

SILMD 317

RESOLUTION NO. 15 -10457

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 317 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. 317" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land in the Exposition Gateway area of east Billings 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 pursuant to MCA 7-12-4327, the City of Billings intends to assess properties outside of, but contiguous to, the city limits of the City of Billings for a portion of the costs of the District.

SECTION 5:

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-seven (27) LED luminaries mounted on decorative 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 6:

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 \$2.84 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 7:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$4,594.82; 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 \$0.0075 per square foot of assessable area.

SECTION 8:

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. 317 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 9:

That on the 22nd of June, 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. 317 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 10:

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. 317. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 26th day of May, 2015.

CITY OF BILLINGS

By Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

By Billie Guenther
Billie Guenther, City Clerk

Exhibit B
SILMD 317
Expo Gateway

TAX_ID	Property Owner	Legal Description	Assessable Area	First Yr. Assessment
A00118	WG PROPERTIES LLC	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 10, Lot 1 - 6, AND 8-12 & LITS 8-12 BLK 27 BILLINGS SUB & LITS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL	30466	\$28,69
A09324	DEGENHART HOLDINGS LLC	INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 1	6611	\$49,62
A09325	GREENLEAF LAND & LIVESTOCK CO	INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 2, Lot 1 - 13, & ADJ VAC ALLEY	48795	\$373,78
A09325A	GREEN LEAF LAND & LIVESTOCK CO	INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 2, Lot 14 - 26, & ADJ VAC ALLEY (98)	49906	\$374,61
A09328	YOU AND ME PROPERTIES LLC	INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 3, Lot 1 - 8, (99)	13300	\$99,83
A09331A	YURKO PROPERTIES LLC	INDUSTRIAL SUBD 1ST FILING, S34, T01 N, R26 E, BLOCK 3, Lot 23 - 26	14000	\$105,09
A09335	BILLINGS WHITE TRUCK CO	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 5, Lot 9 - 16, & LT 8 LESS S116.63' & ADJ ALLEY & TRS 9A & 10 COS 491AMD (10)	59842	\$449,20
A09335A	FQC CONSULTING INC	S34, T01 N, R26 E, C.O.S. 491, PARCEL 3A1, TR 3A1 COS 491 AMD (10)	48890	\$366,99
A09340	CONVERSE PROPERTIES LLC & (ETAL)	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 1 - 13, 44362 SQUARE FEET, (07)	44362	\$333,00
A09341	REICHERT, TIMOTHY D	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 14 - 15	6825	\$51,23
A09342	REICHERT, TIMOTHY D	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 16 - 17	6825	\$51,23
A09343	INDUSTRIAL LAND & REALTY LLC	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 6, Lot 18 - 26	29420	\$220,84
A09344	LARSON PROPERTIES LLC	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 1 - 4, & E5' LT 5	14832	\$107,58
A09349	LARSON PROPERTIES LLC	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 7, Lot 14 - 26	13650	\$102,46
A09351	HUDSON, LESTER E & DEBORAH J	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 9, Lot 13, & S60' LT 12	3000	\$22,52
A09355	SERVICE CANDY CO	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 006, ALSO LOTS 7 THRU 14, & S 17 FT X 248.71 OF ABON ALLEY ADJ TO 7 THRU 14	42369	\$318,04
A09355B	SERVICE CANDY CO	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 011, Lot 05A, LOTS 1-5 BLK 11 AMND	6382	\$47,91
A09357	DESPERATION LAND & LIVESTOCK LLC	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 15 - 16, & ADJ VAC ALLEY	19042	\$142,94
A09359	MATTHEWS, SAUNDRA J & SAM	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 22 - 29, & ADJ VAC ALLEY (65462 SQ FT)	45462	\$341,26
A09361	DORIS M HOY TRUST	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 30 - 35, LITS 30-35 BLK 11 INDUSTRIAL SUB 4TH & S17X151.65' ADJ ALLEY & ALL OF BLK 9 INDUSTRIAL SUB	19776	\$148,45
A09362	HALTER, LARRY R & JAIME	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 36 - 42, & N 17'X 271.91' OF ABON ADJ ALLEY	15123	\$113,52
A09370	BILLINGS OVERHEAD DOOR COMPANY INC	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 19 - 21, & LT 50 & S 17' X 102' ABND ADJ ALLEY (95)	15373	\$115,40
A09371	BILLINGS OVERHEAD DOOR COMPANY INC	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 18, & LT 51 & 34' X 60' ADH ABND ALLEY	9050	\$67,93
A09372A	DESPERATION LAND & LIVESTOCK LLC	INDUSTRIAL SUBD 4TH FILING, S34, T01 N, R26 E, BLOCK 11, Lot 17, & ADJ VAC ALLEY	9205	\$69,10
D05867	INDUSTRIAL LAND & REALTY LLC	S34, T01 N, R26 E, 491, PARCEL 007, TR 7 COS 491 2ND AMND NW4NW4 S34T1NR26E	1307	\$9,81
D05898	CHERRY PROPERTIES LLC	S34, T01 N, R26 E, C.O.S. 2196, PARCEL 1	25726	\$193,11
A09334	PAUL AND DOROTHY RICE LIVING TRUST	INDUSTRIAL SUBD 2ND FILING, S34, T01 N, R26 E, BLOCK 5, Lot 5A	12083	\$90,70
			612,122.00	
Total Maintenance Costs				\$4,594.82
Yearly Cost/SF				\$0.007506

EXHIBIT "C"

SILMD 317 – BOUNDARY DESCRIPTION

A Special Improvement Lighting Maintenance District in Billings, Montana encompassing all lots, parcels and tracts of land:

Abutting both sides of North 10th Street between First Avenue North and Fourth Avenue North, and

Abutting both sides of North 9th Street between First Avenue North and Third Avenue North, and

Abutting both sides of Third Avenue North between North 10th Street and Main Street, and

Abutting both sides of Second Avenue North between North 10th Street and Main Street

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