bonds for Improvement.* There will be no bonds sold for this district as it is for maintenance only.
9. *Engineering.* No engineering will be required.
10. *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.

APPROVED AND ADOPTED by the City Council of the City of Billings, Montana, this 25th day of July, 2005.



THE CITY OF BILLINGS:

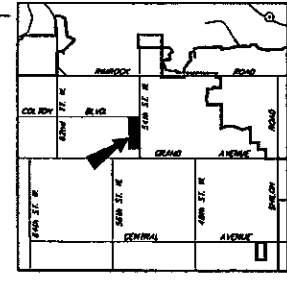
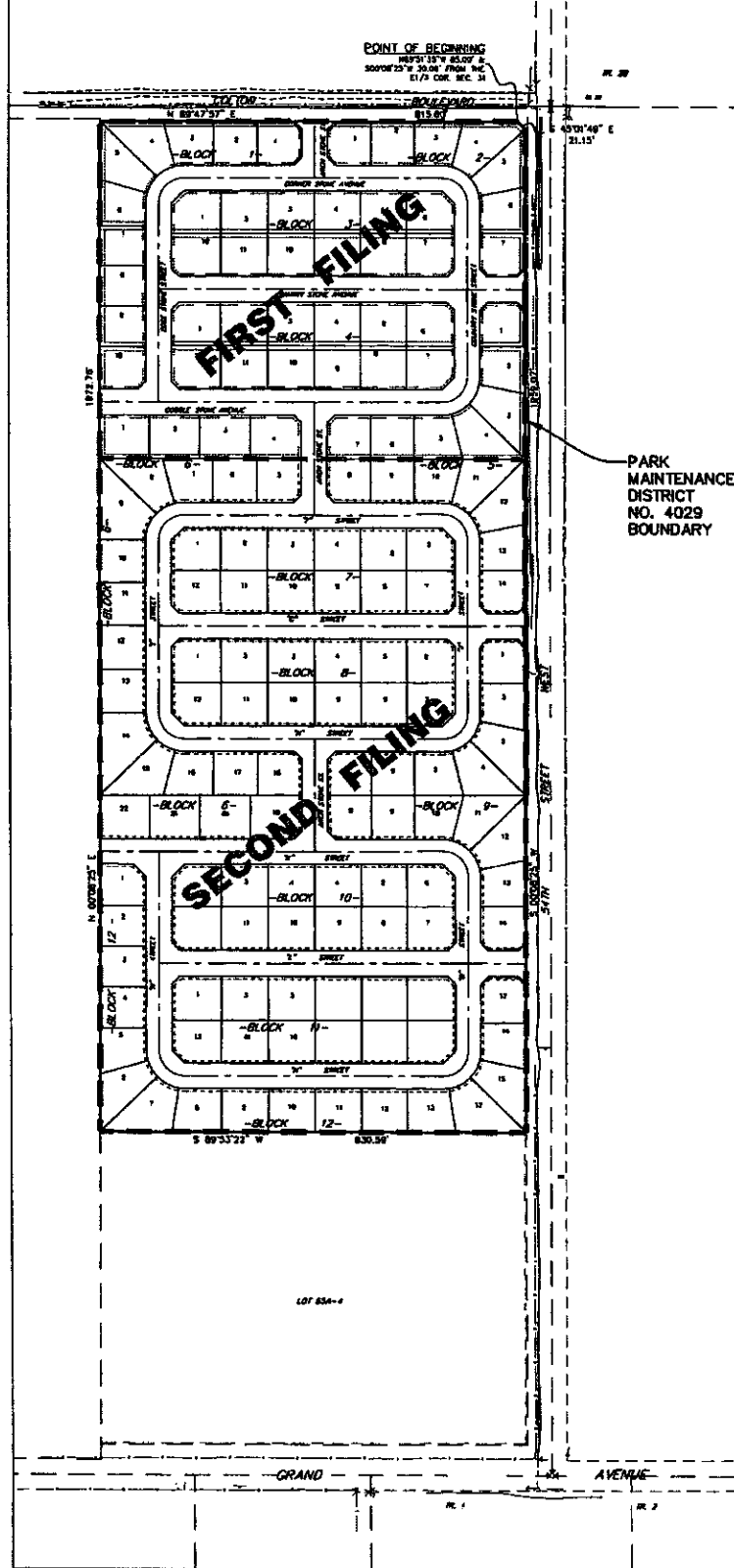
BY: Charles F. Tooley
Charles F. Tooley, MAYOR

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.
SCALE : 1"=100'

MARCH, 2003
BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE



P:\cadd\1113-sun-jpg\01052_03 Cottonwood_Grove_Sun_2nd_SV\img\032905_PMD.dwg 6/7/2005 R-cd:02 AL K veslan, 1:2 29862

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 Spice S. Gendron
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#	Dwner/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 AMD 12.542 AC (OLD #D04668) (05) ANNEX/RES 84-18140 6/14/04	2 RE
A31804	KRAMER, MARY ✓ 3011 REIMERS PARK DR BILLINGS MT 59102-0219	03-1032-31-4-90-70-8080 SUF SUNNYCOVE FRUIT FARMS LT 65A-3 SUNNY COVE FRUIT FARMS AMD 12.543 AC (OLD #D04668) (85) ANNEX/RES 04-18140 6/14/84	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
			90	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