

RESOLUTION 04-18157

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 288 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF INSTALLING STREET LIGHTS AND SECURING AND PROVIDING ENERGY AND MAINTENANCE OF NEW 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 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. 288" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land in Blocks 55 – 59, Lake Hills Subdivision; all as listed in Exhibit "A" attached hereto, and as shown on the map designated as 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 along and 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 street lights, electrical energy, and maintenance of said street lights.

SECTION 4:

That the general character of the improvements to be made in the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities along and upon portions of the

streets and avenues within the boundaries of the district consisting of forty (40) 100-watt high pressure sodium luminaries mounted at a height of 12 feet. NorthWestern Energy shall own and install said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying materials, installation, electrical energy, and maintenance as follows: \$33.91 per 100 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That NorthWestern Energy shall provide energy and 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 \$18,076.80; 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 based on approximately \$0.013101884 per square foot per year. Due to the difference in time the lighting service starts and the time assessments can be levied, the first assessment may cover a period of operation of the District shorter or greater than one year.

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. 288 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 9th day of August, 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. 288 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. 288. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 12th day of July, 2004.



CITY OF BILLINGS

By Charles F. Tooley  
Mayor

ATTEST:

By Marisa Herold  
Marisa Herold, CMC/AAE City Clerk

*Marisa Herold*

EXHIBIT A  
 Ownership Listing  
 SILMD 288 Wentworth Drive

Lot	Block	Owner	Mailing Address	City, State Zip Code
001	055	MILLER, GREGORY Z & TAMBRA J	371 BURNING TREE DR	BILLINGS MT 59105
002	055	POMROY, STEVEN M & DEBBIE	359 BURNING TREE DR	BILLINGS MT 59105
003	055	BHATTI, BETTY L	3085 MACHADO AVE	SANTA CLARA CA 95051
004	055	KEARNEY, DONALD R & TRACY M	416 TAMARISK DRIVE	BILLINGS MT 59105
005	055	FORSETH, JAMES W & BLAKE F	412 TAMARISK DR	BILLINGS MT 59105
006	055	SCHNEITER ENTERPRISES	2009 BRASSY DR	LAS VEGAS NV 89142
007	055	DEVERNIERO, PAUL T & JEAN	404 TAMARISK DR	BILLINGS MT 59105
008	055	NELSON, GREGORY H & VICKI L	5147 FOREST HILLS DR #+	BILLINGS MT 59101
009	055	STOTT, JAY S & MARSHA M	360 TAMARISK DR	BILLINGS MT 59105
010	055	SOELTER, JOHN R & HEATHER	354 TAMARISK DRIVE	BILLINGS MT 59105
001	056	SULLIVAN, MICHAEL A & JUDITH M TRST	2020 WENTWORTH DR	BILLINGS MT 59105
002	056	CISSELL, JOE B & LAURA L	2026 WENTWORTH DR	BILLINGS MT 59105
003	056	HERMANSON, KEITH A & SHELLY R	2030 WENTWORTH DR	BILLINGS MT 59105
004	056	MCALLISTER, JEFFREY T & MARTA M	622 BETH DR	GREAT FALLS MT 59405
005	056	STONER, JAMES R & ANNETTE K	359 TAMARISK DR	BILLINGS MT 59105
011	056	BOS, KEVIN M & HETHER D	2919 RIMVIEW DR	BILLINGS MT 59102
012	056	BOWERS, GARY W & CYNTHIA A	415 TAMARISK DR	BILLINGS MT 59105
013	056	GILLESPIE, JOHN J & BERNICE A	411 TAMARISK DR	BILLINGS MT 59105
014A	056	WILLIAMS, DANIEL R & LISA M	850 SARGEANT AT ARMS A\	BILLINGS MT 59105
015	056	DAVIS, DOUGLAS L & DEBORAH L	401 TAMARISK DR	BILLINGS MT 59105
001	057	UHLER, CURT V & CHERYL B	1812 WENTWORTH DR	BILLINGS MT 59105
002	057	HOOPER, ROBERT M & TAMARA M	204 WESTLAKE CIR	BILLINGS MT 59105
003	057	WILLIAMSON, TIMOTHY & THERESA	208 WESTLAKE CIR	BILLINGS MT 59105
004	057	JOHNSON, PHIL C & CONNIE I	223 N 15TH ST	BILLINGS MT 59101
005	057	GALLAGHER, FRANK L	176 N L ST	DINUBA CA 93618
006	057	SCHNEITER ENTERPRISES	2009 BRASSY DR	LAS VEGAS NV 89142
007	057	HELGESON, S D & MARY JANE	PO BOX 1332	BILLINGS MT 59103
008	057	HIGGINBOTHAM, JAMES E & DEBURAH R	300 EASTLAKE CIR	BILLINGS MT 59105
009	057	CASE, LARRY V	18121 CAROLYN CIR	VILLA PARK CA 92861
010	057	SCHNEITER ENTERPRISES	2009 BRASSY DR	LAS VEGAS NV 89142
011	057	REED, DAVID K & CYNTHIA D	312 EASTLAKE CIR	BILLINGS MT 59105
012	057	S D HELGESON INC	PO BOX 1332	BILLINGS MT 59103
013	057	GLENN, MICHAEL J & PATRICIA P	43928 FELICITY PL	ASHBURN VA 20147
014	057	KANNEGIESSER, JOHN W & TWYLA J	1122 ERB CIR	BILLINGS MT 59105
015	057	DEVOUS, MICHAEL R & JANET C	1824 WENTWORTH DR	BILLINGS MT 59105
016	057	SCOTT, RANDALL & LYNETTE	1830 WENTWORTH DR	BILLINGS MT 59105
017	057	LUTERBACH, DUANE & PAT	1840 WENTWORTH DR	BILLINGS MT 59105
018	057	HEITZENRATER, ROBERT A & KATHERINE	1844 WENTWORTH DR	BILLINGS MT 59105
019	057	MCBRIDE, SHANE A	1870 WENTWORTH DR	BILLINGS MT 59105
020	057	VIERTHALER, DANIEL T & PATRICIA L	1904 WENTWORTH DR	BILLINGS MT 59105
021	057	CHRISTENSEN, CARL & CINDI	1908 WENTWORTH DR	BILLINGS MT 59105
022A	057	STENBERG, VICKI A	1912 WENTWORTH DR	BILLINGS MT 59105
023A	057	SILVERNAGEL TRUST	PO BOX 50274	BILLINGS MT 59105
024A	057	HOWARD, CHARLES & LORETTA R	3827 WAR BONNET TRL	BILLINGS MT 59102
024B	057	HOWARD, CHARLES R & LORETTA R	3827 WAR BONNET TRL	BILLINGS MT 59102
025	057	FRANK, JEFF & GENIA	1924 WENTWORTH DR	BILLINGS MT 59105
026	057	KLEMMANN, JAMES L & DIANE M	2000 WENTWORTH DR	BILLINGS MT 59105
027	057	CUNNINGHAM, DAVID S & RALNA D	2004 WENTWORTH DR	BILLINGS MT 59105

028	057	HAWS, WILLIAM A & BARBARA A	2010 WENTWORTH DR	BILLINGS MT	59105
029	057	CRAIG, BART & TAMMI	2018 WENTWORTH DR	BILLINGS MT	59105
030	057	SINCLAIR, NORMAN D & ROSELLA M	310 BURNING TREE DR	BILLINGS MT	59105
031	057	MARKOVICH, STEVEN J & JULIE A	322 BURNING TREE DR	BILLINGS MT	59105
032	057	DOLL, DAVID J & SANDY	710 TEPEE TRL	BILLINGS MT	59105
033	057	VICTORINO, MICHAEL J & CYNTHIA A	660 CALERO ST	MILPITAS CA	95035
034	057	AARON JAMES CONSTRUCTION LLP	300 EASTLAKE CIR	BILLINGS MT	59105
035	057	BENNION, JOHN W & MARGARET W	374 BURNING TREE DR	BILLINGS MT	59105
001	058	ROWEN, TODD & TERESA	1817 WENTWORTH DR	BILLINGS MT	59105
002	058	THIRUD, SVEN	706 8TH AVE SE	SIDNEY MT	59270
003	058	COLBY, CURTIS W	1139 CALICO AVE	BILLINGS MT	59105
004	058	SPRATTLER, MARK L & KATHLEEN A	1825 WENTWORTH DR	BILLINGS MT	59105
005A	058	ALBRIGHT, GREGORY A & BONNIE J	1829 WENTWORTH DR	BILLINGS MT	59105
006A	058	SMITH, HOWARD E & MARY ELLEN	1833 WENTWORTH DR	BILLINGS MT	59105
006B	058	LOFFLER JEFF R & KIM M	1837 WENTWORTH DR	BILLINGS MT	59105
007A	058	HANSON, STEVEN D & MARY	1841 WENTWORTH DR	BILLINGS MT	59105
008	058	LOUDAN, TIMOTHY L & KIMBERLY ANN	1845 WENTWORTH DR	BILLINGS MT	59105
009	058	SWENSON, SCOTT & JULIE A	1901 WENTWORTH DR	BILLINGS MT	59105
010	058	HAGER, DWIGHT R & CARLA J	1905 WENTWORTH DR	BILLINGS MT	59105
011	058	UMEMOTO, SHIGEKI & VALERIE L	1909 WENTWORTH DR	BILLINGS MT	59105
012	058	CLARK, NORMAN D &	1913 WENTWORTH DR	BILLINGS MT	59105
013	058	CONOVER, THOMAS R & CONNIE A	7349 HANSEN DR	DUBLIN CA	94568
014	058	MARTZOLF, MARK & CARYL	1921 WENTWORTH DR	BILLINGS MT	59105
015	058	BRUMWELL, J MURRAY & JAN M	2001 WENTWORTH DR	BILLINGS MT	59105
016	058	HARDEN, RICHARD C & LAURA B	2005 WENTWORTH DR	BILLINGS MT	59105
017	058	WALTER, GEORGIA	3650 DECATHLON PKWY AP	BILLINGS MT	59102
018	058	DENNIS, TERRY D &	2013 WENTWORTH DR	BILLINGS MT	59105
019	058	PLOTT, MAURICE L & SANDY K	2017 WENTWORTH DR	BILLINGS MT	59105
020	058	ACEVEDO, ARMANDO A JR &	1550 IRON POINT RD APT+	FOLSOM CA	95630
021	058	FINCH, RANDALL S & LESLIANN	2025 WENTWORTH DR	BILLINGS MT	59105
022	058	VIGUS, KEIP & SANDRA DEE	PO BOX 50356	BILLINGS MT	59105
023	058	SKINNER, KEITH J & LINDA R	1215 MARY ANNE DR	RIVERTON WY	82501
024	058	DURYE, KELLY W & JODEEN R	2037 WENTWORTH DR	BILLINGS MT	59105
025	058	COLLINSON, CHRISTOPHER J & KONNIE J	2101 WENTWORTH DR	BILLINGS MT	59105
026	058	SMYLE, JEROME W II &	2105 WENTWORTH DR	BILLINGS MT	59105
027	058	JACOBSEN, GLENN A & BETSY N	2109 WENTWORTH DR	BILLINGS MT	59105
028	058	MCMANUS, JAMES C & NANCY J O'HARA	1231 GRUBSTAKE CIR	BILLINGS MT	59105
001	059	RUSSELL, MAJEL M &	1816 WENTWORTH DR	BILLINGS MT	59105
002	059	S D HELGESON INC	PO BOX 1332	BILLINGS MT	59103
003	059	STANLEY, MERRILL S & KIMBERLY L	209 WESTLAKE CIR	BILLINGS MT	59105
004	059	PATTON, PERRY D & SANDRA L	213 WESTLAKE CIR	BILLINGS MT	59105
005	059	FINNEGAN, SHAWN P & NATALIE J	217 WESTLAKE CIR	BILLINGS MT	59105
006	059	BERUMEN, ANTHONY E	305 EASTLAKE CIR	BILLINGS MT	59105
007	059	RAMAGE, KATHRYN A	309 EASTLAKE CIR	BILLINGS MT	59105
008	059	SCHUH, WILL E & ARLENE E TRUSTEES	313 EASTLAKE CIR	BILLINGS MT	59105
009	059	S D HELGESON INC A MT CORPORATION	PO BOX 1332	BILLINGS MT	59103
010	059	ST JOHN, RICHARD W & CHERYL J	1820 WENTWORTH DR	BILLINGS MT	59105

**Exhibit B  
SILMD 288  
Wentworth Drive**



## EXHIBIT C

### SILMD 288 DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point, which is the east corner of Lot 1, Block 58, Lake Hills Subdivision;

thence, from said point of beginning, S 82°30'00" W a distance of 173.27 feet to the southwest corner of said Lot 1, Lake Hills Subdivision;

thence southerly across the Wentworth Drive right-of-way to the south corner of Lot 1, Block 57, Lake Hills Subdivision;

thence N 50°00'00" W a distance of 574.87 feet to the southwest corner of Lot 5, Block 57, Lake Hills Subdivision;

thence N 20°00'00" W a distance of 155.41 feet to the west corner of Lot 6, Block 57, Lake Hills Subdivision;

thence N 10°00'00" E a distance of 155.41 feet to the west corner of Lot 7, Block 57, Lake Hills Subdivision;

thence N 40°00'00" E a distance of 77.71 feet to the northwest corner of said Lot 7, Lake Hills Subdivision;

thence N 40°00'00" E a distance of 104.12 feet to the north corner of Lot 8, Block 57, Lake Hills Subdivision;

thence N 79°30'00" E a distance of 358.51 feet to the inside corner of Lot 21, Block 57, Lake Hills Subdivision;

thence N 2°30'00" E a distance of 78.10 feet to the northwest corner of said Lot 21, Lake Hills Subdivision;

thence N 20°00'00" W a distance of 510.44 feet to the west corner of Lot 26, Block 57, Lake Hills Subdivision;

thence N 42°00'00" W a distance of 277.87 feet to the southwest corner of Lot 28, Block 57, Lake Hills Subdivision;

thence N 30°00'00" W a distance of 53.65 feet to the west corner of said Lot 28, Lake Hills Subdivision;

thence S 48°00'00" W a distance of 754.74 feet to the southwest corner of Lot 35, Block 57, Lake Hills Subdivision;

thence N 42°00'00" W a distance of 164.70 feet;

thence N 1°00'00" E a distance of 171.31 feet to the west corner of Lot 1, Block 55, Lake Hills Subdivision;

thence N 48°00'00" E a distance of 106.57 feet to a corner of said Lot 1, Lake Hills Subdivision, which is common to a point on the southwest lot line of Lot 2, Block 55, Lake Hills Subdivision;

thence N 30°00'00" W a distance of 151.34 feet to the northwest corner of Lot 3, Block 55, Lake Hills Subdivision;

thence N 1°00'00" E a distance of 533.20 feet to the northern most corner of Lot 7, Block 55, Lake Hills Subdivision;

thence N 48°00'00" E a distance of 281.04 feet to a point on the northerly lot line of Lot 9, Block 55, Lake Hills Subdivision;

thence N 60°00'00" E a distance of 150.48 feet to the north corner of Lot 10, Block 55, Lake Hills Subdivision;

thence northerly across the Wentworth Drive right-of-way to the northerly most corner of Lot 28, Block 58, Lake Hills Subdivision;

thence S 56°57'00" E a distance of 134.15 feet to the east corner of said Lot 28, Lake Hills Subdivision;

thence S 6°30'00" W a distance of 330.00 feet to the east corner of Lot 26, Block 58, Lake Hills Subdivision;

thence S 30°00'00" E a distance of 840.00 feet to the east corner of Lot 19, Block 58, Lake Hills Subdivision;  
thence S 30°00'00" E a distance of 22.12 feet to a point on the northeast lot line of said Lot 18, Lake Hills Subdivision;  
thence S 42°00'00" E a distance of 304.65 feet to a point on the northeast lot line of said Lot 16, Block 58, Lake Hills Subdivision;  
thence S 20°00'00" E a distance of 733.86 feet to the inside corner of Lot 10, Block 58, Lake Hills Subdivision;  
thence S 50°00'00" E a distance of 371.10 feet to the east corner of Lot 7A, Block 58, Lake Hills Subdivision;  
thence S 20°00'00" E a distance of 171.49 feet to the east corner of Lot 6B, Block 58, Lake Hills Subdivision;  
thence S 10°00'00" W a distance of 171.49 feet to the southeast corner of Lot 5A, Block 58, Lake Hills Subdivision;  
thence S 40°00'00" W a distance of 210.19 feet to the southeasterly corner of Lot 4, Block 58, Lake Hills Subdivision;  
thence S 82°30'00" W a distance of 280.47 feet to the east corner of Lot 1, Block 58, Lake Hills Subdivision, the point of beginning.