

RESOLUTION NO. 04 - 18094

A RESOLUTION TO EXPAND THE BOUNDARIES SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4009 FOR THE PURPOSE OF MAINTAINING THE IMPROVEMENTS INSTALLED BY W.O. 95-09 ON 32ND STREET WEST ADJACENT TO THE ASPEN GROVE SUBDIVISION, FOURTH FILING AND LOT 2, BLOCK 1, ASPEN GROVE SUBDIVISION, 2ND FILING

WHEREAS, City Council of Billings, Montana hereby finds, determines and declares that:

1. The public interest and convenience require expanding the boundaries of Special Improvement Maintenance District No. 4009 created by Resolution 96-17110 on July 8, 1996.
2. All lands are benefited and no lands which are not benefited have been included within the District. All lands within the District will be enhanced in value to the extent of the assessments to be levied upon such lands, and all lands included within the District should be assessed accordingly to pay the costs and expenses of maintaining the improvements within the expanded District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS:

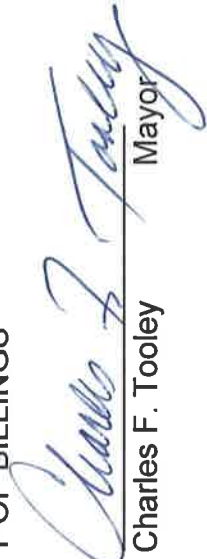
1. *Jurisdiction and Creation:* Expanded Special Improvements Maintenance District No. 4009 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the improvements and it does hereby expand the boundaries of Special Improvement Maintenance District No. 4009. All lands included in the expanded boundaries of Special Improvement Maintenance District No. 4009 are benefited and no lands which are not benefited have been included in said District.
2. *General Character of Improvements and Maintenance:* The general character of the improvements to be maintained is as follows: turfgrass, irrigation systems, irrigation water service, privacy fence and other boulevard landscape improvements, installed by private contract W.O. 95-09 on 32nd Street West adjacent to Aspen Grove Subdivision, 4th Filing and Lot 2, Block 1, Aspen Grove Subdivision, 2nd Filing. The purpose of said District is to provide perpetual maintenance of the improvements.
3. *Boundaries:* The boundaries of the District are described and designated on Exhibit A attached hereto. The legal description of the expanded Special Improvements Maintenance District No. 4009 is included as Exhibit B, hereto.
4. *Maintenance Estimate:* The estimated cost of the proposed maintenance for the current year shall be \$6,036.00 as described in the Maintenance Estimate attached hereto as Exhibit D.
5. *Assessment Method:* The cost of maintaining the improvements shall be based on the proportionate share of the total costs for maintaining the improvements. The proportionate share of the cost for maintaining the improvements shall be based on the assessable area method described in Section 7-12-4162 (1)(a) M.C.A., as particularly applied and set forth therein. Each property within the District shall be assessed for that part of the entire maintenance costs which its assessable area bears to the assessable area of all benefited properties in the District, exclusive of streets, avenues, alleys, and public places. The properties to be added to Special Improvements District No. 4009 and their assessable areas are shown in Exhibit C, hereto. Assessments for each parcel during the current year will be approximately \$0.015717 per square foot of parcel area. In accordance with 7-1-1479 MCA, the assessment for each parcel in each ensuing year will be set by the City Council by resolution.
6. *Payment of Assessment:* The assessments for all maintenance and costs of the District shall be paid in equal annual installments, provided that the payment of one-half of said annual assessment may be deferred to May 31 of the year following the assessment. All money derived from the collection of said assessments otherwise shall constitute the existing fund known as Fund of Special Improvement Maintenance District No. 4009.
7. *Bonds for Improvements:* There will be no bonds sold for this District as it is for maintenance only.
8. *Engineering:* No engineering will be required for the maintenance of the District.

9. *District Accounts:* The Director of Finance is hereby authorized and directed to establish the necessary accounts to govern the receiving of all revenues and the expenditures of the same District.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana and **APPROVED**, this 23rd day of February, 2004.



CITY OF BILLINGS

By: 
Charles F. Tooley
Mayor

ATTEST:

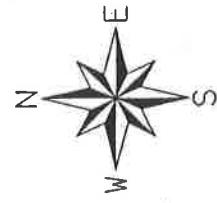
By: 
Marita Herold, CMC/AAE City Clerk
Deputy City Clerk

ASPEN GROVE

SPECIAL IMPROVEMENT

MAINTENANCE DISTRICT NO. 4009

BOUNDARY MAP



BOUNDARY OF
SPECIAL
IMPROVEMENT
MAINTENANCE
DISTRICT NO. 4009



Property being added to Aspen Grove Special Improvement Maintenance District 4009

**BOUNDARY DESCRIPTION
EXPANDED SPECIAL IMPROVEMENT DISTRICT NO. 4009**

Beginning at the northwest corner of Lot 10, Block 1, Aspen Grove Subdivision, Fourth Filing, records of Yellowstone County, Montana; thence N89°47'30"E along the northerly line of said subdivision a distance of 696.16 feet to the northeast corner of lot 15 of said block 1; thence S00°11'52"E a distance of 96.00 feet to the southeast corner of said lot 15; thence S25°30'22"E a distance of 66.36 feet to the northeast corner of lot 2, block 2 of said Aspen Grove Subdivision; thence S00°11'52"E along the boundary of said subdivision a distance of 537.61 feet to the southeast corner of lot 37 of said block 2; thence S89°43'00"W along said boundary a distance of 200.00 feet; thence N00°47'41"W along said boundary a distance of 14.00 feet; thence S89°43'00"W along said boundary a distance of 55.00 feet; thence N03°13'48"W along said boundary a distance of 123.00 feet; thence N08°03'29"E along said boundary a distance of 54.67 feet to the southeast corner of lot 42 of said Block 2; thence S89°43'00"W a distance of 99.49 feet to the southwest corner of said lot 42; thence N00°10'30"W along said boundary a distance of 48.05 feet; thence N80°02'58"W along said boundary a distance of 95.49 feet; thence S00°10'30"E along said boundary a distance of 456.74 feet to the southeast corner of lot 12 of said block 2; thence S89°49'30"W a distance of 93.09 feet to the southwest corner of said lot 12; thence leaving said boundary S45°00'50"W a distance of 61.66 feet to the southeast corner of lot 2, block 1, Aspen Grove Subdivision, Second Filing, records of Yellowstone County, Montana; thence S67°47'54"W along the southerly line of said lot 2 a distance of 110.21 feet to the southwest corner of said lot 2; thence S89°49'30"W a distance of 20.00 feet to a point on the westerly line of said Aspen Grove Subdivision Second Filing; thence N00°10'30"W along the westerly line of said Aspen Grove Subdivision Second Filing and the westerly line of said Aspen Grove Subdivision Fourth Filing a distance of 969.61 feet to the Point of Beginning. Excepting from the above bounded area all public street right-of-way as shown on the official plats on file in the Yellowstone County Courthouse.

EXHIBIT C

**ASPEN GROVE BOULEVARD IMPROVEMENTS
EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4009
OWNERSHIP INFORMATION**

Date: December 2, 2003

TAX ID NUMBER	OWNER AS OF LAST TAX ROLL MAILING ADDRESS	LEGAL DESCRIPTION SUBDIVISION / LOT / BLOCK	ASSESSMENT AREA (SQUARE FEET)	ASSESSMENT PER (SQUARE FOOT)	ASSESSMENT
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The following properties are being added to Special Improvement District No. 4009:

C11684	Prbyl, Robert 330 West Daffodil Drive No. B Billings Montana 59102-4480	Block: 001 Lot: 002 ASPEN GROVE 2ND FILING	9,613.00	\$0.01518	\$145.88
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**CITY OF BILLINGS - PARK MAINTENANCE DISTRICT 4009
ESTIMATE OF ANNUAL MAINTENANCE COSTS**

PMD Number: 4009

PMD Description: Aspen Grove Expansion of Streetscape - TOTAL

Date: December 2, 2003

BA SUB	ELE	OBJ	ACCOUNT DESCRIPTION	ESTIMATED MAINTENANCE COSTS
			PMD Expansion Costs	\$1,708.00
	34	10	Operations and Supplies	\$250.00
		10	Electricity	\$800.00
		20	Water Service	\$800.00
		50	Ground Maintenance	\$600.00
		65	Other Service/Finance Charges	\$599.00
	39	90	Parks Charge for Services	\$2,079.00
		10	Special Assessments	\$0.00
			Total Operations and Supplies, Etc.	\$6,036.00
			Capital E/I Reserve	\$0.00
			Total Aspen Streetscape Expansion O & M Annual Cost Estimate	\$6,036.00
			Park area to be maintained (Square Feet)	24,728
			Assessment Area of District (Square Feet)	384,051
			Assessment (Per Square Foot)	\$0.015717
			Assessment to Lot 2, Block 1 Aspen Grove Subdivision, 2nd Filing	\$151.08