

RESOLUTION NO: 08-18737

A RESOLUTION CLARIFYING THE BOUNDARIES OF THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT AS DESCRIBED IN RESOLUTION 08-18687.

WHEREAS, on November 13, 2007, the City Council adopted Resolution 07-18627 that declared blight, stated the intent to create an urban renewal district and set a date of a public hearing;

WHEREAS, on December 10, 2007, the City Council adopted Ordinance 07-5441 declaring blight and creating an urban renewal district after held a public hearing was held, and;

WHEREAS, on January 28, 2008, the City Council approved the annexation of Tract 2-B-1 Certificate of Survey 1121, located in Section 16, Township 1S, Range 26E south of the South Frontage Road, but outside of the South Billings Boulevard Urban Renewal District, and;

WHEREAS, on March 10, 2008, City Council adopted Resolution 08-18687 correcting the original legal description contained in Resolution 07-18627, and;

WHEREAS, after the City reviewed the documents creating the South Billings Boulevard Urban Renewal District a public notification error was discovered. The public notification for the public hearing held December 10, 2007, was published one time in a newspaper of general circulation and notices were mailed to each property owner within the district. State statute requires publication of two public notices in a newspaper of general circulation at least six days apart (7-1-4127, MCA), and;

WHEREAS, on April 14, 2008; City Council repealed Resolution 08-18687 and adopted Resolution No. 08-18697 declaring the City Council's intent to create a South Billings Boulevard Urban Renewal District with tax increment authority, declaring the existence of blight within the South Billings Boulevard Urban Renewal area, setting a public hearing date for April 28, 2008, and requiring publication and mailing of the notice of hearing, and;

WHEREAS, a notice advertising the public hearing to be held on April 28, 2008, was published in the Billings Times on April 10 and April 22, 2008, pursuant to 7-1-4127, MCA, and;

WHEREAS, on April 28, 2008, the City Council held a public hearing and repealed Ordinance 07-5441 and adopted Ordinance 08-5462 creating the South Billings Boulevard Urban Renewal District for the purpose of complying with the public notice requirement pursuant to 7-1-4127, MCA, and;

WHEREAS, in June, 2008, the Montana Department of Revenue reviewed the City's documentation related to the creation of the South Billings Boulevard Urban Renewal District and found the documentation to be complete and without errors with the exception of the corrected legal description. The corrected legal description referenced the existing city limits at the point where the district's southern boundary follows the South Frontage Road. The reference was accurate at the time the district was created in December, 2007, but between adoption of the original ordinance creating the district and the resolution correcting the legal description, the aforementioned property was annexed to the City in this vicinity. A literal interpretation of the corrected legal description would include the annexed property;

WHEREAS, the intent of the City Council upon adopting the Ordinance 08-5462 was to comply with the requirements of the public notification process and not change the boundary of the Urban Renewal District;

NOW, THEREFORE, the City Council of the City of Billings, Montana, declares and resolves as follows:

1. Description of South Billings Boulevard Urban Renewal District The area designated as the South Billings Boulevard Urban Renewal District is described as:


***Starting at the intersection of State Avenue and Van Buren Street, extending south down the centerline of Van Buren Street to the intersection of Van Buren Street and Roosevelt Avenue, extending east down the centerline of Roosevelt Avenue to the intersection of Roosevelt***

*Avenue and Jackson Street, extending south down the centerline of Jackson Street to the intersection of Jackson Street and Madison Avenue, extending east down the centerline of Madison Avenue to the intersection of Madison Avenue and Washington Street, extending south down the centerline of Washington Street to the intersection of the centerline of Washington Street and the existing City of Billings city limit boundary, extending southerly and westerly along the existing city limit boundary to the intersection of Jackson Street and King Avenue East, extending east along the centerline of King Avenue East to the intersection of King Avenue East and Washington Street, extending south along the centerline of Washington Street and its projection across the Interstate 90 right-of-way, to its intersection with South Frontage Road, thence in a westerly direction following the south right-of-way boundary of the South Frontage Road to the northeast corner of Lot 1, Block 1, Willowbrook Subdivision, thence in a southerly and westerly direction following the existing city limit boundary to a point which intersects with the extension of the southern boundary of Tract 1, C/S 2834, then west along said southern boundary of Tract 1, C/S 2834 and southern boundary of Block 4 of Weil Subdivision to the intersection with the centerline of Mallowney Lane, extending north along the centerline of Mallowney Lane and its projection to the centerline of Laurel Road, extending northeast along the centerline of Laurel Road to its intersection with State Avenue, extending northeast and east along the centerline of State Avenue to the ending point at the intersection of State Avenue and Van Buren Street. Excluding all nonincorporated land within the boundary and Tract 1, C/S 2350.*

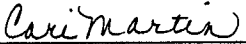
APPROVED AND PASSED by the City Council of the City of Billings this 28th day of July, 2008.



CITY OF BILLINGS

BY:   
Ron Tussing, Mayor

ATTEST:

BY:   
Cari Martin, City Clerk