

RESOLUTION NO. 15 -10483

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 318 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. 318" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land along West Antelope Trail, Antelope Place, and Winter Green Drive in Summerhill Subdivision 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 thirteen (13) 100-watt high-pressure sodium luminaires mounted on mastarm style 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: \$4.35 per 100 watt unit, per month for supplying electrical energy; \$1.24 per unit, per month for operation & maintenance; and a rate not to exceed \$52.33 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. The energy rates, including the operations and maintenance charge, are subject to change with changes in the rate schedules approved by the 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 \$10,200; 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 \$0.034825 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. 318 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 24th day of August, 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. 318 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. 318. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 27thth day of July, 2015.

CITY OF BILLINGS

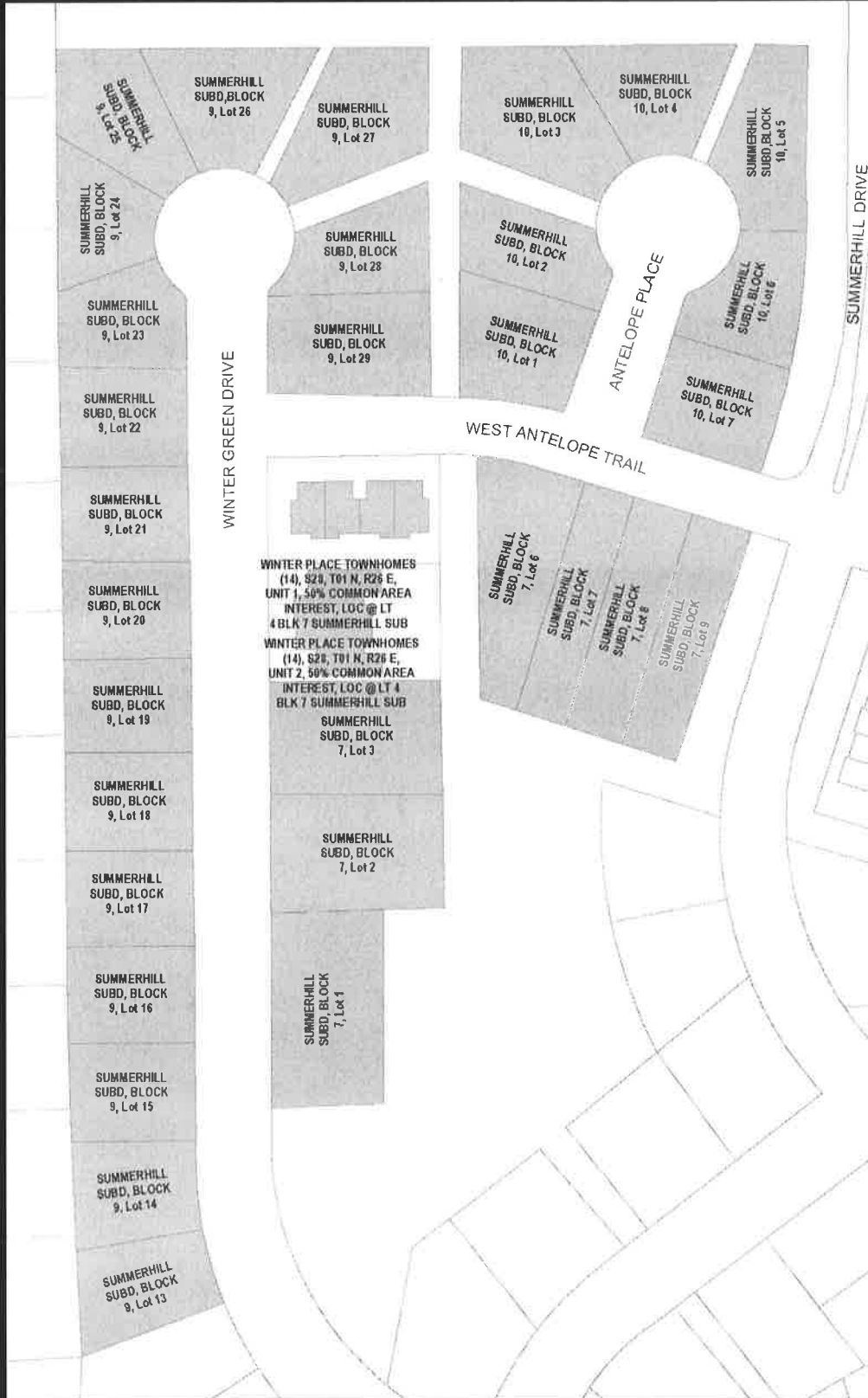


By Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

By Billie Guenther
Billie Guenther, City Clerk

SILMD 318 - EXHIBIT A



**Exhibit B
SILMD 318
Summerhill Subdivision**

TaxID	LegalDescription	Area	Estimated Annual Assmt
A23154A	WINTER PLACE TOWNHOMES (14), S28, T01 N, R26 E, UNIT 1, 50% COMMON AREA INTEREST, LOC @ LT 4 BLK 7 SUMMERHILL SUB	5934	\$206.65
A23154B	WINTER PLACE TOWNHOMES (14), S28, T01 N, R26 E, UNIT 2, 50% COMMON AREA INTEREST, LOC @ LT 4 BLK 7 SUMMERHILL SUB	5934	\$206.65
A23155A	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT A, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23155B	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT B, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23155C	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT C, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23155D	WINTERGREEN TOWNHOMES (14), S28, T01 N, R26 E, UNIT D, 25% COMMON AREA INTEREST, LOC @ LT 5 BLK 7 SUMMERHILL SUB	2806	\$97.72
A23156	SUMMERHILL SUBD, BLOCK 7, Lot 6	12017	\$418.49
A23157	SUMMERHILL SUBD, BLOCK 7, Lot 7	7600	\$254.67
A23158	SUMMERHILL SUBD, BLOCK 7, Lot 8	8930	\$310.99
A23159	SUMMERHILL SUBD, BLOCK 7, Lot 9	8550	\$297.75
A23201	SUMMERHILL SUBD, BLOCK 9, Lot 20	7725	\$269.02
A23202	SUMMERHILL SUBD, BLOCK 9, Lot 21	7725	\$269.02
A23203	SUMMERHILL SUBD, BLOCK 9, Lot 22	7725	\$269.02
A23204	SUMMERHILL SUBD, BLOCK 9, Lot 23	7381	\$257.04
A23205	SUMMERHILL SUBD, BLOCK 9, Lot 24	7264	\$253.67
A23206	SUMMERHILL SUBD, BLOCK 9, Lot 25	8394	\$292.32
A23207	SUMMERHILL SUBD, BLOCK 9, Lot 26	8704	\$303.12
A23208	SUMMERHILL SUBD, BLOCK 9, Lot 27	9962	\$346.83
A23209	SUMMERHILL SUBD, BLOCK 9, Lot 28	7277	\$253.42
A23210	SUMMERHILL SUBD, BLOCK 9, Lot 29	9407	\$327.60
A23211	SUMMERHILL SUBD, BLOCK 10, Lot 1	8782	\$305.83
A23212	SUMMERHILL SUBD, BLOCK 10, Lot 2	7772	\$270.66
A23213	SUMMERHILL SUBD, BLOCK 10, Lot 3	11285	\$393.00
A23214	SUMMERHILL SUBD, BLOCK 10, Lot 4	8058	\$280.62
A23215	SUMMERHILL SUBD, BLOCK 10, Lot 5	8658	\$301.51
A23216	SUMMERHILL SUBD, BLOCK 10, Lot 6	7549	\$256.38
A23217	SUMMERHILL SUBD, BLOCK 10, Lot 7	7908	\$275.40
A23200	SUMMERHILL SUBD, BLOCK 9, Lot 19	7725	\$269.02
A23199	SUMMERHILL SUBD, BLOCK 9, Lot 18	7725	\$269.02
A23198	SUMMERHILL SUBD, BLOCK 9, Lot 17	7725	\$269.02
A23197	SUMMERHILL SUBD, BLOCK 9, Lot 16	7725	\$269.02
A23196	SUMMERHILL SUBD, BLOCK 9, Lot 15	7725	\$269.02
A23195	SUMMERHILL SUBD, BLOCK 9, Lot 14	8106	\$302.29
A23194	SUMMERHILL SUBD, BLOCK 9, Lot 13	8434	\$303.71
A23153	SUMMERHILL SUBD, BLOCK 7, Lot 3	11481	\$399.83
A23152	SUMMERHILL SUBD, BLOCK 7, Lot 2	11610	\$404.32
A23151	SUMMERHILL SUBD, BLOCK 7, Lot 1	12750	\$444.02
Total Area		292,091	sq ft

EXHIBIT "C"

SILMD 318 – BOUNDARY DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing parcels of land within Summerhill Subdivision as depicted on the plat on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana under Document Number 1037748.

Beginning at a point which is the southwest corner of Lot 13, Block 9, Summerhill Subdivision, thence

N 00° 33' 10" E along the westerly line of Block 9, Summerhill Subdivision a distance of 1023.84 feet to the northwest corner of Lot 25, Block 9, Summerhill Subdivision, thence

S 88° 53' 58" E a distance of 580.20 feet along a line common to the northerly line of Lots 25, 26, & 27, Block 9 and Lots 3, 4, & 5 Block 10 and the open space lot in Summerhill Subdivision to the northeast corner of said Lot 5, Block 10, thence

S 01° 06' 02" W 141.32 feet and southwesterly along a curve to the right with a radius of 661.84 feet and a central angle of 16° 45' 06" a distance of 193.50 feet along the easterly lines of Lots 5, 6, and 7 Block 10 to the southeast corner of Lot 7, Block 10 Summerhill Subdivision, thence

Southwesterly across West Antelope Trail to the northeast corner of Lot 9, Block 7, Summerhill Subdivision, thence

S 17° 51' 08" W a distance of 190 feet on and along the easterly line of said Lot 9, Block 7 to the southeast corner of said Lot 9, Block 7 Summerhill Subdivision, thence

N 72° 08' 52" W a distance of 165.81 feet on and along the south lines of lots 6, 7, 8 & 9 Block 7, Summerhill Subdivision to the southwest corner of said Lot 6, thence

Southwesterly across the open space in Block 7, to the southeast corner of Lot 2, Block 7, Summerhill Subdivision, thence

N 89° 26' 50" W a distance of 44.0 feet along the south line of Lot 2, Block 7, Summerhill Subdivision to a point which is the northeast corner of Lot 1, Block 7, Summerhill Subdivision, thence

S 00° 33' 10" W a distance of 150.0 feet along the easterly line of Lot 1, Block 7, Summerhill Subdivision to the southeast corner of said Lot 1, Block 7, thence

N 89° 26' 50" W a distance of 85.0 feet along the south line of Lot 1, Block 7, Summerhill Subdivision to a point to a point on the east line of Winter Green Drive which is also the southwest corner of said Lot 1, Block 7, thence

Diagonally across Winter Green Drive in a southwesterly direction to a point which is the southeast corner of Lot 13, Block 9, Summerhill Subdivision, thence

S 69° 56' 11" W a distance of 131.91 feet along the south line of Lot 13, Block 9, Summerhill Subdivision to the southwest corner of Lot 13, Block 9, Summerhill Subdivision, which is also the Point of Beginning;

Exempting there from all lands which are public street, road, or alley rights-of-way and all parcels designated as "open space" on the Summerhill Subdivision plat.