

RESOLUTION 05-18328

A RESOLUTION CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING AND MAINTAINING THE COMMON AREA IMPROVEMENTS AND OTHER PORTIONS OF IMPROVEMENTS MADE IN DOWNTOWN, CITY OF BILLINGS, MONTANA

**WHEREAS**, a Business Improvement District will provide increased public improvements and maintenance, including but not limited to public sidewalk sweeping, security, public sidewalk snow removal, litter control, graffiti removal and abatement and other services that are requested by downtown property owners; and

**WHEREAS**, a Business Improvement District will provide funding for a public purpose, and will promote the health, safety, prosperity, security, and general welfare and will be special benefit to the property within the boundaries of the B.I.D.

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

**Section 1.** Creation of Business Improvement District (B.I.D.): In accordance with the Resolution of Intent 05-18309, the City Council hereby creates a Business Improvement District (B.I.D.) to provide and maintain certain special improvements to benefit certain property located in the downtown area of the City of Billings, Montana. The purposes of this B.I.D. are: to provide funding for the purposes allowed by Title 7, Chapter 12, Part 11, M.C.A., as amended, using powers that will serve a public use; to promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; and to specially benefit the property within the boundaries of the B.I.D.

**Section 2.** Number of District: The District shall be known and designated as the Business Improvement District No. 0001 of the City of Billings, Montana.

**Section 3.** Boundaries of District: The limits and boundaries of the District are depicted on a map attached as Exhibit “A” hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit “B” hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on Exhibit “C” hereto.

**Section 4.** Benefited Property: The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibit “A” are hereby declared to be the Business Improvement District and the territory which will benefit and be benefited by and will be assessed for a portion of the costs of the maintenance as described in Section 1.

**Section 5.** General Character of the Improvements and Maintenance to be Performed. Section 7-12-1131, M.C.A. sets the general character of the improvements and maintenance,

which includes, but is not limited to public sidewalk sweeping, security, public sidewalk snow removal and graffiti removal and abatement, and maintaining other sidewalk furniture, equipment and improvements installed in the public areas NOT including city streets, private property or alleyways.

**Section 6.** Appointment of Board of Trustees. Upon adoption of this Resolution, the Mayor, with the approval of the City Council, shall appoint not less than 5 or more than 7 owners of property within the B.I.D. to comprise the Board of Trustees of the District. The members of the Board shall be appointed in compliance with Section 7-12-1121, M.C.A.

**Section 7.** Powers and Duties of Trustees. The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A. and any other applicable laws, ordinances or regulations. At a time determined by the City Council, the Board of Trustees shall submit to the City Council for approval a work plan and budget for the ensuing fiscal year. The City Council may modify the work plan and budget as it considers necessary and appropriate.

**Section 8.** Assessments. After approval of the work plan and budget, the governing body shall by resolution annually levy an assessment upon all properties in the District for their proportionate share of the entire cost of maintaining the activities of the B.I.D. in accordance with Section 7-12-1133 M.C.A. The City Council shall use a method which best ensures that the assessment on each lot or parcel is equitable in proportion to the benefits to be received.

**Section 9.** Duration of District. The duration of the B.I.D. shall be for a period of 10 years as prescribed in Section 7-12-1141 M.C.A.

**APPROVED** by the City Council of the City of Billings, Montana this 22nd day of August, 2005.

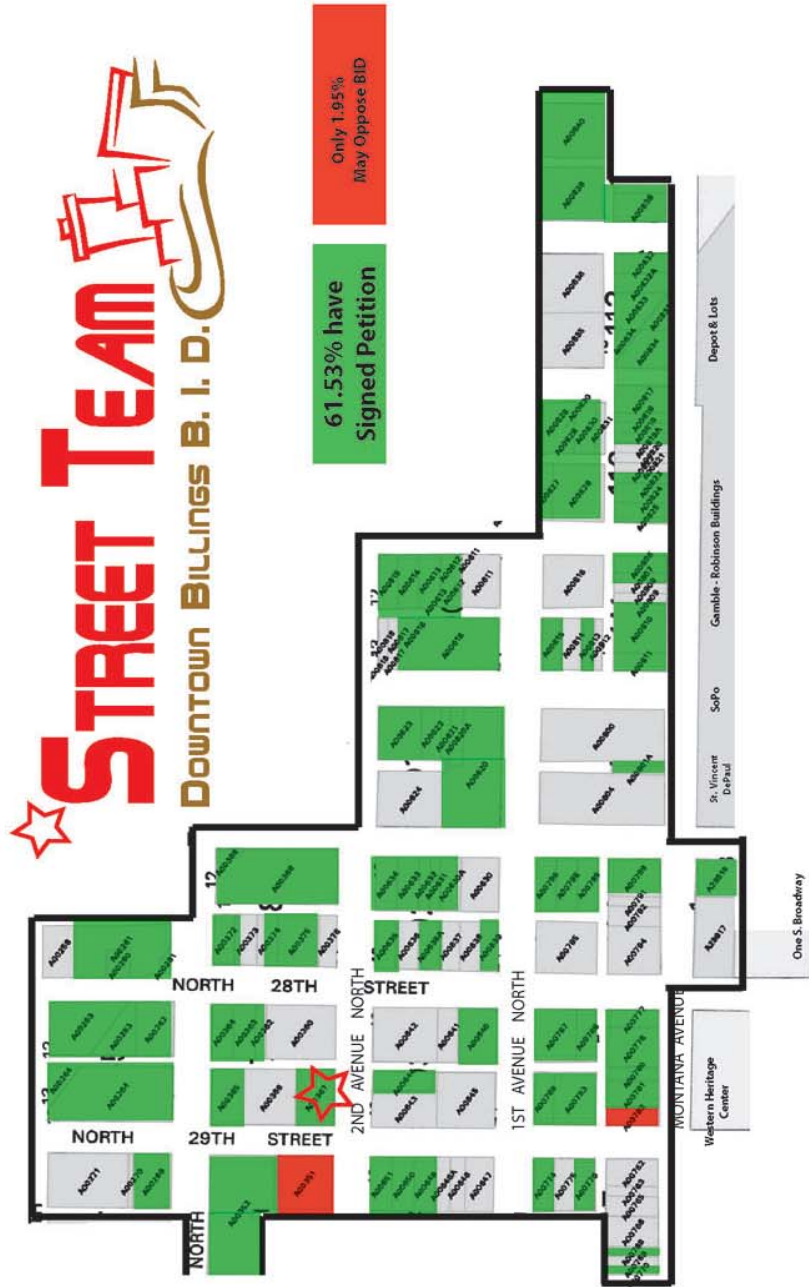
THE CITY OF BILLINGS:

By: \_\_\_\_\_  
Charles F. Tooley, Mayor

ATTEST:

By: \_\_\_\_\_  
Marita Herold, CMC/AAE City Clerk

# EXHIBIT A - MAP



Building Owners leasing Land from the Railroad will be given the opportunity to participate in BID services via an annual Contract For Services equal to their potential assessment rate.

**Business Improvement District REVISED & COMPLETE**  
**Map as of July 1, 2005 - Street Teams to start on**  
**July 1, 2005! BUT - Assessments do not begin until Nov. 2006**

## EXHIBIT A