

RESOLUTION NO. 15-10417

A RESOLUTION OF INTENTION TO CREATE **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 314** 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 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. 314" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land abutting Calhoun Lane between a point north of Vaughn Lane and Underpass Avenue, as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is 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 ten (10) LED luminaries mounted on steel poles with underground wiring. The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

#### 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 \$6.30 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 \$2,204.29; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "B" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which it's assessable lot frontage bears to the total assessable lot frontage 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 \$0.90936056 per linear foot.

Due to the difference in the time between when lighting service will start and the time District assessments are collected with property taxes, the first assessment will cover a period of operation greater than one year and is estimated to total \$3300.00 or approximately \$1.23762376 per lineal 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 a 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. 314 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 9th day of February, 2015, 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. 314 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 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. 314. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 12<sup>th</sup> day of January, 2015.

CITY OF BILLINGS

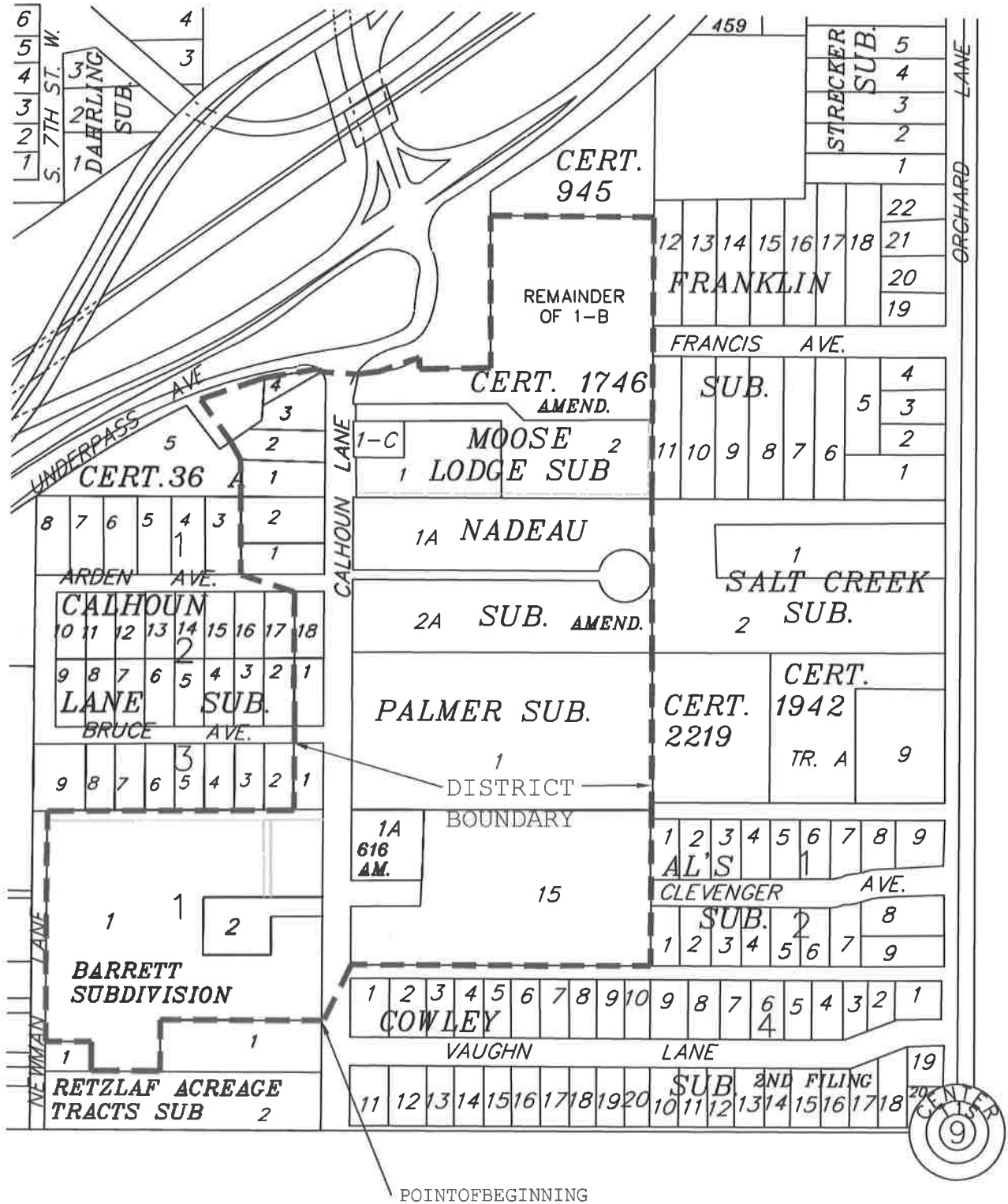


By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin  
Cari Martin, City Clerk

# EXHIBITA



## Exhibit B

### SILMD 314

### Calhoun Lane

TAX_ID	[PhysAddress]	[ShortLegalDescription]	Calhoun Frontage	Estimated Annual Assessment
A13243A	314 CALHOUN LN	BARRETT SUB (10), S09, T01 S, R26 E, BLOCK 1, Lot 2	40	\$36.37
A04062	4610 BRUCE AVE	CALHOUN LANE SUBD, S09, T01 S, R26 E, BLOCK 3, Lot 1	140	\$127.31
A13243B	CALHOUN LN	BARRETT SUB (10), S09, T01 S, R26 E, BLOCK 1, Lot 1	392	\$356.47
A04044	4611 BRUCE AVE	CALHOUN LANE SUBD, S09, T01 S, R26 E, BLOCK 2, Lot 1	140	\$127.31
A04061	4602 ARDEN AVE	CALHOUN LANE SUBD, S09, T01 S, R26 E, BLOCK 2, Lot 18	140	\$127.31
A04041A	210 CALHOUN LN	CALHOUN LANE SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 1, E 127' LT 1	65	\$59.11
A04042	204 CALHOUN LN	CALHOUN LANE SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 2	103	\$93.66
D01550	150 CALHOUN LN	S09, T01 S, R26 E, C.O.S. 36, PARCEL 1-2, & FRAC 3, 4, 6 AMND	244	\$221.88
D01566	311 CALHOUN LN	S09, T01 S, R26 E, N2 OF LOT 15 IN NW4 (LESS COS 616)	130	\$118.22
D01565	305 CALHOUN LN	S09, T01 S, R26 E, C.O.S. 616, PARCEL 1A	140	\$127.31
D00519B	219 CALHOUN LN	PALMER SUB (69), S09, T01 S, R26 E, Lot 1, LT 1 PALMER SUB	330	\$300.09
A11252	215 CALHOUN LN	NADEAU SUBD, S09, T01 S, R26 E, Lot 2A, AMND	155	\$140.95
A11251	215 CALHOUN LN	NADEAU SUBD, S09, T01 S, R26 E, Lot 01A, LT 1A AMND NADEAU SUBD 4 C L MOBILE HOME COURT	155	\$140.95
D01552	131 CALHOUN LN	S09, T01 S, R26 E, C.O.S. 1746, PARCEL 1-B, AMD TR 1 (LESS MOOSE LODGE SUB) 3.988 AC (03)	64	\$58.20
D01552A	147 CALHOUN LN	S09, T01 S, R26 E, C.O.S. 1746, PARCEL 1C, TR 1C COS 1746 AMND	75	\$68.20
C13981	149 CALHOUN LN	MOOSE LODGE SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 1	75	\$68.20
C13982	143 CALHOUN LN	MOOSE LODGE SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 2	36	\$32.74
Total Frontage			2424	

EXHIBIT "C"

**SILMD 314 – BOUNDARY DESCRIPTION**

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting Calhoun Lane in the NW ¼ of Section 9, T. 1S, R. 26E, P.M.M. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

Barrett Subdivision, Recorded September 23<sup>rd</sup>, 2009, under Document Number 3525152;

Lots 1 and 2, Block 1, Lots 1 and 18, Block 2 and Lot 1, Block 3 of Calhoun Lane Subdivision, Recorded May 23<sup>rd</sup>, 1946, under Document Number 414711;

Lots 1 and 2, and of Certificate of Survey 36 Amended, Recorded September 30<sup>th</sup>, 1948, under Document Number 442705 and fractions of Lots 3, 4 and 6 of said Certificate of Survey 36 Amended, less portions for right-of-way purposes;

Tract 1-C of Certificate of Survey 1746 Tract 1 Amended, Recorded February 15<sup>th</sup>, 1989, under Document Number 1513058 and Tract 1-B of said Certificate of Survey 1746 Tract 1 Amended, less Moose Lodge Subdivision;

Moose Lodge Subdivision, Recorded May 16<sup>th</sup>, 2002, under Document Number 3176507;

Nadeau Subdivision, Amended, Recorded May 3<sup>rd</sup>, 1976, under Document Number 1016283;

Palmer Subdivision, Recorded October 21<sup>st</sup>, 1968, under Document Number 829664;

Tract 1A of Amended Certificate of Survey 616, Recorded December 31<sup>st</sup>, 1985, under Document Number 1377193;

The North 1/2 of Government lot 15 situated in Section 9, T. 1 N., R. 26 E., P.M.M.  
Yellowstone County, Montana, less Amended Certificate of Survey 616.

Exempting there from all lands which are public street, road, or alley rights-of-way.