

## SILMD 316

### RESOLUTION NO. 15 -10440

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 316 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. 316" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land in proposed Josephine Crossing Subdivision, 5<sup>th</sup> Filing 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 twenty-one (21) 100-watt high-pressure sodium, pendant cone style, black luminaire fixtures mounted on decorative round tapered fiberglass poles and served by underground wiring. NorthWestern Energy shall own and install the streetlights and all associated appurtenant structures and materials.

#### SECTION 5:

The City of Billings intends to establish the approximate contract rate for installation & operation of the street lighting as follows: \$4.58 per 100 watt unit, per month for supplying electrical energy; \$1.24 per unit, per month for operation & maintenance; and \$45.36 per unit, per month for installation and ownership costs. These rates are in accordance with the applicable rate schedules approved by the Montana Public Service Commission. NorthWestern Energy Company shall provide energy to all of the lights and shall at all times own the light fixtures, poles, cables, and other incidental equipment, and shall provide maintenance and repairs to said equipment as part of the monthly rate for these lights.

#### SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$14,605; 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 its assessable area bears to the total 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 \$0.032190 per square foot of assessed area.

#### 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. 316 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 11th day of May, 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. 316 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. 316. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 13<sup>th</sup> day of April, 2015.

CITY OF BILLINGS



By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin  
Cari Martin, City Clerk

AMENDED PLAT OF LOT 33, BLOCK 1 OF  
**JOSEPHINE CROSSING SUBDIVISION,**  
**THIRD FILING**

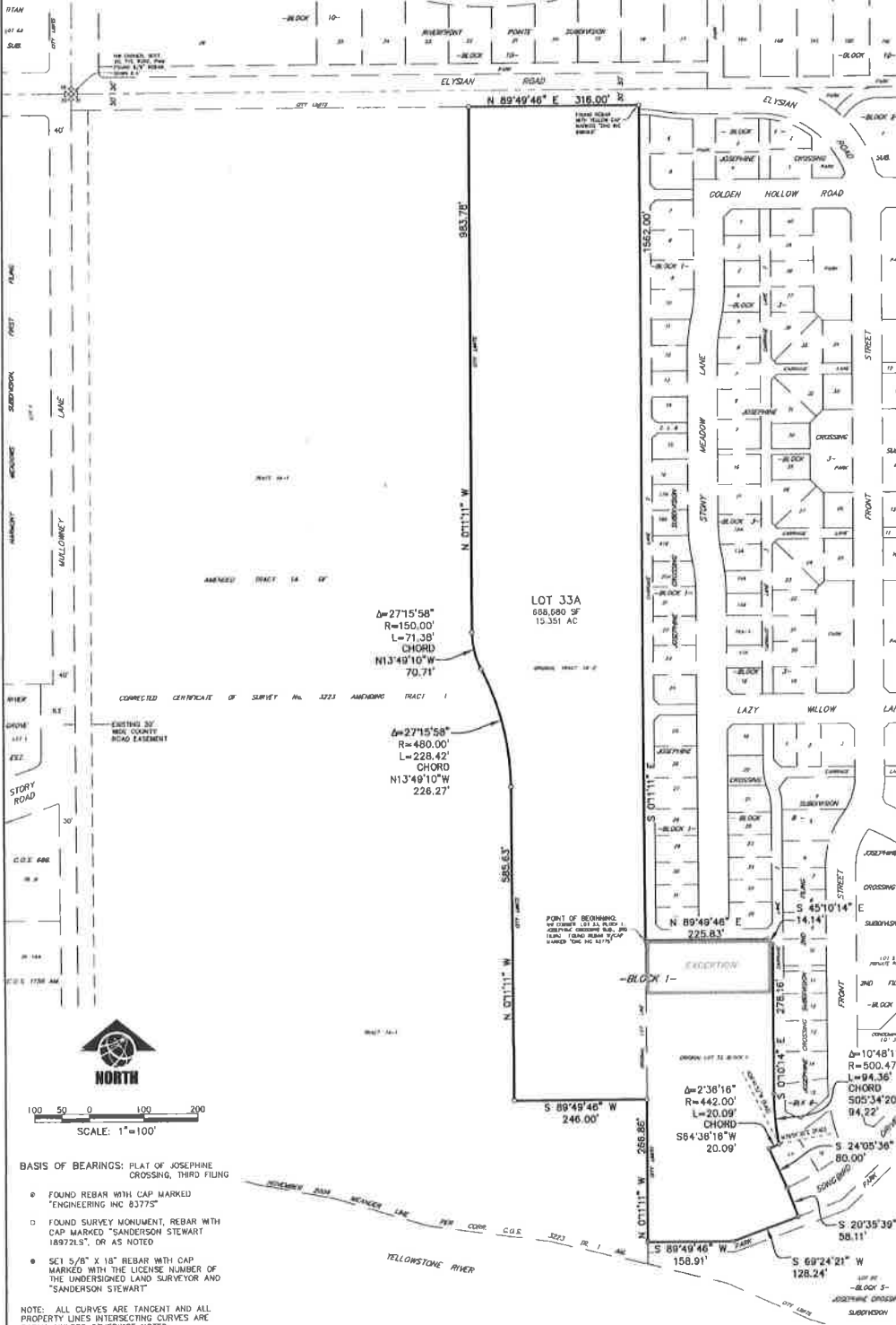
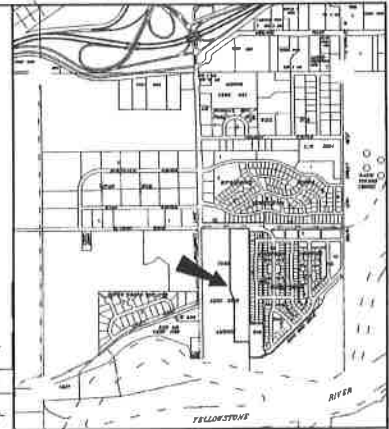
SITUATED IN THE NW1/4 OF SECTION 20, T. 1 S., R. 26 E., P.M.M.,  
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

AUGUST, 2014

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



**PURPOSE OF SURVEY: RETRACE EXISTING PARCEL BOUNDARY**

The undersigned owner does hereby certify that the purpose of this survey is to retrace the outside boundary of an existing tract of record subsequent to the recording of a deed under Document No. records of Yellowstone County, Montana, and no new or additional tracts are being created.

This amended plat is exempt from review as a subdivision and has been prepared pursuant to Section 76-3-404(1)(c), M.C.A. to provide material evidence not appearing on any map filed with the County Clerk and Recorder or contained in the records of the United States Bureau of Land Management.

This survey is not subject to review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b)(i) & (ii) for a parcel that has a previous approval issued under Title 76, chapter 4, part 1, M.C.A.

McCALL DEVELOPMENT, INC.  
 By: *Barbara White*  
 Title: *Treasurer*

STATE OF MONTANA )  
 County of Yellowstone )

On this 30th day of August, 2014, before me, a Notary Public in and for the State of Montana, personally appeared *Barbara White*, known to me to be the person who signed the foregoing instrument as *Treasurer* of McCall Development, Inc., and who acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

*Christina R. Casper*  
 Notary Public for the State of Montana



CERTIFICATE OF SURVEYOR  
 STATE OF MONTANA )  
 County of Yellowstone )

The undersigned, a Licensed Surveyor in the State of Montana, states that during the month of August, 2014, a survey was performed under his supervision of a tract of land situated in the NW1/4 of Section 20, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at a point being the northwest corner of Lot 33, Block 1, Corrected Josephine Crossing Subdivision, Third Filing; thence, from said Point of Beginning, along the northern, westerly, and southerly lines of said Lot 33, the following courses and distances:  
 N 89°49'46" E a distance of 225.83 feet;  
 S 45°10'14" E a distance of 14.14 feet;  
 S 00°10'14" E a distance of 278.16 feet;  
 Along a curve to the left with a central angle of 10°48'11", a radius of 500.47 feet, and a length of 94.36 feet (chord bears S 05°34'20" E a distance of 94.22 feet);  
 Along a non-tangent curve to the right with a central angle of 2°39'16", a radius of 442.09 feet, and a length of 20.09 feet (chord bears S 64°38'16" W a distance of 20.09 feet);  
 S 24°05'36" E a distance of 80.00 feet;  
 S 20°35'39" E a distance of 58.11 feet;  
 S 69°24'21" W a distance of 128.24 feet;  
 S 89°49'48" W a distance of 158.91 feet;  
 N 02°11'11" W a distance of 266.88 feet to a point being the southeast corner of Tract 1A-2 of Amended Tract 1A, Corrected Certificate of Survey No. 3223, Amended Tract 1; thence along the easterly, westerly, northerly, and easterly lines of said Tract 1A-2, the following courses and distances:  
 S 89°49'46" W a distance of 246.00 feet;  
 N 02°11'11" W a distance of 585.63 feet;  
 Along a curve to the left with a central angle of 27°15'58", a radius of 480.00 feet, and a length of 228.42 feet (chord bears N 12°49'10" W a distance of 228.37 feet);  
 Along a reversing curve to the right with a central angle of 27°15'58", a radius of 150.00 feet, and a length of 71.38 feet (chord bears N 12°49'10" W a distance of 70.71 feet);  
 N 02°11'11" W a distance of 983.78 feet;  
 N 89°49'46" E a distance of 318.00 feet;  
 S 02°11'11" E a distance of 1562.00 feet to said Point of Beginning; said described tract having an area of 868,680 square feet (15.351 acres).

That the monuments found and set are of the character and occupy the positions shown hereon, that said survey and the plat hereof shows true and correct dimensions and that the plat conforms with the work on the ground.

SANDERSON STEWART  
 By: *Michael R. Stewart*  
 Montana License No. *1872028*  
 Date: *September 30 2014*



CERTIFICATE OF CITY ATTORNEY  
 This document has been reviewed by the City Attorney's office and is acceptable as to form.  
 Date: *10-17-14*  
 Reviewed by: *Robert Church*

RELATED CERTIFICATE OF SURVEY  
 DOC No. *372263Z*

SP 3722833  
 11/22/2014 08:11 AM  
 000202374 RETRACE.DWG 050202374 09/23/14 4630

**BASIS OF BEARINGS:** PLAT OF JOSEPHINE CROSSING, THIRD FILING

- FOUND REBAR WITH CAP MARKED "ENGINEERING INC 83775"
- FOUND SURVEY MONUMENT, REBAR WITH CAP MARKED "SANDERSON STEWART 18972LS", OR AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

CERTIFICATE OF COUNTY TREASURER  
 I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(a) / 76-3-207(3), M.C.A.  
 Date: *10-10-2014* *10-3-2014*  
 Yellowstone County Treasurer  
 By: *Mona Bigday*  
 Deputy

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT  
 This Certificate of Survey has been reviewed and approved by Yellowstone Health.  
*John A. Smith* 10/6/2014  
 Yellowstone City/County Health Department  
 aka Yellowstone Health

ERRORS AND OMISSIONS REVIEW  
 I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting.  
*Scott A. Smith* 10/10/2014  
 Examining Land Surveyor Date



## Exhibit B

All parcels currently part of Lot 33A, of Am. Plat of Lot 33, Block 1, Josephine Crossing, 3rd Filing  
Tax Code A34659

### Parcel designations in proposed Josephine Crossing, 5th Filing

BLOCK#	LOT#	AREA-SF	
BLOCK 1	33	0	<i>Remains in SILMD 301</i>
	34	0	<i>Remains in SILMD 301</i>
	35	4,491	
	36	3,570	
	37	3,910	
	38	3,910	
	39	3,910	
	40	3,570	
	41	3,860	
	42	3,860	
	43	3,910	
	44	3,917	
	45	4,821	
	46	5,523	
	47	6,303	
	48	5,390	
	49	4,887	
	50	6,500	Private Park
	51	4,960	
	52	5,390	
	53	3,790	
	54	3,280	
	55	3,280	
	56	6,500	Private Park
	57	3,280	
	58	3,280	
	59	3,790	
	60	5,390	
	61	4,960	
	62	6,045	Private Park
	63	4,960	
	64	5,390	
	65	3,790	
	66	3,280	
	67	3,280	
	68	6,045	Private Park
	69	3,280	
	70	3,280	
	71	3,790	
	72	2,731	
	73	1,565	
	74	2,086	
	75	1,565	
	76	3,254	

## Exhibit B

All parcels currently part of Lot 33A, of Am. Plat of Lot 33, Block 1, Josephine Crossing, 3rd Filing  
Tax Code A34659

### Parcel designations in proposed Josephine Crossing, 5th Filing

BLOCK#	LOT#	AREA-SF	
BLOCK 8	27	0	<i>Remains in SILMD 301</i>
	28	0	<i>Remains in SILMD 301</i>
	29	3,840	
	30	3,680	
	31	3,680	
	32	4,320	
	33	9,390	
	34	4,000	
BLOCK 11	1	3,255	
	2	1,566	
	3	2,088	
	4	1,566	
	5	2,784	
	6	5,440	
	7	4,960	
	8	6,045	Private Park
	9	4,960	
	10	5,440	
	11	3,840	
	12	3,280	
	13	3,280	
	14	6,045	Private Park
	15	3,280	
	16	3,280	
	17	3,840	
	18	5,440	
	19	4,960	
	20	6,500	Private Park
	21	4,960	
	22	5,440	
	23	3,840	
	24	3,280	
	25	3,280	
	26	6,500	Private Park
	27	3,345	
	28	3,280	
	29	3,820	
	30	4,827	
	31	4,975	
	32	4,954	
	33	4,062	
	34	3,924	
	35	3,860	
	36	4,540	

## Exhibit B

All parcels currently part of Lot 33A, of Am. Plat of Lot 33, Block 1, Josephine Crossing, 3rd Filing  
Tax Code A34659

### Parcel designations in proposed Josephine Crossing, 5th Filing

BLOCK#	LOT#	AREA-SF	
BLOCK 11	37	4,590	
	38	3,910	
	39	3,910	
	40	3,910	
	41	4,590	
	42	4,833	
	43	5,406	
	44	5,984	
	45	6,500	Private Park
	46	5,456	
	47	5,984	
	48	4,896	
	49	5,980	
	50	33,549	Private Park
		453,717	Total Assessable Area

**EXHIBIT "C"**

**SILMD 316 – BOUNDARY DESCRIPTION**

A Special Improvement Lighting Maintenance District encompassing Lot 33A, Block 1, of the Amended Plat of Lot 33, Block 1, Josephine Crossing Subdivision, 3<sup>rd</sup> Filing as filed in the Office of the Yellowstone County Clerk and Recorder under Document Number 3722833; said lot 33A is proposed to be replatted as Josephine Crossing Subdivision, 5<sup>th</sup> Filing.

Exempting there from the following tracts in proposed Josephine Crossing, 5<sup>th</sup> Filing:

- Lot 33, Block 1
- Lot 34, Block 1
- Lot 27, Block 8
- Lot 28, Block 8

Also exempting there from all lands which are or will be platted as public street, road, or alley rights-of-way.