

RESOLUTION 05-18334

A RESOLUTION DETERMINING AND FIXING THE METHODS OF ASSESSMENT IN EACH DISTRICT, FIXING THE RATE OF ASSESSMENT FOR COSTS OF **STREET MAINTENANCE** WITHIN THE CITY OF BILLINGS, PROVIDING FOR NOTICE, HEARING AND ADOPTION

WHEREAS, the City of Billings, by Resolution, has defined the boundaries and established street maintenance districts as provided by State Law, and

WHEREAS, it is necessary to determine, levy and assess the properties within the districts.

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

1. **METHOD OF ASSESSMENT:** The City hereby determines that each lot or parcel of land within both Street Maintenance Districts One (1) and Two (2) shall be assessed for that portion of the whole cost which each lot or parcel of land in the respective district bears to the total area of the respective district exclusive of streets, avenues, alleys and public places.

2. **ASSESSMENT DISTRICT ONE (1):** Each lot or parcel within portions of the Central Business District, being District One (1), is hereby assessed **\$0.036348** per square foot of area for fiscal year 2006.

3. **ASSESSMENT DISTRICT TWO (2):** Each lot or parcel within the balance of the City, being District Two (2), is hereby assessed **\$0.005975** per square foot of area for fiscal year 2006.

4. **MAXIMUM ANNUAL CHARGE:** The maximum annual charge for any tract, parcel or lot which is undeveloped and unimproved shall be Nine Hundred Ten Dollars

(\$910.00).

5. **LOTS AND PARCELS ASSESSED:** A list which describes each lot or parcel of land assessed within the respective district, with the name of the owner thereof, and the amount levied thereon set is available as a printed document in the office of Public Works at the Parmly Billings Library Building, Billings, Montana.

6. **EXCLUDED PROPERTIES:** All properties, currently within the 12-year assessment term, 1988 through 1999, originally assessed for previous sidewalk, curb and gutter improvements, shall be excluded from the curb and gutter repair portion of this additional Street Maintenance District assessment during this 12-year term. The curb and gutter repair portion of the new additional Street Maintenance Districts assessment is \$0.000625 per square foot of area. The exemption will include properties within a current assessment term that have previously paid off their assessment. Any party who would have been included in one of these City programs, but elected to have their repairs done privately, may make special application for an exclusion to the City Engineer's Office.

7. **EXEMPTION:** Maintenance District assessments shall not be paid by the City General Fund, Public Safety Fund, Library Fund or MET Transit Fund.

8. **COLLECTION OF ASSESSMENTS:** Said special assessments shall be placed upon the assessment rolls and collected in the same manner as other taxes.

9. **CURB AND GUTTER POLICY:** The portions of the City Council's Curb, Gutter and Sidewalk Policy that applies to curb and gutter replacement/repair ONLY are incorporated herein:

All curb and gutter repair and replacement is paid by the city curb and gutter program. Improvements to existing streets including the widening of those streets and the installation of curbs and gutters would have a cap placed on property owner assessments. The cap on assessments is based on the appraised value of the property as follows: (1) if the assessment is less than 5% of the property value,

then the homeowner is responsible for the entire assessment; (2) if the assessment is more than 5% of the property value but less than 10%, the city curb and gutter program pays one-half of the assessment amount in excess of 5%; and (3) if the assessment is more than 10% of the property value, then the curb and gutter program pays one-half of the amount of the assessment between 5 and 10% and all of the assessment in excess of 10%."

Home/property owners currently paying assessments will be exempt from paying fees to the annual curb and gutter program, until they have paid their assessment. Upon full payment of their assessment, they will be entered into the city-wide assessment program. Those owners who elected to pay assessments in full or contract to perform repairs without involvement in the city program, will need to submit proof of payment to the City Finance Office and will receive the same exemption.

10. **NOTICE OF HEARING:** On Monday, **September 12, 2005**, at 6:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the final adoption of this resolution. A notice of the public hearing was published twice on September 1st, and September 8th, 2005, at least five (5) days prior to the hearing, in the ***Billings Times***.

10. **CERTIFICATION:** The City Clerk is hereby directed upon final passage and approval of this resolution to certify a copy thereof to the Finance Manager of the City of Billings, Montana, who shall certify a copy to the Yellowstone County Clerk and a copy to the Yellowstone County Assessor.

11. **EFFECTIVE DATE:** This resolution shall be effective upon final adoption.

ADOPTED by the City Council and APPROVED this **12th** day of **September**, **2005**.

CITY OF BILLINGS, MONTANA

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: Marita Herold, CMC/AAE CITY CLERK