

RESOLUTION NO. 10-18932

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 ESTABLISHING A UNIQUE BENEFIT ZONE FOR COOPERATIVE SAFETY AS WELL AS 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 (BID) No. 0001; Intention to Expand BID. The BID maintains certain special improvements and executes certain special safety programs to benefit certain property located in the City of Billings, Montana. The purpose of this BID is to provide funding for the purposes and powers that will serve a public use; will promote 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 with the boundaries of any district created pursuant to the provisions of the 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 in 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 and services as described in Section 1.

Section 4. General Character of the Maintenance and Services Improvements being Performed. The general character of the maintenance includes:

- a) Zone A: public sidewalk sweeping, Cooperative Safety program, public sidewalk snow removal to provide a 4 foot pedestrian access way 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.
- b) Zone B: Cooperative Safety program.

Section 5. Assessment Methods; Property to be Assessed. All properties with the District are to be assessed for a portion of the costs of maintenance and services described in Section 4 provided to those properties as Improvements to and for Zone A and Zone B of the Business Improvement District, as specified herein. The costs of maintaining and servicing the Improvements shall be assessed against the property in the District benefiting from the improvements.

Section 6. Assessable area. All properties within the boundaries of the BID pursuant to RESOLUTION NO. 09-18817 shall continue to be assessed as prescribed by Section 6 of that RESOLUTION. All properties outside of the boundaries established by RESOLUTON 09-18817 and added to the BID as described in Exhibit A, herein will be assessed for their proportionate share of the costs of maintaining the activities of the Business Improvement District exercised within the defined area prescribed in Section 7-12-1133 subsection (f), M.C.A. The assessments to fund the work plan are to be a total amount derived by adding the prescribed assessments derived from the six criteria described in Exhibit B, herein attached.

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 and Section 7-12-1133 subsection (f), 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 notice of passage and approval of this resolution, the owner of real property within the proposed District expansion, as described in Exhibit "A" herein, 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.D.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 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 June 14, 2010, 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 May 27, 2010, and June 3, 2010, 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 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 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 10th day of May, 2010.



THE CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel, MAYOR

ATTEST:

BY: Cari Martin
Cari Martin, CITY CLERK

EXHIBIT A

Description and Map of proposed Business Improvement District No. 0001 Expansion – 2010

The area is defined as:

Contiguous to and surrounding the current boundaries of BID No. 0001 the new boundaries shall start at a point of intersection between the centerlines of 6th Ave. N. and N. 32nd Street proceeding east along the centerline of 6th Ave. N. to a point at the intersection of the centerline of 6th Ave. N. and the alley between N. 31st St. and N. 30th St. proceeding north along the centerline of the alley to a point of intersection with the centerline of 12th Ave. N. then proceeding east along the centerline to a point of intersection with N 30th St. then proceeding north along the centerline to a point of intersection with the centerlines of Elevation Avenue and Grandview Blvd then proceeding northwest along the centerline of Grandview Blvd. to a point of intersection with the centerline of Locust St. then proceeding northeast along the centerline of Locust St. to a point of intersection with the centerline of Poly Drive then proceeding southeast along the centerline of Poly Drive to a point of intersection with the centerline of N 27th St. then proceeding south along the centerline of N 27th St. to a point of intersection between that street and the centerline of 10th Ave. N. then proceeding east along the centerline of that street to a point of intersection at the centerline of N. 23rd St. then proceeding south along the centerline to a point of intersection at the centerline of 9th Ave. N. then proceeding west along the centerline to a point of intersection at the centerline of N. 26th St. then proceeding south along the centerline to a point of intersection with the centerline of 7th Ave. N. then proceeding east along the centerline to a point of intersection with the centerline of N. 25th St. then proceeding south along the centerline to a point of intersection with the centerline of 6th Ave. N. then proceeding east along the centerline to a point of intersection with the centerline of N. 22nd St. then proceeding north along the centerline to a point of intersection with the centerline of 8th Ave. N. then proceeding east along the centerline to a point of intersection with the centerline of N. 19th St. then proceeding south along the centerline to a point of intersection with the centerline of 4th Ave. N. then proceeding east along the centerline to a point of intersection with the centerline of N. 18th St. then proceeding south along the centerline to a point of intersection with the northernmost property line of the Burlington Northern – Montana Rail Link spur line right of way then proceeding west along that property line to a point of intersection with the centerline of N. 20th St. then proceeding north along the centerline to a point of intersection with a line extending east along the northernmost property line of tax code parcel number A01915 then proceeding west along the property line to a point of intersection with the northeast corner of the property line of tax code parcel A01931 then proceeding south along that property line to a point of intersection with the Burlington Northern Montana Rail Link spur line right of way then proceeding west to a point of intersection with a line that continues north along the centerline of North 22nd St. then proceeding south along that centerline to a point of intersection for 4th Ave. N. then proceeding east along that centerline to a point of intersection with the northeast corner of the property line of tax code parcel A00196B then proceeding southeast along that property line to a point of intersection with 3rd Ave. N. then proceeding west along that centerline to a point of intersection with the centerline of N. 22nd St. then continuing south along the centerline to a point of intersection with the centerline of 2nd Ave. N. then continuing east along the centerline to a point of intersection with the centerline of N. 20th St. then continuing south along the centerline to a point of intersection with the centerline of 1st Ave. N. then continuing west along the centerline of the street to a point of intersection with the centerline of the alley between N. 19th St. and N. 18th Street then proceeding south along the centerline of the alley to a point of intersection with the northernmost property line of Tax Code Parcel A00855 then proceeding west along the property line to a point of intersection with the centerline of N. 20th St. then proceeding south along the centerline to a point of intersection with the centerline of Montana Ave. then proceeding west along the centerline to a point perpendicular with the north east corner point of the property line of Tax Code Parcel D12271 then proceeding south along the easternmost property line to the south east corner of the property line then proceeding west along the southernmost property line to a point of intersection with the south west property line point of the Tax Code parcel D12018 then proceeding south to a point at the north west corner property line of Tax Code parcel D12514 then proceeding east along the northernmost property line to a point of intersection with the north east corner property line of the Tax Code parcel D12015 then proceeding south along the easternmost property line to a point of perpendicular intersection with the centerline of Minnesota Ave. then proceeding east along the centerline to a point of intersection with the centerline of S. 21st St. then proceeding south along the centerline to a point of intersection with the city limits line and proceeding southwest along the city limits line to a point of intersection with the centerline of 8th Ave. S. then proceeding west along the centerline to a point of intersection with the centerline of

S. 31st St. the proceeding north along the centerline to a point of intersection with the centerline of 6th Ave. S. then proceeding east along the centerline to a point of intersection with the centerline of S. 28th St. then proceeding north along the centerline to a point of intersection with the centerline of 5th Ave. S. then proceeding east to a point of intersection with the centerline of the alley between S. 28th St. and S. 27th St. then proceeding north along the centerline to a point of intersection with the centerline of 3rd Ave. S. then proceeding east along the centerline to a point of intersection with the centerline of S. 27th Street to a point of intersection with the centerline of 2nd Ave. S. then proceeding west along the centerline to a point of intersection with the centerline of S. 33rd St. then proceeding north along the centerline to a point of intersection with the centerline of 1st Ave. S. then proceeding east to a point of intersection with the centerline of S. 31st St. then proceeding north along the centerline to a point perpendicular with the northwest corner property line of Tax Code parcel A31251 then proceeding along the northernmost property line of to a point of intersection that is perpendicular to a point at the centerline of S. 30th St. then proceeding north along the centerline to a point of intersection with the centerline of Minnesota Ave. then proceeding east along the centerline to a point perpendicular to the southwest corner property line of Tax Code parcel D12019 the proceeding along the westernmost property line to the north west property line corner then proceeding east along the northernmost property line to a point of intersection at the northeast corner property line of Tax Code Parcel D13072 the proceeding north to the southeast corner of the property line of Tax Code parcel A29916 then proceeding west along the southernmost property line to a point of intersection perpendicular to the centerline of N. 29th St. then proceeding north to a point of intersection of the centerlines of Montana Ave. and N. 29th St. then proceeding west along the centerline of Montana Ave. to a point of intersection with the centerline of N. 32nd St. then proceeding north along the centerline to the starting point at the intersection of the centerline of N. 32nd and 6th Ave. north inclusive of all known tax codes in the expanded area herein.

Business Improvement District Safe Zone Expansion

- Proposed district boundary
- Identified parcel within proposed district
- GSA Properties - Exempt
- Unidentified parcel within proposed district
- Current BID - CLEAN and Safe Zone
- SIGNED PETITION or Current BID
- Railroad Land - LEASE Building Approves

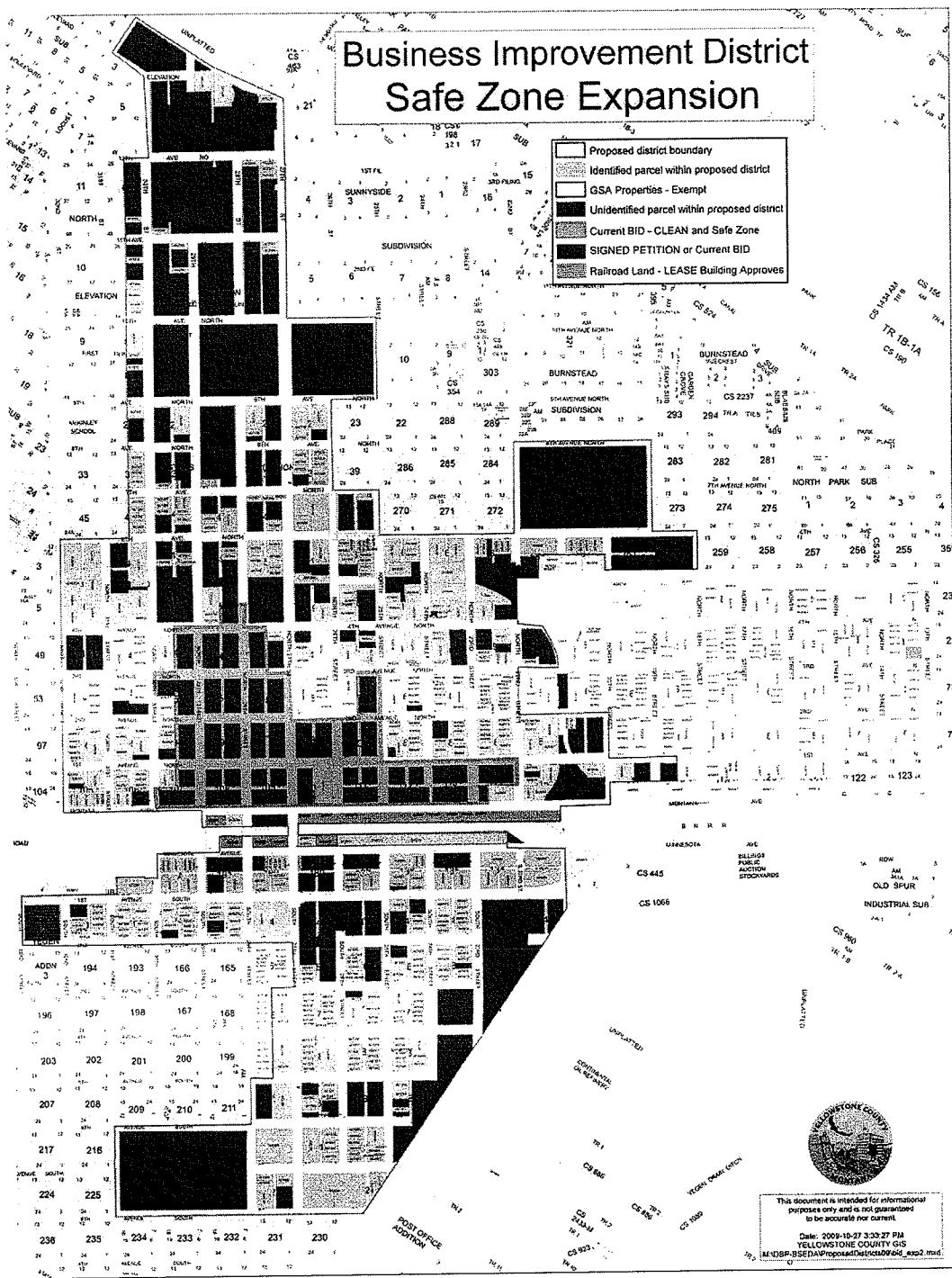


EXHIBIT B

BID SAFE ZONE ASSESSMENT FORMULAS

Based on total Square Feet of all parcels owned by a single property owner

Per Square Ft. Rate	Sq. Ft.	Sq. Ft.	Class # is
\$0.002490	if total parcel ownership is more than 3,000,000		1
\$0.003190	if total parcel ownership is more than 2,000,000 and less than 3,000,000		2
\$0.002240	if total parcel ownership is more than 1,100,000 and less than 2,000,000		3
\$0.004500	if total parcel ownership is more than 33,333 and less than 1,100,000		4
\$150 Flat Rate	If total parcel ownership is less than 33,333 DIVIDED EQUALLY BY EACH PARCEL**		5
\$150 Flat Rate	If total parcel ownership is less than 33,333 Condominium ownership to be considered 1 PARCEL		6

**** Per Parcel Flat Rate**

\$ 150.00	1 parcel
\$ 75.00	2 parcels
\$ 50.00	3 parcels
\$ 37.50	4 parcels
\$ 30.00	5 parcels
\$ 25.00	6 parcels