

RESOLUTION NO. 09-18788

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 306 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COST.

WHEREAS, the City Council of Billings, Montana, has determined that the public interest and convenience require the creation of a Special Improvement Lighting Maintenance District as hereinafter provided;

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

SECTION 1:

That it is the intention to create Special Improvement Lighting Maintenance District (SILMD) 306. That the public interest and convenience require, and it is deemed necessary, to create a Special Improvement Lighting Maintenance District for the purpose providing energy and maintenance for new street lights for lighting in said district; and the intention of said City Council to create such a district, hereinafter more particularly described, is hereby declared.

SECTION 2:

That said district shall be known and designated as "Special Improvement Lighting Maintenance District No. 306" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land either abutting King Avenue East from South Billings Boulevard to Orchard Lane, or all lots, parcels and pieces of land which receive a direct benefit from said District, as shown on the map designated as Exhibit "A" attached hereto, and as listed in Exhibit "B" which is attached hereto. The district boundary shall be as described in Exhibit "C" attached hereto.

SECTION 3:

That the City of Billings, Montana, hereby finds, determines and declares that each of the lots, blocks, pieces and parcels of land situated within the boundaries of the District, will be especially benefited and affected by said improvements, and that all of the property included within the District is hereby declared to be the property to be assessed for the cost and expense of obtaining the electrical energy for and maintenance of said street lights.

SECTION 4:

That the general character of the improvements to be made for the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of thirty-three (33) 250-watt high-pressure sodium fixtures mounted on steel, mast arm style poles and served by underground wiring. The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$10.27 per unit, per month, and that NorthWestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$8,665.78; that the entire cost of said District shall be paid by the owners of the property within said District, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys and public places. The estimated cost of the District per year for property owners is on the basis of approximately \$0.00327854 per square foot of assessable area. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$9,984.98 or approximately \$0.00377763 per square foot.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District; that annually, pursuant to MCA 7-12-4332, the City Council shall adopt this resolution estimating the cost of maintaining said lights including a reserve, and furnishing electrical current and assessing all of said property within said District for the annual costs; that all monies derived from the collection of such assessments shall be paid into a fund to be known as "Special Lighting Maintenance District No. 306 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 8:

That on the 23rd day of February, 2009, at 6:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create such Special Improvement Lighting Maintenance District No. 306 and will hear objections and protests against the proposed improvements and the extent and creation of such District to be assessed, or any matter pertaining thereto, at said time and place, by any person, firm, or corporation who has filed a written protest with the City Clerk of the City of Billings within fifteen (15) days after the date on which the Notice of the passage of this Resolution of Intention is mailed to the property owners affected and published in "The Billings Times".

SECTION 9:

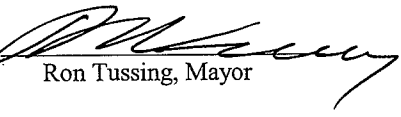
That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "The Billings Times", a weekly newspaper published and circulated in the City of Billings, Montana, and to send a copy of said Notice to the owners of all the lots, blocks, pieces or parcels of land included within the boundaries of said Special Improvement Lighting Maintenance District No. 306. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 26th day of January 2009.



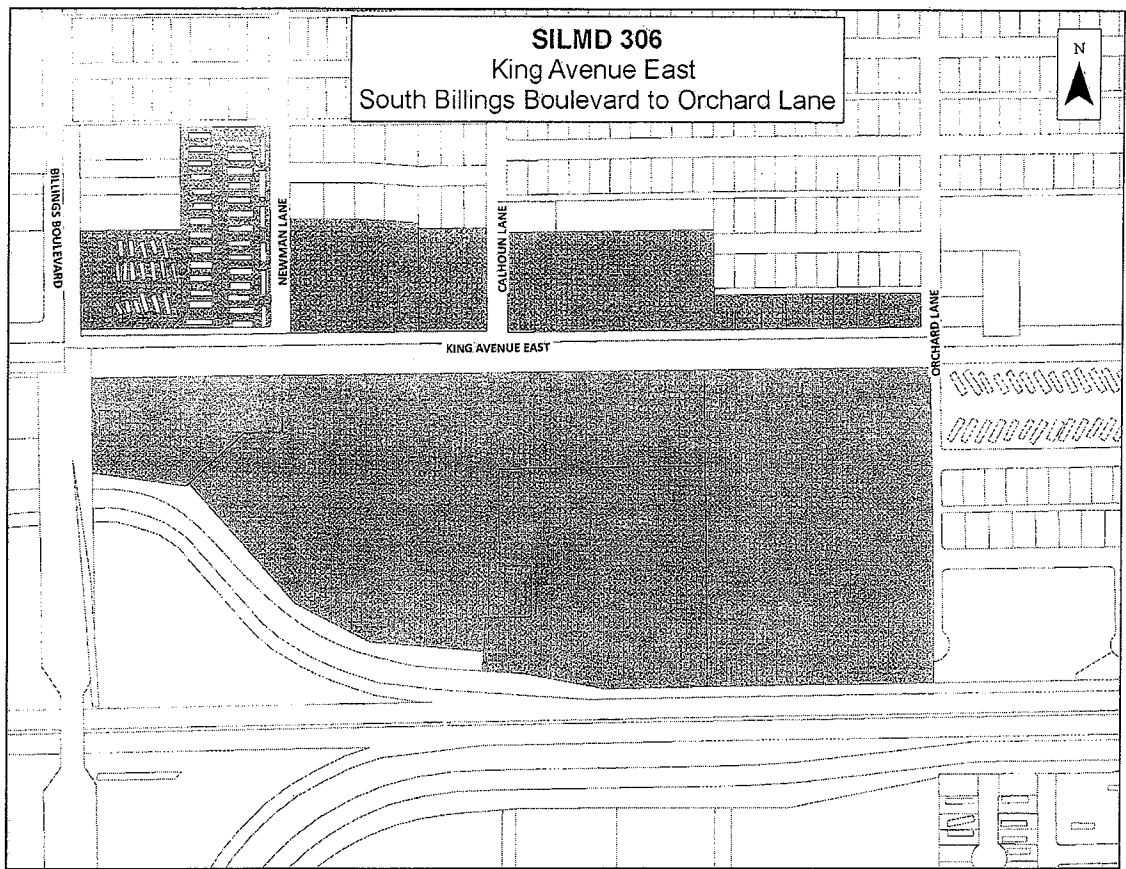
CITY OF BILLINGS

By


Ron Tussing, Mayor

ATTEST:

By Cari Martin
Cari Martin, City Clerk



[illegible]

SILMD 306

South Billings Boulevard to Orchard Lane

Legal Description of Property

Tracts of land situated in the SW1/4 of Section 9, T.1S., R.26E., and the NW1/4 of Section 16, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Star Subdivision, Recorded July 14, 1976, under Document No. 1023306, Records of Yellowstone County;

Lot 1, Block 5, Pinnick Subdivision, Third Filing, Recorded June 7, 1966, under Document No. 779769, Records of Yellowstone County, less Lots 1A, 1B, 1C and 1D, Block 5, Amended Plat of Lot 1 Block 5, Pinnick Subdivision, Third Filing, Recorded December 19, 1978, under Document No. 1114044, Records of Yellowstone County;

Lot 24, Sugar Subdivision, Recorded March 25, 1909, under Document No. 15135, Records of Yellowstone County, less portions of said Pinnick Subdivision, Third Filing and portions of Weber Subdivision, Second Filing, Recorded October 8, 1955, under Document No. 550738, Records of Yellowstone County;

Tract 1, Certificate of Survey 2350, Recorded November 18, 1985, under Document No. 1372518, Records of Yellowstone County;

Lots 1 through 10, Block 9, Orchard Lane Subdivision, Third Filing, Recorded February 5, 1955, under Document No. 537746, Records of Yellowstone County;

Miller Crossing Subdivision, Recorded June 5, 1997, under Document No. 1880131, Records of Yellowstone County, including all Amendments thereof;

Miller Crossing Subdivision, Second Filing, Recorded August 8, 2008, under Document No. 3475747, Records of Yellowstone County, including all Amendments thereof.

See Exhibit "A" Attached

[illegible]