

RESOLUTION NO. 04-18175

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 281 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.

HEREAS, 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 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. 281" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting the north side of Grand Avenue from 41st Street West to 38th Street West and abutting both sides of Shiloh Road from Grand Avenue to Avenue B; 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 one (1) 250 watt, and twenty (20) 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 \$5,640.72; 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 lot frontage on Grand Avenue and on Shiloh Road bears to the assessable lineal front footage 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 \$1.46129614 per lineal 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 \$8,639.77 or approximately \$2.23823600 per lineal 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. 281 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. 281 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. 281. 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.



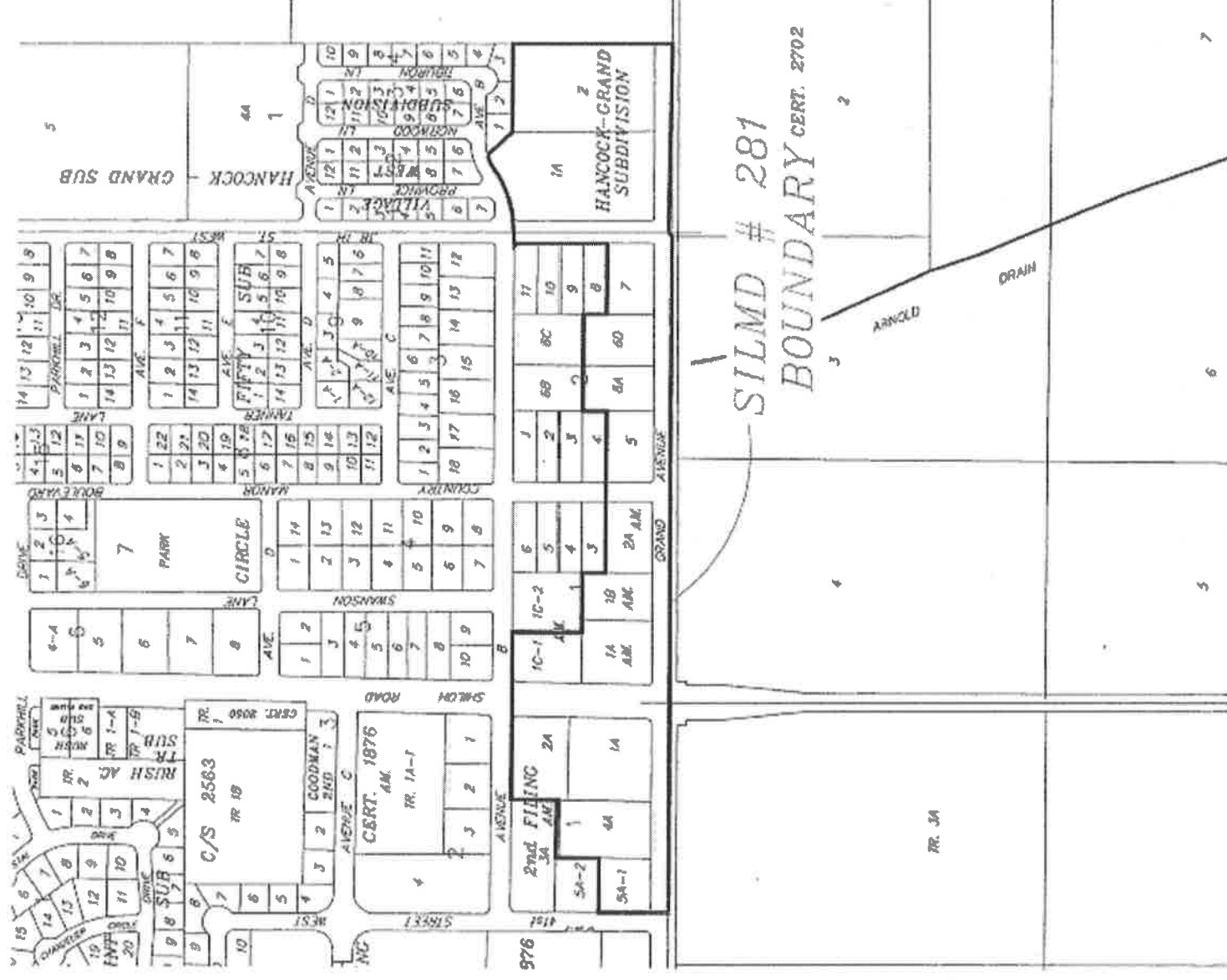
CITY OF BILLINGS

By Charles F. Tooley
Mayor

ATTEST:

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

SILMD # 281
EXHIBIT "A"



**EXHIBIT B
SILMD 281 -- OWNERSHIP and ASSESSMENT DATA**

Tax Code	Owner	Legal Description	Mail-Street	Mail-City State Zip	Frontage
A26424	SOCO DEVELOPMENT	LT 1A AMND BLK 1 CIRCLE FIFTY SUBD	1604 4TH AVE N	BILLINGS MT 59101-1521	489.32
A26424A	MONTANA DEVELOPMENT CO	LT 1B BLK 1 CIRCLE FIFTY SUB AMND	PO BOX 21057	BILLINGS MT 59104-1057	140.00
A26424B	MONTANA DEVELOPMENT CO	L:1C1 B:1 CIRCLE FIFTY SUB AMND Lot 1C	PO BOX 21057	BILLINGS MT 59104-1057	254.29
A26425	ASK, PAMELA	LT 2A AMND BLK 1 CIRCLE FIFTY SUBD	3925 GRAND AVE	BILLINGS MT 59102-7512	264.27
A26434	DLS, INC	L:5 B:2 CIRCLE FIFTY SUB	1203 N 27TH ST	BILLINGS MT 59101-0106	255.71
A26436	PARIS, CHRISTOPHER L & JOY G	LT 7 BLK 2 CIRCLE FIFTY SUBD	3242 DURLAND DR	BILLINGS MT 59102-0443	255.73
A28514	ROCKY MOUNTAIN OIL INC--Holiday Companies #87	LT 1A AMND BLK 1 GOODMAN SUBD 2ND	PO BOX 1224	MINNEAPOLIS MN 55440-1224	591.98
A28515	STOCKMAN BANK OF MONTANA	LT 2A AMND BLK 1 GOODMAN SUBD 2ND	PO BOX 250	MILES CITY MT 59301-0250	206.12
A28517	ROCKY MOUNTAIN OIL INC	LT 4A AMND BLK 1 GOODMAN SUBD 2ND	PO BOX 1224	MINNEAPOLIS MN 55440-1224	216.50
A28518	BRADY, SEAN D	LT 5A1 Amd Lot 5A, BLK 1 Goodman Subd 2nd	5032 POLY DR	BILLINGS MT 59106-1329	205.14
A30042	HANCOCK DEVELOPMENT INC	LT 1A Amd Lots 1,3,4 Blk 1, Circle Fitty Subd.	PO BOX 2527	BILLINGS MT 59103-2527	319.82
A30043	HANCOCK DEVELOPMENT INC	LT 2 BLK 1 HANCOCK-GRAND SUB	PO BOX 2527	BILLINGS MT 59103-2527	313.28
A26435	SWANSON, DEAN A ETAL	LT 6 BLK 2 CIRCLE FIFTY SUBD	102 MISSION BAY DR	POLSON MT 59860-8922	see below for amendment
Not Available		L 6D BIK 2 Amd Lot 6, BIK 2 Circle Fitty Subd			185.92
Not Available		L 6A BIK 2 Amd Lot 6, BIK 2 Circle Fitty Subd			162.00
				TOTAL FRONTAGE ASSESSED	3860.08 feet

EXHIBIT "C"

SILMD 281 – BOUNDARY DESCRIPTION

Beginning at the southwest corner of Lot 5A-1, Block 1, Goodman Subdivision, 2nd Filing; thence

Northerly on and along the west side of said Lot 5A-1, which is also the easterly right-of-way line of 41st Street West, to the northwest corner of said Lot 5A-1; thence

Easterly along the lot line common to Lots 5A-1 and 5A-2, Block 1, Goodman Subdivision, 2nd filing to a point on the west line of Lot 4A, Block 2 Goodman Subdivision 2nd filing which is the northeast corner of said Lot 5A-1; thence

Northerly along the west line of said Lot 4A, Block 2, Goodman Subdivision, which is also the easterly line of Lot 5A-2, to the northwest corner of said Lot 4A; thence

Easterly along the north line of said Lot 4A, Block 2, Goodman Subdivision, 2nd Filing, to the northeast corner of said Lot 4A, which is a point on the west line of Lot 2A, Block 1, Goodman Subdivision, 2nd Filing; thence

Northerly along the north line of said Lot 2A, Block 1, Goodman Subdivision, 2nd Filing, to the northeast corner of said Lot 2A; thence

Easterly across Shiloh Road, to the northwest corner of Lot 1C-1, Block 1, Circle Fifty Subdivision; thence

Easterly on and along the north line of said Lot 1C-1, Block 1, Circle Fifty Subdivision, to the northeast corner of said Lot 1C-1; thence

Southerly along the east line of said Lot 1C-1, to the southeast corner of said Lot 1C1, which is also a point on the northerly line of Lots 1A and 1B, Block 1, Circle Fifty Subdivision; thence

Easterly along said north line of Lots 1A and 1B, to the northeast corner of said Lot 1B, which is also the northwest corner of Lot 3, Block 1, Circle Fifty Subdivision; thence

Southerly along the west line of said Lot 3, Block 1, to the southwest corner of said Lot 3, which is also the northwest corner of Lot 2A, Block 1, Circle Fifty Subdivision; thence

Easterly on and along the line common to said Lots 3 and 2A, to the northeast corner of Lot 2A, which is also a point on the west right-of-way line of Country Manor Boulevard; thence

Easterly across Country Manor Boulevard to the northwest corner of Lot 5, Block 2, Circle Fifty Subdivision; thence

Continuing easterly on and along the line common to Lots 4 and 5, Block 2, Circle Fifty Subdivision to the northeast corner of said Lot 5, Block 2 which is also a point on the west line of Lot 6A, Block 2, Circle Fifty Subdivision; thence

Northerly on and along the west line of Lot 6A, to the northwest corner of said Lot 6A, Block 2; thence

Easterly on and along the lot lines common to Lots 6A & 6B and to Lots 6C & 6D, Block 2, Circle Fifty Subdivision, to the northeast corner of said Lot 6D; thence

Southerly along the east line of said Lot 6D, to a point which is the northwest corner of Lot 7, Block 2, Circle Fifty Subdivision; thence

Easterly along a line that is the common lot line between Lots 7 and 8, Block 2 Circle Fifty Subdivision to the northeast corner of said Lot 7, which is also a point on the west right-of-way line of 38th Street West; thence

Northerly on and along said westerly right-of-way line of 38th Street West to the northeast corner of Lot 11, Block 2, Circle Fifty Subdivision; thence

Easterly across 38th Street West to the northwest corner of Lot 1A, Block 1 Hancock-Grand Subdivision, which is also a point at the southeast corner of the 38th Street West and Avenue B intersection; thence

Easterly along the south right-of-way of Avenue B, to a point which is the most northerly point of Lot 1A, Block 1, Hancock-Grand Subdivision; thence

Southeasterly along the lot line common to Lot 1A, Block 1 Hancock-Grand Subdivision and Lot 1, Block 4, Village West Subdivision, to the northwest corner of Lot 2, Block 1, Hancock-Grand Subdivision; thence

Easterly along the line that is common to Lot 2, Block 1, Hancock-Grand Subdivision and the south boundary of Block 4, Village West Subdivision, to the northeast corner of Said Lot 2, Block 1, Hancock-Grand Subdivision; thence

South along the east line of said Lot 2, Block 1, Hancock-Grand Subdivision, and the extension of said east line, to a point which is on the centerline of Grand Avenue directly opposite the southeast corner of said Lot 2, Block 1; thence

Westerly along the centerline of Grand Avenue to a point that is south of the southwest corner of Lot 5A-1, Block 1, Goodman Subdivision, 2nd Filing where an extension of the east right-of-way line of 41st Street West intersects said centerline of Grand Avenue; thence

North to the southwest corner of Lot 5A-1, Block 1, Goodman Subdivision 2nd Filing, which is also the Point of Beginning;

Exempting there from all lands which are public street, road, or alley rights-of-way.