

RESOLUTION NO. 04-18174

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 280 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND SECURING MAINTENANCE OF 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 of securing and providing energy and maintenance for street lights 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. 280" hereinafter called the District, and the boundaries of the District are hereby declared to include: lots, parcels and pieces of land abutting on S. 32nd Street West from Conrad Road to a point south of the Hogan's Slough; Gabel Road from S. 32nd Street West to the railroad crossing east of S. 29th Street West; South 29th Street West from Gabel Road to and along Millennium Circle; all as shown on the map designated as Exhibit "A" attached hereto, and as listed in Exhibit "B" which is attached hereto. The district boundary shall be as described in Exhibit "C" 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 sixty five (65) 250 watt, and eight (8) 400 watt high pressure sodium luminaires. All luminaires will be mounted on steel poles served by underground wiring. The City of Billings, Montana shall own said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$7.01 per 250 watt unit, and \$11.34 per 400 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That the 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 6:

The estimate of the cost of the District per year is the sum of \$16,411.44; that the entire cost of said District shall be paid by the owners of the property within said District, 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 area bears to the 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 \$0.00537710 per square foot. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$23,543.30 or approximately \$0.00771380 per square foot.

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. 280 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefor.

SECTION 8:

That on the 13th day of September, 2004, 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. 280 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 mailed to the property owners affected and 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. 280. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 23rd day of August, 2004.



CITY OF BILLINGS

By Charles F. Tooley
Mayor

ATTEST

By Marita Herold
Marita Herold, CMC/AEE City Clerk
Deputy City Clerk

SILMD # 280 EXHIBIT "A"

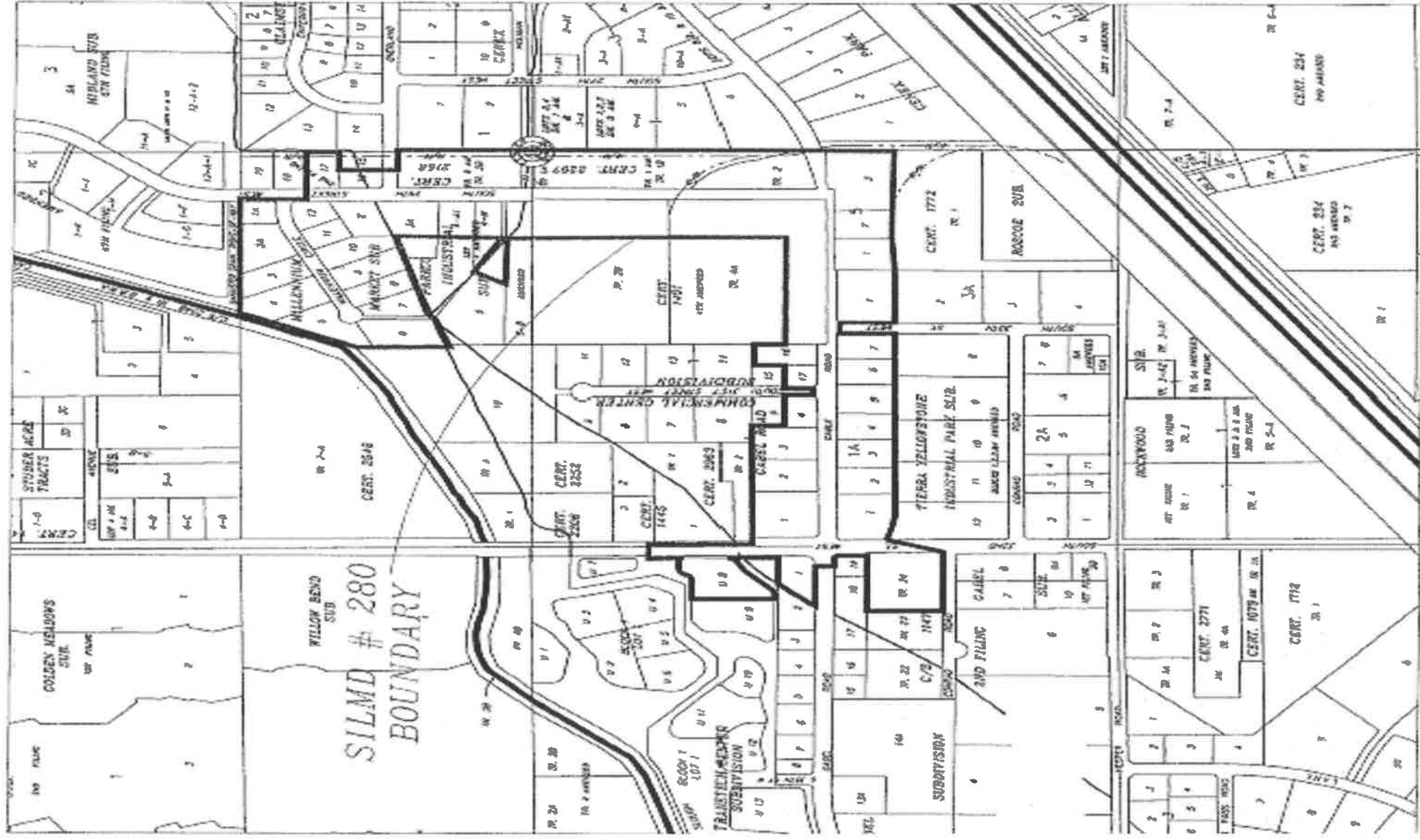


EXHIBIT B - PARCEL LISTING AND PROPERTY OWNER INFORMATION

SILMD #280

Gabel Road, South 32nd Street West, South 31st Street West, South 29th Street West, and Millennium Circle

Location: Billings, Montana

Prepared By: Tom Eastwood, Staff Engineer I

City of Billings, Engineering Division

510 North Broadway - 4th Floor

SUBDIVISION OR CERTIFICATE OF SURVEY	LOT OR TRACT	BLOCK	GEOCODE	TAX CODE	OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP	MAILING NAME	PROPERTY ADDRESS	TOTAL AREA	TOTAL FRONTAGE	ASSESSABLE AREA
Claimstake Subdivision, 2nd Filing	16	2	3092613230080000	A29025	BILLINGS CONSTRUCTION SUPPLY	PO BOX 80701	BILLINGS MT 59108-0701		Unknown BLG	25868	200.17	25868
Claimstake Subdivision, 2nd Filing	17	2	3092613230167000	A29026A	GAHAGAN, GERALD W & SUSAN E	1057 S 29TH ST W STE A	BILLINGS MT 59102-7454		01057 29TH ST W BLG	38410	148.00	38410
Gabel Subdivision Second Filing	1	2	3092614445010000	A29218	BOTTRELL FAMILY INVESTMENTS LLP	PO BOX 80284	BILLINGS MT 59108-0284		03233 GABEL RD BLG	42694	168.82	42694
Unit 8, Transtech Center Subdivision	1	1	3092614483017000	A30059H	BOTTRELL FAMILY INVESTMENTS LLP	PO BOX 80284	BILLINGS MT 59108-0284		01320 32ND ST W BLG	81784	260.01	81784
Gabel Road Commercial Center Subdivision	1	1	3092613360010000	A30254	TGC LP	PO BOX 80284	BILLINGS MT 59108-0284		Unknown 102	94046	603.59	94046
Gabel Road Commercial Center Subdivision	2	1	3092613360050000	A30255	TGC LP	PO BOX 80284	BILLINGS MT 59108-0284		Unknown 102	66433	210.00	66433
Gabel Road Commercial Center Subdivision	3	1	3092613360080000	A30256	TGC LP	PO BOX 80284	BILLINGS MT 59108-0284		Unknown 102	66860	210.00	66860
Gabel Road Commercial Center Subdivision	4	1	3092613360100000	A30257	TGC LP	PO BOX 80284	BILLINGS MT 59108-0284		Unknown 102	30749	193.02	30749
Gabel Road Commercial Center Subdivision	16	1	3092613360540000	A30269	ST OF MT-DEPT OF MILITARY AFFAIRS	PO BOX 4789	HELENA MT 59604-4789		Unknown 102	44941	138.15	44941
Gabel Road Commercial Center Subdivision	17	1	3092613360560000	A30270	ST OF MT-DEPT OF MILITARY AFFAIRS	PO BOX 4789	HELENA MT 59604-4789		Unknown 102	21832	137.00	21832
Millennium Market Subdivision	6	1	3092613201470000	C10465	CUSTOM CONCRETE INC	5744 HOMER DAVIS RD	SHEPHERD MT 59079-4441		02926 MILLENNIUM CIRCLE BLG	70903	25.00	70903
Parkco Industrial Subdivision	2	1	3092613201440000	C10466	HASKELL PROPERTIES LLC	3021 6TH AVE N STE 104	BILLINGS MT 59101-1135		Unknown 29TH ST W BLG	43560	201.68	43560
Amended Plat of Lot 3, Block 1, and Lot 4A of Amended Plat of Lot 4, Block1, Parkco Industrial Subdivision	3A	1	3092613201410000	C10467	MYRIAD PROPERTIES LLC	531 REVOLUTION AVE	BILLINGS MT 59105-1521		01106 29TH ST W BLG	87120	281.45	58340
Amended Plat of Lot 3, Block 1, and Lot 4A of Amended Plat of Lot 4, Block1, Parkco Industrial Subdivision	4A1	1	3092613201400000	C10468	BILLINGS PRECAST ENTERPRISES INC	1140 S 29TH ST W	BILLINGS MT 59102-7437		01140 29TH ST W BLG	139261	160.00	38244
Amended Plat of Lot 4, Block 1, Parkco Industrial Subdivision	4-B	1	3092613201390000	C10468A	BILLINGS PRECAST ENTERPRISES INC	1140 S 29TH ST W	BILLINGS MT 59102-7437		01150 29TH ST W BLG	47045	125.00	29716
Parkco Industrial Subdivision	5	1	3092613201360000	C10469	WEBER PROPERTIES LLC	PO BOX 80127	BILLINGS MT 59108-0127		Unknown 29TH ST W BLG	146884	25.00	27811
Amended Plat of a Portion of Lot 5, Block 1, Parkco Industrial Subdivision	5-B	1	3092613201350000	C10469A	WEBER PROPERTIES LLC	PO BOX 80127	BILLINGS MT 59108-0127		01190 29TH ST W BLG	123798	125.00	28955
Tierra Yellowstone Industrial Park Subdivision	1	5	3092613304140000	C11007	TONY CREEK LLC	2847 HESPER RD	BILLINGS MT 59102-6735	% ROSCOE, JAMES PONE	Unknown BLG	58209	205.63	58209
Tierra Yellowstone Industrial Park Subdivision	2	5	3092613304120000	C11008	TONY CREEK LLC	2847 HESPER RD	BILLINGS MT 59102-6735		Unknown GABEL RD BLG	53814	190.00	53814
Tierra Yellowstone Industrial Park Subdivision	3	5	3092613304100000	C11009	TONY CREEK LLC	2847 HESPER RD	BILLINGS MT 59102-6735		Unknown BLG	113500	402.39	113500
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	1	1A	3092613308250000	C11801	GONITZKE, JOHN & KAY F	4313 DUCK CREEK RD	BILLINGS MT 59101-6188		03178 GABEL RD BLG	83613	540.31	83613
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	2	1A	3092613308300000	C11802	SUNDOG LAND COMPANY LLC	4433 HARVEST LN	BILLINGS MT 59106-3801		Unknown BLG	50630	185.00	50630
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	3	1A	3092613308350000	C11803	SUNDOG LAND COMPANY LLC	4433 HARVEST LN	BILLINGS MT 59106-3801		Unknown BLG	50682	185.00	50682
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	4	1A	3092613308400000	C11804	KIKER, KEVIN & FIONA TRUSTEES	117 RIVERWOOD DR	JEFFERSON OR 97352-9416	CALEDONIA LIVING TRUST	03088 GABEL RD BLG	50730	185.00	50730
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	5	1A	3092613308450000	C11805	MILLER, HAROLD	PO BOX 989	JEFFERSON OR 97352-0989		Unknown BLG	50782	185.00	50782
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	6	1A	3092613308500000	C11806	MILLER, HAROLD	PO BOX 989	JEFFERSON OR 97352-0989		03034 GABEL RD BLG	46709	170.00	46709
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	7	1A	3092613308550000	C11807	MILLER, HAROLD	PO BOX 989	JEFFERSON OR 97352-0989		03034 GABEL RD BLG	46688	169.99	46688
Amended Plat of Blocks 1-4, Tierra Yellowstone Industrial Park Subdivision	1	3A	3092613312300000	C11825	NORTH PARK TRANSPORTATION	5150 COLUMBINE ST	DENVER CO 80216-2305	% KERN, JAMES *	02960 GABEL RD BLG	101917	370.01	101917

EXHIBIT B - PARCEL LISTING AND PROPERTY OWNER INFORMATION

SILMD #280

Gabel Road, South 32nd Street West, South 31st Street West, South 29th Street West, and Millennium Circle

Location: Billings, Montana

Prepared By: Tom Eastwood, Staff Engineer I

City of Billings, Engineering Division

510 North Broadway - 4th Floor

SUBDIVISION OR CERTIFICATE OF SURVEY	LOT OR TRACT	BLOCK	GEOCODE	TAX CODE	OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP	MAILING NAME	PROPERTY ADDRESS	TOTAL AREA	TOTAL FRONTAGE	ASSESSABLE AREA
Amended Plat of Lots 1 and 2, Block 1, Millennium Market Subdivision	1A	1	3092613220300000	C12199	G & B INC	2751 ENTERPRISE AVE STE 2	BILLINGS MT 59102-7413		02901 MILLENNIUM CIR BLG	24477	261.29	24477
Amended Plat of Lots 1 and 2, Block 1, Millennium Market Subdivision	2A	1	3092613220200000	C12200	G & B INC	2751 ENTERPRISE AVE STE 2	BILLINGS MT 59102-7413		02905 MILLENNIUM CIRCLE BLG	62454	223.61	62454
Millennium Market Subdivision	3	1	3092613220100000	C12201	MCCALL DEVELOPMENT INC	2751 ENTERPRISE AVE STE 2	BILLINGS MT 59102-7413		02909 MILLENNIUM CIR BLG	50535	150.00	50535
Millennium Market Subdivision	4	1	3092613220050000	C12202	MCCALL DEVELOPMENT INC	2751 ENTERPRISE AVE STE 2	BILLINGS MT 59102-7413		02913 MILLENNIUM CIR BLG	71624	192.41	71624
Millennium Market Subdivision	5	1	3092613220010000	C12203	MCCALL DEVELOPMENT INC	2751 ENTERPRISE AVE STE 2	BILLINGS MT 59102-7413		02917 MILLENNIUM CIR BLG	62566	216.47	62566
Millennium Market Subdivision	7	1	3092613220250000	C13064	KENNEDY PROPERTIES LLC	2655 BUFFALO HORN DR	LAUREL MT 59044-8321		02922 MILLENNIUM CIRCLE BLG	34052	75.06	34052
Millennium Market Subdivision	8	1	3092613220310000	C13065	KENNEDY PROPERTIES LLC	2655 BUFFALO HORN DR	LAUREL MT 59044-8321		02918 MILLENNIUM CIRCLE BLG	38369	131.37	38369
Millennium Market Subdivision	9	1	3092613220350000	C13066	KENNEDY PROPERTIES LLC	2655 BUFFALO HORN DR	LAUREL MT 59044-8321		02914 MILLENNIUM CIRCLE BLG	47897	150.00	47897
Millennium Market Subdivision	10	1	3092613220400000	C13067	KENNEDY PROPERTIES LLC	2655 BUFFALO HORN DR	LAUREL MT 59044-8321		02910 MILLENNIUM CIRCLE BLG	45282	150.00	45282
Millennium Market Subdivision	11	1	3092613220450000	C13068	KENNEDY PROPERTIES LLC	2655 BUFFALO HORN DR	LAUREL MT 59044-8321		02908 MILLENNIUM CIRCLE BLG	26000	133.98	26000
Millennium Market Subdivision	12	1	3092613220500000	C13069	SCHAFFER, MARK	1220 CENTRAL AVE	BILLINGS MT 59102-5529		02902 MILLENNIUM CIRCLE BLG	30045	361.81	30045
Certificate of Survey 1401, 4th Amended	2B		3092613201310000	D00550	BOISE CASCADE CORPORATION	PO BOX 50	BOISE ID 83728-0050	% TAX DEPT	01240 29TH ST W BLG	611103	618.17	156453
Certificate of Survey 1401, 4th Amended	4A		3092613201260000	D00551	STATE OF MONTANA	PO BOX 4789	HELENA MT 59604-4789	DEPT OF MILITARY AFFAIRS	Unknown 29TH ST W BLG	696786	704.49	307454
Amended Tract 1, Certificate of Survey 2297	1B		3092613317050000	D00556	BIG SKY FLORAL SUPPLY LLC	502 N 30TH ST	BILLINGS MT 59101-1138		Unknown BLG	227292	702.20	227292
Amended Tract 2, Certificate of Survey 2158	2B		3092613101010000	D00556B	A & E MINI STORAGE LLC	2850 OVERLAND AVE	BILLINGS MT 59102-7452		Unknown BLG	143095	551.29	143095
Certificate of Survey 2297	2		3092613317010000	D00556C	GENDCO LEASING COMPANY	PO BOX 1255	GREAT FALLS MT 59403-1255		Unknown BLG	97182	823.68	97182
Certificate of Survey 1147	24		3092614438160000	D00599	RED LODGE INVESTMENT LLC	PO BOX 1203	BILLINGS MT 59103-1203		Unknown CONRAD RD BLG	108903	343.18	108903

EXHIBIT C

SILMD #280 - DISTRICT BOUNDARY DESCRIPTION

Considering the basis of bearings to be those shown on the individual recorded plats and certificates of survey with no adjustments or correction being applied:

Beginning at a point which is the northeast corner of Lot 17, Block 2, Claimstake Subdivision, 2nd Filing; thence, southerly along the east line of said Lot 17 to the southeast corner of said Lot 17; thence, westerly along the south line of said Lot 17 to the northeast corner of Lot 16, Block 2 of said subdivision; thence, southerly along the east line of said Lot 16 to the southeast corner of said Lot 16; thence, crossing the right-of-way of Overland Avenue, S 00°03'39" W a distance of 70.00-feet to a point on the south right-of-way line of Overland Avenue, also being a point on the north line of Tract 2B of Amended Tract 2, Certificate of Survey No. 2158;

thence, easterly along the north line of said Tract 2B to the northeast corner of said Tract 2B; thence, southerly along the east line of said Tract 2B to the southeast corner of said Tract 2B, also being the northeast corner of Tract 2A of said certificate of survey; thence, southerly along the east line of said Tract 2A to the southeast corner of said Tract 2A, also being the northeast corner of Tract 1A of Amended Tract 1, Certificate of Survey No. 2297;

thence, southerly along the east line said Tract 1A to the southeast corner of said Tract 1A, also being the northeast corner of Tract 1B of said certificate of survey; thence, southerly along the east line of said Tract 1B to the most southeasterly corner of said Tract 1B, also being the most northeasterly corner of Tract 2, Certificate of Survey No. 2297;

thence, S 00°08'33" W a distance of 13.08-feet to the southeast corner of said Tract 2, also being a point on the northerly right-of-way line of Gabel Road; thence, S 00°00'01" W a distance of 118.17-feet, to a point on the southerly right-of-way line of Gabel Road, also being the northeast corner of Lot 3, Block 5, Tierra Yellowstone Industrial Park Subdivision;

thence, southerly along the east line of said Lot 3 to the southeast corner of said Lot 3; thence, S 89°59'19" W a distance of 762.86-feet to the southwest corner of Lot 1, Block 5 of said subdivision, also being the southeast corner of Lot 1, Block 3A of the Amended Plat of Blocks 1, 2, 3, and 4 of Tierra Yellowstone Industrial Park Subdivision;

thence, westerly along the south line of said Lot 1 to the southwest corner of said Lot 1, also being a point on the easterly right-of-way line of South 30th Street West; thence, crossing the right-of-way of South 30th Street West, S 89°59'19" W a distance of 70.00-feet to a point on the westerly right-of-way line of South 30th Street West, also being the southeast corner of Lot 7, Block 1A of said amended plat of said subdivision;

thence, S 89°59'19" W a distance of 1179.25-feet to a point on the south line of Lot 1, Block 1A of said amended plat of said subdivision; thence, along a curve to the right with a radius of 533.14-feet a distance of 198.69-feet ($\square=21^{\circ}21'12''$); thence, N 68°39'29" W a distance of 26.82-feet to the southwest corner of said Lot 1, also being a point on the easterly right-of-way line of South 32nd Street West; thence, crossing the right-of-way of South 32nd Street West, to the southeast corner of Tract 24 of Certificate of Survey No. 1147;

thence, westerly along the south line of said Tract 24 to the southwest corner of said Tract 24; thence, northerly along the west line of said Tract 24 to the northwest corner of said Tract 24; thence, easterly along the north line of said Tract 24 to the southeast corner of Lot 19, Block 1, Gabel Subdivision Second Filing;

thence, N 00°06'47" E a distance of 130.43-feet; thence along a curve to the left with a radius of 20.00-feet a distance of 31.46-feet ($\square=90^{\circ}06'47''$); thence, West a distance of 39.85-feet to a point on the north line of said Lot 19, also being a point on the southerly right-of-way line of Gabel Road; thence, crossing the right-of-way of Gabel Road, N 00°06'47" E a distance of 84.00-feet to a point on the northerly right-of-way line of Gabel Road, also being a point on the south line of Lot 1, Block 2 of said subdivision;

thence, westerly along the south line of said Lot 1 to the southwest corner of said Lot 1; thence, thence northeasterly along the west line of said Lot 1 to the northwest corner of said Lot 1; thence easterly along the north line of said Lot 1 to the northeast corner of said Lot 1;

thence, N 00°06'47" E a distance of 232.83-feet; thence N 89°53'13" W a distance of 15.00-feet to a point on the east line of Unit 8, Lot 1, Block 1, Transtech Center Subdivision; thence, southwesterly along the south line of said Unit 8 to the southwest corner of said Unit 8; thence, north along the west line of said Unit 8 to the northwest corner of said Unit 8; thence, East a distance of 136.17-feet; thence, along a curve to the left with a radius of 10.00-feet a distance of 10.85-feet ($\square=62^{\circ}11'37''$); thence, N 27°48'23" E a distance of 43.71-feet; thence, along a curve to the right with a radius of 30.00-feet a distance of 32.56-feet ($\square=62^{\circ}11'37''$); thence, East a distance of 57.88-feet; thence, along a curve to the right with a radius of 20.00-feet a distance of 31.46-feet ($\square=90^{\circ}06'47''$); thence, S 89°53'13" E a distance of 15.00-feet to a point on the westerly right-of-way of South 32nd Street West; thence, N 00°06'47" E a distance of 157.22-feet; thence, crossing the right-of-way of South 32nd Street West, N 89°53'13" E a distance of 90-feet to a point on the easterly right-of-way of South 32nd Street West, also being the northwest corner of Lot 1 of Certificate of Survey No. 1445;

thence, southerly along the west line of said Lot 1 to the southwest corner of said Lot 1, also being the most northwesterly corner of Tract 1 of Certificate of Survey No. 2963; thence, southerly along the west boundary line of said certificate of survey to the southwest corner of Tract 2 of said certificate of survey;

thence, easterly along the south line of said Tract 2 to the northwest corner of Lot 1, Block 1, Gabel Road Commercial Center Subdivision; thence, N 89°19'34" E a distance of 750.04-feet to the northeast corner of Lot 3, Block 1 of said subdivision; thence, southerly along the east line of said Lot 3 to the northwest corner of Lot 4, Block 1 of said subdivision; thence, easterly along the north line of said Lot 4 to the northeast corner of said Lot 4; thence, S 00°07'16" E a distance of 140.00-feet to a point on the east line of said Lot 4, also being a point on the westerly right-of-way line of South 31st Street West;

thence, crossing the right-of-way of South 31st Street West, N 89°52'44" E a distance of 70.00-feet to a point on the easterly right-of-way line of South 31st Street West, also being a point on the west line of Lot 17, Block 1 of said subdivision; thence, northerly along the west line of said Lot 17 to the northwest corner of said Lot 17; thence, easterly along the north line of said Lot 17 to the northeast corner of said Lot 17, also being a point on the west line of Lot 16, Block 1 of said subdivision; thence, northerly along the west line of said Lot 16 to the northwest corner of said Lot 16; thence, easterly along the north line of said Lot 16; thence, easterly along the north line of said Lot 16 to the northeast corner of said Lot 16, also being a point on the west line of Tract 4A of Certificate of Survey No. 1401 Fourth Amended;

thence, S 00°05'15" W a distance of 157.03-feet to a point on the west line of said Tract 4A; thence, N 89°54'19" E a distance of 706.53-feet; thence, N 00°04'05" E a distance of 1256.44-feet to a point on the north line of Lot 5-B of the Amended Plat of a Portion of Lot 5, Block 1, Parkco Industrial Subdivision;

thence, N 89°55'55" W a distance of 301.24-feet; thence, northeasterly to the most westerly corner of Lot 4-B of the Amended Plat of Lot 4, Block 1, Parkco Industrial Subdivision; thence, southeasterly along the westerly line of said Lot 4-B to the southwest corner of said Lot 4-B; thence, northerly to the southwest corner of Lot 2, Block 1, Parkco Industrial Subdivision, also being a point on the southerly boundary of Millennium Market Subdivision;

thence, southwesterly along the southerly boundary line of said subdivision to the southwest corner of Lot 6, Block 1 of said subdivision; thence, N 00°05'15" E a distance of 465.64-feet; thence, N 26°21'21" E a distance of 292.78-feet; thence, N 22°02'30" E a distance of 308.14-feet; thence, easterly along the northerly boundary line of said subdivision to the northeast corner of Lot 1A, Block 1 of the Amended Plat of Lots 1 and 2, Block 1, Millennium Market Subdivision;

thence, S 00°04'05" W a distance of 299.66-feet to a point on the westerly right-of-way line of South 29th Street West; thence, easterly to the northwest corner of Lot 17, Block 2, Claimstake Subdivision, 2nd Filing;

thence, easterly along the north line of said Lot 17 to the Point of Beginning;

Exempting there from all lands which are public street, road, or alley rights-of-way and the City owned right-of-way for the Hogans Slough being Tract 1A, C/S2297 and Tract 2A, C/S 2158.