

RESOLUTION NO. 09-18817

A. RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO EXPAND THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT NO. 0001 FOR THE PURPOSE OF MAINTAINING THE COMMON AREA IMPROVEMENTS AND OTHER PORTIONS OF IMPROVEMENTS MADE IN DOWNTOWN, CITY OF BILLINGS, MONTANA

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

**Section 1. Downtown Business Improvement District (B.I.D.) No. 0001; Intention To Expand Business Improvement District.** The B.I.D. maintains certain special improvements to benefit certain property located in the City of Billings, Montana. The purpose of this B.I.D. is to provide funding for the purposes and powers that will serve a public use; will promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; and will be of special benefit to the property within the boundaries of any district created pursuant to the provisions of Montana Code annotated, Title 7, Chapter 12, Part 11, as amended.

**Section 2. Boundaries of District.** The limits and boundaries of the present District, the limits and boundaries of the District following expansion and a written description of the proposed expansion property are depicted on attached "Exhibit A" (which is hereby incorporated herein and made a part hereof). These boundaries are designated and confirmed as the boundaries of the District.

**Section 3. Benefited Property.** The District and territory included within the limits and boundaries described in Section 2 and as shown on Exhibit "A" are hereby declared to be the Business Improvement District and the territory which will benefit and be benefited by and will be assessed for a portion of the costs of the maintenance as described in Section 1.

**Section 4. General Character of the Maintenance to be Performed.** The general character of the maintenance includes public sidewalk sweeping, security, public sidewalk snow removal and graffiti removal and abatement and maintaining other sidewalk furniture, equipment and improvements installed in the public areas NOT including city streets, private property or alleyways.

**Section 5. Assessment Methods; Property to Be Assessed.** All properties within the District are to be assessed for a portion of the costs of maintaining the sidewalk Public Area Improvements in Business Improvement District, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the improvements.

**Section 6. Assessable Area.** All properties in the District will be assessed for their proportionate share of the costs of maintaining the activities of the Business Improvement District. Public Area Improvements as prescribed in Section 7-12-1133 subsection (e), M.C.A. The assessments to fund the work plan for the current fiscal are to be a total amount derived by adding: \$0.0495 for each square foot of lot as prescribed in Section 7-12-1133, subsection (b); AND \$0.00702 per dollar of taxable value as prescribed in Section 7-12-1133, subsection (c); AND \$0.022 per square foot of the building above the first floor as prescribed in Section 7-12-1133, subsection (d), M.C.A.

**Section 7. Payment of Assessments.** The assessments for the costs of maintaining the services provided by the Business Improvement District shall be payable, as prescribed in Section 7-12-1133 subsection (e), M.C.A.

**Section 8. 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, the owner of real property within the proposed District expansion subject to assessment and taxation for the cost and expense of maintaining the Business Improvement District may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period, written protest against the proposed Business Improvement District expansion, 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, June 22, 2009 at 6:30 p.m., in the Council Chambers, located on the Second Floor of the City Hall at 220 North 27th Street, in Billings, Montana.

**Section 9. 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 Thursday, June 4, and Thursday, June 11, 2009, 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 proposed district expansion 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 26<sup>th</sup> day of May, 2009.



THE CITY OF BILLINGS:

BY:   
Ron Tussing, MAYOR

ATTEST:

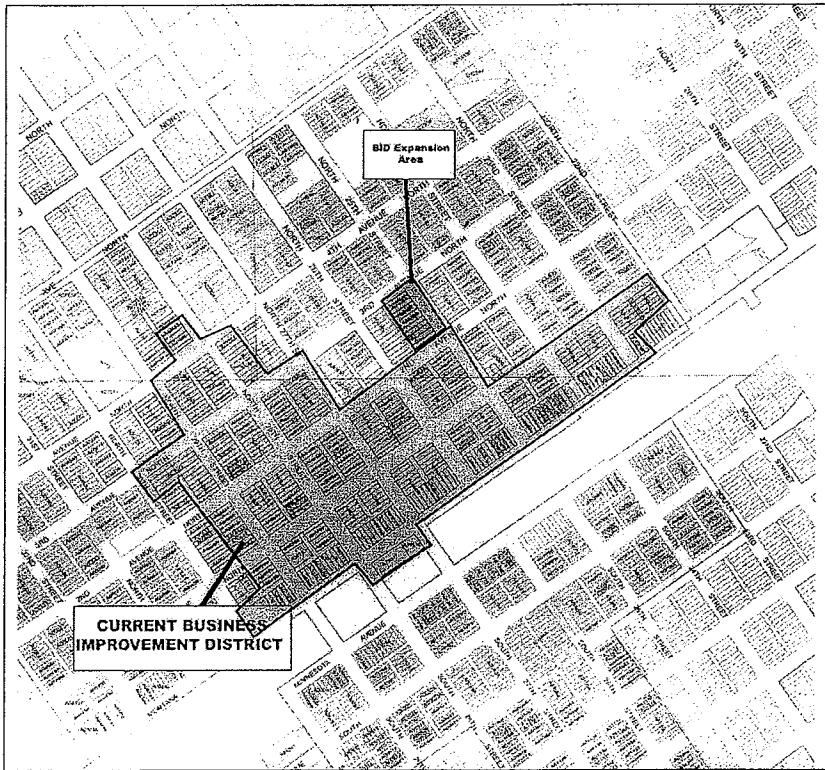
BY: Cari Martin  
Cari Martin, CITY CLERK

## EXHIBIT A

Map of proposed Business Improvement District Expansion - 2009-05-04

The area is defined as:

Starting at a point of intersection between the centerlines of 2<sup>nd</sup> Ave. North and the alley between N. 25<sup>th</sup> St. and N. 26<sup>th</sup> St. and proceeding east along the centerline of 2<sup>nd</sup> Ave. North to a point of intersection between the centerlines of 2<sup>nd</sup> Ave. North and North 25<sup>th</sup> Street, proceeding north along the centerline of N. 25<sup>th</sup> St. to the intersection of the centerlines of 3<sup>rd</sup> Ave. North and North 25<sup>th</sup> Street, proceeding west along the centerline of 3<sup>rd</sup> Ave. North to the intersection of the centerlines of the alley between North 25<sup>th</sup> Street and North 26<sup>th</sup> Street and 3<sup>rd</sup> Ave. North and proceeding south along the centerline of the alley to the starting point. Thus when joined to the boundary of the current B.I.D. will expand the BID in a contiguous manner.



ATTACHMENT B

PETITION TO AMEND THE BOUNDARIES OF BUSINESS IMPROVEMENT  
DISTRICT 001 IN DOWNTOWN BILLINGS

In accordance with Title 7, Chapter 12, Part 11. *Business Improvement Districts*, of the Montana Code Annotated 2003, the undersigned hereby petition the *Governing Body* of the City of Billings for approval of Resolution of Intent to expand the boundaries of Business Improvement District 001. When no protests have been delivered to the governing body within 15 days after the date of the first publication of the notice of the passing of the resolution of intention, when a protest shall have been found by the governing body to be insufficient or has been overruled, or when a protest against the extent of the proposed district or proposed expansion of a district has been heard and denied, the governing body has jurisdiction to order the creation or expansion of the district and shall pass a resolution creating or expanding the district in accordance with the resolution of intention.

Signature of Property Owner	PRINTED NAME	Address of Property or Properties	Date Signed	Tax ID Code
	MET TRANSFER CENTER	2512 3 <sup>rd</sup> Avenue		A00388,
		2513 2 <sup>nd</sup> Avenue		A00383