

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$343,000 SPECIAL SIDEWALK, CURB, GUTTER AND ALLEY APPROACH BONDS, SERIES 1997A; MAKING CERTAIN FINDINGS WITH RESPECT TO THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on May 12, 1997, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: UNANIMOUS  
\_\_\_\_\_; voted against the same: NONE  
\_\_\_\_\_; abstained from voting thereon: NONE  
\_\_\_\_\_; or were absent: NONE  
\_\_\_\_\_.

WITNESS my hand and seal officially this 12<sup>th</sup> day of May, 1997.

RESOLUTION NO. 97-17226

RESOLUTION RELATING TO \$343,000 SPECIAL  
SIDEWALK, CURB, GUTTER AND ALLEY APPROACH  
BONDS, SERIES 1997A; MAKING CERTAIN FINDINGS  
WITH RESPECT TO THE PLEDGE OF THE REVOLVING  
FUND TO THE SECURITY THEREOF

BE IT RESOLVED by the City Council of the City of Billings, Montana (the "City"), as follows:

Section 1. Recitals.

(a) The City is authorized pursuant to Section 7-14-4109, M.C.A. to order the construction or reconstruction of sidewalks, curbs or gutters in front of any lot or parcel of land and may order alley approaches constructed or replaced adjacent to any lot or parcel of land within the City. By Resolution Nos. 95-16928 and 95-16933 adopted March 27, 1995 and April 24, 1995 (the "Order"), the Council set forth its intention and after notice and public hearing ordered in certain sidewalks, curbs, gutters and alley approaches which were described in Exhibit A to the respective resolutions. The Order was duly entered in the minutes of the Council and set forth the names of the streets along which sidewalks, curbs or gutters are to be constructed or along which the alley approaches are to be constructed or replaced. As provided in the Order and in accordance with Section 7-14-4109, M.C.A., written notice of the Order was given to the owners or agents of owners of lots or parcels of land against which the costs of the proposed improvements were to be assessed. Upon the expiration of the 30-day notice period in the Order, the City determined which of the proposed improvements have been or will be constructed by the owners of the adjacent property and which of the proposed improvements will be constructed by the City. The improvements to be constructed by the City (the "Improvements") are described in Exhibit A attached hereto. The total estimated costs of the Improvements to be constructed by the City are \$630,700, including such incidental costs and a deposit to the City's Special Improvement District Revolving Fund (as hereinafter defined the "Revolving Fund"). The City is authorized to pay the costs of constructing the Improvements by the issuance of special warrants (the Special Sidewalk, Curb, Gutter and Alley Approach Warrants) drawn against a fund to be known as the Special Sidewalk, Curb, Gutter and Alley Approach Fund and to secure such warrants by the City revolving fund created pursuant to Section 7-12-

(b) The City has called for the sale of Bonds in the amount of \$379,000. The Director of Finance is authorized and directed to negotiate with the successful bidder for the Bonds a maturity schedule for \$343,000 of Bonds.

(c) It is necessary that the Bonds be issued and sold in an aggregate principal amount of \$343,000 to finance the costs of the Improvements, including incidental costs, described in Subsection (a). The costs of the Improvements are currently estimated, as follows:

Engineering/ Administration	\$ 29,171.83
Construction	560,640.20
Revolving Fund deposit	17,150.00
Bond discount and Costs of Issuance	7,626.00
Contingency	<u>16,111.97</u>
Total	\$630,700.00

Costs of the Improvements in excess of the proceeds of the Bonds will be paid from a CTEP grant of \$233,000, a City Gas Tax contribution of \$24,700 and a contribution of \$30,000 from non-City sources.

Section 2. Findings and Determination To Pledge the Revolving Fund. The City is authorized to secure payment of principal of and interest on the Bonds by the Revolving Fund and is authorized to enter into the undertakings and agreements authorized in the Act in respect of the Bonds, based on the factors required to be considered under Section 7-12-4225(4) of the Act.

Section 3. Method Of Financing; Pledge of Revolving Fund; Findings and Determinations. The City will issue Sidewalk, Curb, and Gutter Improvement Bonds in an aggregate principal amount not to exceed \$343,000 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the Project. This Council further finds it is in the public interest, and in the best interest of the City and the Project, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect to the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

than the increase in the estimated market value of the properties as a result of the construction of the improvements.

(b) Diversity of Property Ownership. For the 119 total lots, parcels, or tracts in the Project, there are 71 separate owners. There are 12 owners that own two (2) parcels each, two (2) owners that own three (3) parcels each, and one (1) owner that owns seven (7) parcels. Additionally, there are two (2) professional centers in the district. One professional center has 18 separate parcels (i.e. tax codes) and the other has 13 separate parcels (i.e. tax codes). All but one of the parcels are developed representing an area of 4,784,161 square feet (i.e. 109.83 acres) being 94.93% of the total area.

Given the diversity of ownership, it is unlikely that financial difficulties would arise that would require a loan to be made from the Revolving Fund.

(c) Comparison of Special Assessments, Property Taxes and Market Value. Currently, there are seventy-four (74) different SID's being levied against various parcels in the Project area. These would be:

<u>SID No.</u>	<u>Payout Date</u>
1030	1998
1152	1997
1198	1999
1204	1999
1258	2004
9202	2003
9406	2005

Eight (8) separate parcels within the Project carry one or more assessments from the seven (7) SID's. The total amount of principal levied against these parcels is \$56,675, with an average payoff of \$764, a high of \$10,848, and a low of \$13.

With an average market value of \$208,437, and average yearly principal payment of \$2,884, the amount of assessment versus the value of the property would appear acceptable. As such, no unusual need for loans from the Revolving Fund would be expected.

(d) Delinquencies. For tax years 1991-1996...

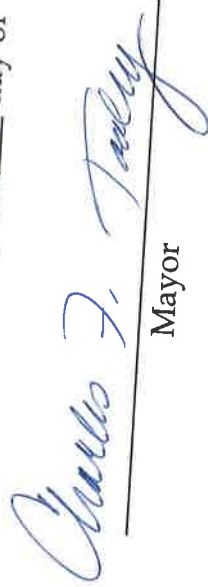
(e) The Public Benefit of the Improvements. Based on current City Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new curb, gutter, sidewalk, and drive approaches is to be borne by adjoining property owners.

This Project represents the resolution of numerous complaints of missing sidewalk along Main Street. The majority of the concrete work represents missing sidewalk identified in a field inventory completed earlier this year. This Project has previously been approved for Community Transportation Enhancement Program (CTEP) funding through the Montana Department of Transportation. CTEP has will fund 50% of the costs for new sidewalk and new alley approach construction only.

(f) Other Factors. Given that 95% of the parcels in the project area are developed, no unusual need for loans from the revolving fund would be expected.

Section 4. Public Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given at Monday, June 9, 1997, at 7:30 o'clock p.m., in the Council Chambers located on the Second Floor of the Police Facility, 220 North 27th Street, Billings, Montana, at which the City Council will conduct a public hearing concerning this project and all interested parties will be allowed to testify. The City Council will also consider all written comments submitted to the City Clerk prior to the hearing or submitted to the Council during the hearing.

Passed by the City Council of the City of Billings, Montana, this 12<sup>th</sup> day of May, 1997.

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
City Clerk

## EXHIBIT A

### THE IMPROVEMENTS

#### Description

The Bonds are being issued to pay a portion of the costs of engineering, reconstructing and installing certain local improvements to benefit certain properties in the City described above consisting of various sidewalk, curb, gutter and alley approach improvements consisting of the Main Street Sidewalk, Drive Approach, Curb, Gutter and Alley Approach Program (the "Main Street Project") (the "Improvements") as shown below.

#### MAIN STREET PROJECT

The various improvements described below will be constructed adjacent to the properties shown under each category of improvements.

##### Curb & Gutter, Sidewalk and Drive Approaches:

- East side of Main Street between 6th Avenue North and Hilltop Road
- East side of Main Street between Radford Square and Wicks Lane
- West side of Main Street between Wicks Lane and Sioux Lane
- West side of Main Street between Judith Lane and Euclid Lane
- West side of Main Street between Josephine Drive and Hilltop Road
- West side of Main Street between Hansen Lane and Airport Road

##### Curb & Gutter and Sidewalk:

- East side of Main Street between Hilltop Road and Radford Square
- West side of Main Street between Airport Road and 6th Avenue North

##### Curb & Gutter, Sidewalk, Drive Approaches and Alley Approaches:

- West side of Main Street between Sioux Lane and Judith Lane
- West side of Main Street between Euclid Lane and Josephine Drive

##### Sidewalk:

