

RESOLUTION NO. 04-18178

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 289 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.

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 installing new street lights and securing and 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. 289" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting on Pierce Parkway extending approximately 500 feet south of Zoo Drive, Gabel Road from Zoo Drive to Hesper Road, and Broso Park Drive from Gabel Road to Spring Creek Lane; 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 four (4) 150 watt, and seventeen (17) 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: \$4.34 per 150 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 \$5,356.58; 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 total 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 \$0.00421185 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 \$8,607.38 or approximately \$0.00676780 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. 289 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. 289 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. 289. 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

Charles F. Tooley

ATTEST:

By *Marita Herold*

Marita

Herold,

CMC/AAE

Empire City Clerk

City

Clerk

SILMD # 289
EXHIBIT "A"

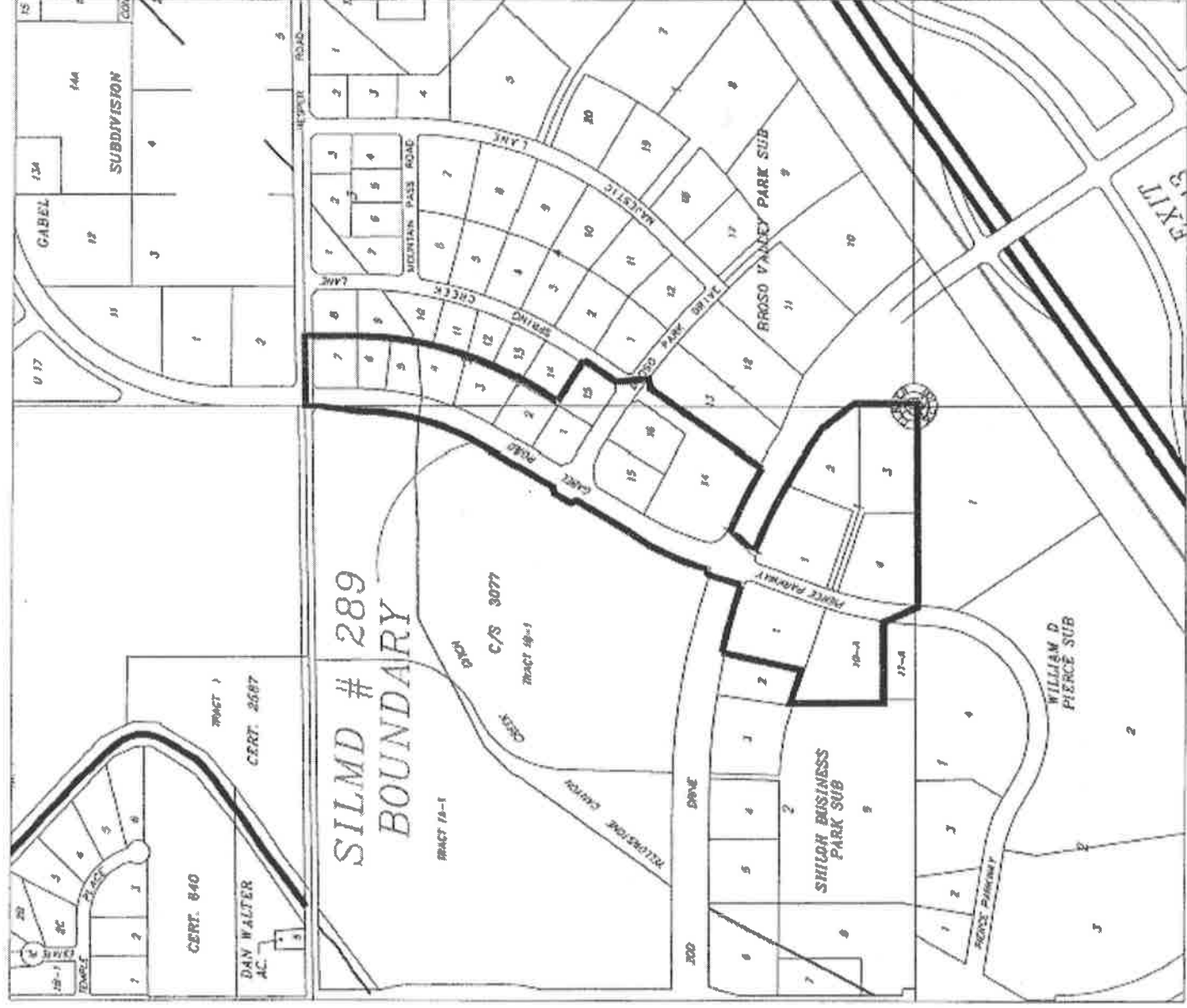


EXHIBIT B

SILMD 289--Ownership and Assessment Data

Tax Code	Owner	Legal Description	Mail-Street	Mail-City State Zip	Assessed Area
C13942	SHILOH 47 LLP	SHILOH BUSINESS PARK SUB AMD 10A 2 AMD LTS 10 & 11	PO BOX 80667	BILLINGS MT 59108-0667	124,843
C13933	SHILOH 47 LLP	SHILOH BUSINESS PARK SUB 1 2	PO BOX 80667	BILLINGS MT 59108-0667	112,733
A30698	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 1 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	37,632
A30699	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 2 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	40,049
A30700	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 3 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	47,602
A30701	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 4 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	39,036
A30702	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 5 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	29,902
A30703	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 6 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	30,597
A30704	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 7 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	35,333
A30712	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 15 2	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	37,076
A30691	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 14 1	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	162,104
A30692	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 15 1	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	57,620
A30693	BROSOVICH, EUGENE A & CAROL C	BROSO VALLEY PARK SUB 16 1	617 HIGHLAND PARK DR	BILLINGS MT 59102-1908	59,122
C13929	SHILOH 47 LLP	SHILOH BUSINESS PARK SUB 1 1	PO BOX 80667	BILLINGS MT 59108-0667	114,563
C13930	SHILOH 47 LLP	SHILOH BUSINESS PARK SUB 2 1	PO BOX 80667	BILLINGS MT 59108-0667	91,650
C13931	SHILOH 47 LLP	SHILOH BUSINESS PARK SUB 3 1	PO BOX 80667	BILLINGS MT 59108-0667	133,773
C13932	SHILOH 47 LLP	SHILOH BUSINESS PARK SUB 4 1	PO BOX 80667	BILLINGS MT 59108-0667	118,178
TOTAL ASSESSED AREA:					1,271,813

Exhibit "C"

SILMD 289 –BOUNDARY DESCRIPTION

Beginning at the southwest corner of Lot 10-A, Block 2, Shiloh Business Park Subdivision;
Thence northerly along the west property line of Lot 10-A, Block 2, Shiloh Business Park Subdivision to the northwestern corner of Lot 10-A, Block 2, Shiloh Business Park Subdivision;
Thence southeasterly along the south property line of Lot 2, Block 2, Shiloh Business Park Subdivision to the southeast corner of Lot 2, Block 2, Shiloh Business Park Subdivision;
Thence northerly along the east property line of Lot 2, Block 2, Shiloh Business Park Subdivision to the northeast corner of Lot 2, Block 2, Shiloh Business Park Subdivision;
Thence easterly along the north property line of Lot 1, Block 2, Shiloh Business Park Subdivision to the northeast corner of Lot 1, Block 2, Shiloh Business Park Subdivision;
Thence northerly across the Zoo Drive Right-Of-Way to the southeast corner of Certificate of Survey 3077, Tract 1B-1;
Thence northerly along the east property line of Certificate of Survey 3077, Tract 1B-1 to the northeastern corner of Certificate of Survey 3077, Tract 1B-1;
Thence easterly across the Gabel Road Right-Of-Way to the northwest corner of Lot 7, Block 2, Broso Valley Park Subdivision;
Thence easterly along the north property line of Lot 7, Block 2, Broso Valley Park Subdivision to the northeast corner of Lot 7, Block 2, Broso Valley Park Subdivision;
Thence southerly along the east property lines of Lots 2, 3, 4, 5, 6, & 7, Block 2, Broso Valley Subdivision to the southeast corner of Lot 2, Block 2, Broso Valley Subdivision;
Thence southeasterly along the north property line of Lot 15, Block 2, Broso Valley Subdivision to the northeast corner of Lot 15, Block 2, Broso Valley Subdivision;
Thence southerly along the east property line of Lot 15, Block 2, Broso Valley Subdivision to the southeast corner of Lot 15, Block 2, Broso Valley Subdivision;
Thence southeasterly across the Broso Park Drive Right-Of-Way to the northeast corner of Lot 14, Block 1, Broso Valley Subdivision;
Thence southwesterly along the east property line of Lot 14, Block 1, Broso Valley Subdivision to the southeast corner of Lot 14, Block 1, Broso Valley Subdivision;
Thence westerly along the south property line of Lot 14, Block 1, Broso Valley Subdivision to the southwest corner of Lot 14, Block 1, Broso Valley Subdivision;
Thence south across the Zoo Drive Right-Of-Way to the northwest corner of Lot 1, Block 1, Shiloh Business Park Subdivision;
Thence southeasterly along the north property lines of Lots 1 & 2, Block 1, Shiloh Business Park Subdivision to the northeast corner of Lot 2, Block 1, Shiloh Business Park Subdivision;
Thence south along the east property line of Lot 3, Block 1, Shiloh Business Park Subdivision to the southeast corner of Lot 3, Block 1, Shiloh Business Park Subdivision;
Thence west along the south property lines of Lots 3 & 4, Block 1, Shiloh Business Park Subdivision to the southwest corner of Lot 4, Block 1, Shiloh Business Park Subdivision;
Thence northwesterly across the Pierce Parkway Right-Of-Way to the southeast corner of Lot 10-A, Block 2, Shiloh Business Park Subdivision;
Thence west along the south property line of Lot 10-A, Block 2, Shiloh Business Park Subdivision to the point of beginning.

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