

RESOLUTION 21-10924

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 330 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF MAINTAINING THE STREET LIGHTING FIXTURES AND FACILITIES WITHIN THE DISTRICT AND SUPPLYING ELECTRICAL CURRENT THEREFOR; DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, GENERALLY DESCRIBING THE MAINTENANCE TO BE UNDERTAKEN, PROVIDING AN INITIAL ESTIMATE OF COSTS AND EXPENSES AND DESCRIBING THE METHOD OF ASSESSING SUCH COSTS AND EXPENSES; AND, IN THE EVENT THE DISTRICT IS CREATED, AMMENDING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 280 OF THE CITY OF BILLINGS, MONTANA

BE IT RESOLVED by the City Council of the City of Billings, Montana (the "City"), as follows:

SECTION 1: The City Council of the City has determined that the public interest and convenience require, and it is deemed necessary to create, a Special Improvement Lighting Maintenance District pursuant to Montana Code Annotated, Title 7, Chapter 12, Part 43, for the purpose of maintaining the street lighting fixtures and facilities within the proposed district, supplying electrical current therefor, and assessing the costs and expenses thereof against the lots and parcels of land within the proposed district. The intention of the City Council to create the proposed district, as hereinafter more particularly described, is hereby declared.

SECTION 2: The proposed Special Improvement Lighting Maintenance District shall be known and designated as "Special Improvement Lighting Maintenance District No. 330" (hereinafter called the "District"), and the boundaries of the District are hereby declared to include the lots and parcels of land directly abutting South 32nd Street West between King Avenue West and Conrad Road, as shown on the map included as Exhibit A attached hereto and as described in Exhibit B attached hereto.

The District includes the lots and parcels of land within an existing Special Improvement Lighting Maintenance District designated as "Special Improvement Lighting Maintenance District No. 280 (hereinafter called the "Existing District"), as described in Exhibit C attached hereto. If the District is created, the Existing District shall be amended to remove said parcels as of the first fiscal year in which assessments are levied with respect to the District.

SECTION 3: The general character of the maintenance to be undertaken within the District is hereby declared to be as follows: (i) maintenance of the street lighting fixtures and facilities, currently consisting of 37 LED luminaires (11 of which are to be removed from their current SILMD and retrofitted with LED luminaires) mounted on steel poles, underground wiring and associated appurtenances and equipment, and (ii)

supplying electrical current therefor. The City shall own all such street lighting fixtures and facilities. Notwithstanding anything herein to the contrary, maintenance, for purposes of the District, includes routine maintenance, major maintenance and replacement of obsolete, damaged or worn-out street lighting fixtures and facilities.

SECTION 4: The City hereby finds, determines and declares that each of the lots and parcels of land within the District will be specially benefited and affected by the street lighting fixtures and facilities within the District, and that all of the lots and parcels of land within the District are hereby declared to be the lots and parcels of land to be assessed for the costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor, as further described in Section 6 below.

SECTION 5: That pursuant to Section 7-12-4327 M.C.A., the City of Billings intends to assess properties outside of, but contiguous to, the city limits of the City of Billings for a portion of the costs of the District.

SECTION 6: The City estimates that the aggregate costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor are \$7,500 for the first year, which amount includes \$5.66 per unit per month for electrical current. It is expected that such costs and expenses will vary from year to year and will generally increase over time. Each year the City Council shall adopt a resolution estimating such costs and expenses and may adjust annual assessment amounts in accordance with Section 7-12-4332, M.C.A. Such costs and expenses may include amounts for the accumulation of maintenance reserves. The cost of the original installation of the street lighting fixtures and facilities will be paid for by the City and will not be included in the costs and expenses assessed against the lots and parcels of land within the District.

SECTION 7: All costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor shall be assessed against the lots and parcels of land within the District, as listed in Exhibit D attached hereto in accordance with Section 7-12-4324, M.C.A., with each such lot or parcel of land to be assessed such portion of the aggregate costs and expenses as its lineal frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. Estimated assessments for the first year is approximately \$0.891456 per lineal foot of property frontage, as set forth on Exhibit D attached hereto.

SECTION 8: All monies derived from the collection of the assessments described in Section 6 above shall be paid into a fund to be known as "Special Lighting Maintenance District No. 330 Maintenance Fund." Amounts in the Special Lighting District No. 330 Maintenance Fund will be used to pay the costs and expenses of maintaining the street lighting fixtures and facilities and supplying electrical current therefor, and for no other purpose.

SECTION 9: That on the 8th day of March, 2021, at 5:30 o'clock p.m., via a virtual videoconferencing environment, the City Council intends to create the District and will hear protests against the proposed maintenance, the costs and expenses thereof and the extent and creation of the District to be assessed therefor, at said time and place, by any person, firm or corporation owning property within the District who has filed a written protest with the City Clerk of the City within fifteen (15) days after the date on which the notice of the passage of this Resolution of Intention is first published in the *Yellowstone County News*.

SECTION 10: That the City Clerk is hereby authorized and directed to publish a copy of the notice of the passage of this Resolution twice in the *Yellowstone County News*, a weekly newspaper published and circulated in the City, and to mail a copy of said notice to every person, firm or corporation owning property within the District. Said notice is to be mailed on the same date as it is first published.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 8th day of February, 2021.



CITY OF BILLINGS:







BY: William A. Cole
William A. Cole, Mayor

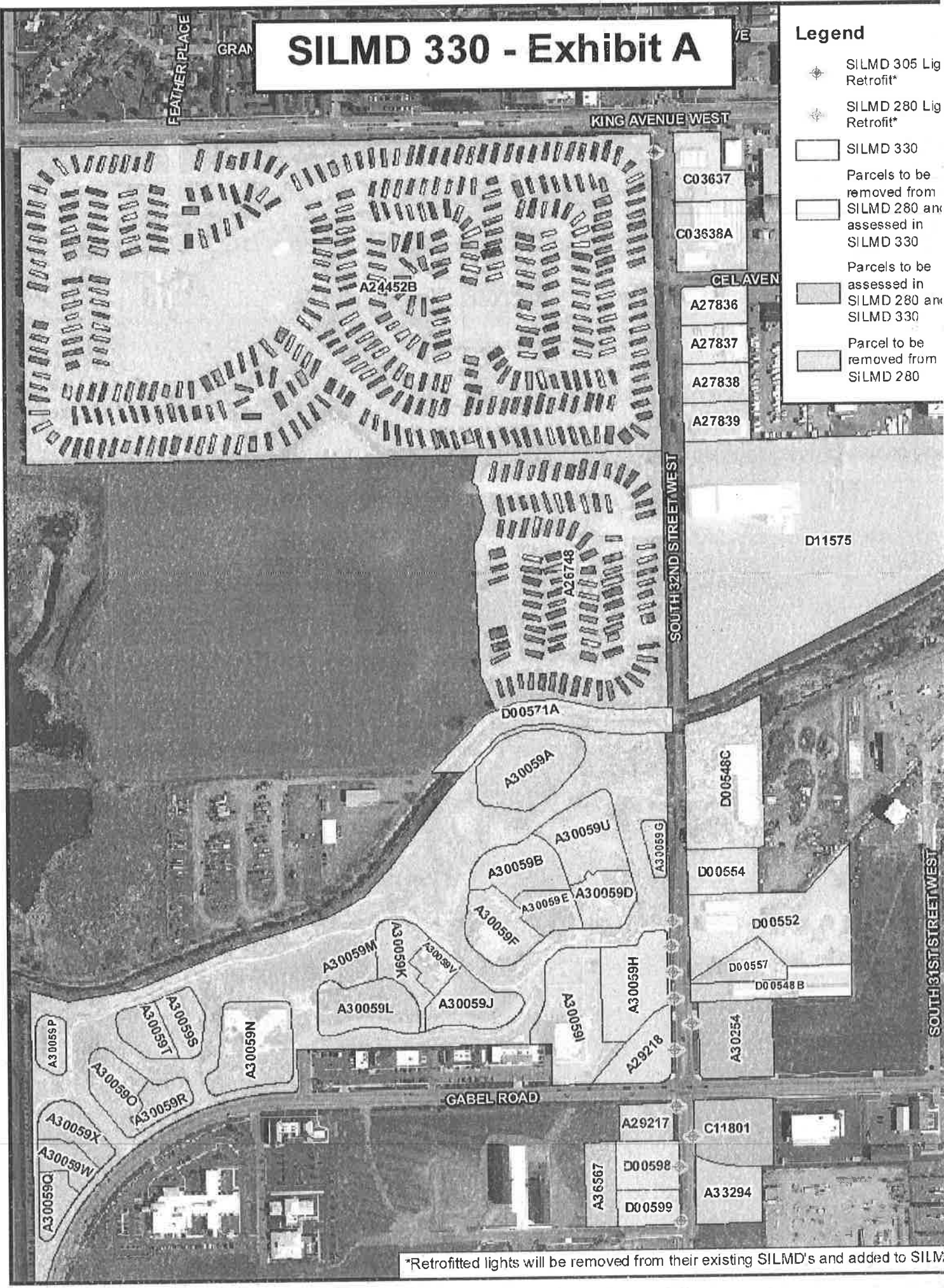
ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

SILMD 330 - Exhibit A

Legend

-  SILMD 305 Lig Retrofit*
-  SILMD 280 Lig Retrofit*
-  SILMD 330
-  Parcels to be removed from SILMD 280 and assessed in SILMD 330
-  Parcels to be assessed in SILMD 280 and SILMD 330
-  Parcel to be removed from SILMD 280



*Retrofitted lights will be removed from their existing SILMD's and added to SILMD

EXHIBIT "B"

SILMD 330 – DISTRICT DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of South 32nd Street West between King Avenue West and Transtech Way in Yellowstone County, Montana. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

Tract 1C2, Amended Tract 1C of Amended Tract 1A of Certificate of Survey 1479, as recorded April 7, 1993, under Document Number 1678304 & Tract 1D, Amended Tract 1A of Certificate of Survey 1479, as recorded October 16, 1985, under Document Number 1368804;

Tract 1-B, Certificate of Survey 1479, as recorded December 6, 1974;

Lots 4A, 4B & 4C, Studer Acreage Tracts Subdivision Amended, as recorded June 19, 1992, under Document Number 1640442;

Lot 4D1, Studer Acreage Tracts Subdivision Amended, as recorded August 31, 2005, under Document Number 3346320;

Tract 7A, Amended Tract 7 Certificate of Survey 2548, as recorded April 10, 2001, under Document Number 3124342;

Tract 1, Certificate of Survey 2206, as recorded October 3, 1983, under Document Number 1282356;

Lot 3, Certificate of Survey 1445, as recorded July 12, 1974, under Document Number 967390;

Tracts 1 & 2, Certificate of Survey 3208, as recorded September 28, 2004, under Document Number 3306292;

Tract 2, Certificate of Survey 2963, as recorded May 14, 1998, under Document Number 3003488;

Lot 1, Block 1, Gabel Road Commercial Center Subdivision, as recorded September 16, 2002, under Document Number 3191800;

Lot 1A, Block 1A of Amended Plat of Blocks 1, 2, 3, & 4 of Tierra Yellowstone Industrial Park Subdivision, as recorded December 05, 2008, under Document Number 3488423;

A portion of Lot 1, Block 6, Tierra Yellowstone Industrial Park Subdivision, 2nd Filing, as recorded February 01, 2006, under Document Number 3365681, being the north 267.1 feet there of;

Tract 24A and Tract 23A, Amended Tracts 22, 23, & 24 of Certificate of Survey 1147, as recorded April 07, 2017, under Document Number 3810510;

Lot 19A, Block 1, Plat of Amended Lots 18 and 19, Block 1, Gabel Subdivision, 2nd Filing, as recorded October 25, 2006, under Document Number 3398224;

Lot 1A, Amended Plat of Lot 1, Block 2, Gabel Subdivision, 2nd Filing, as recorded July 12, 2004, under Document Number 3296023;

Lot 1A2, Block 1, Transtech Center Subdivision 3rd Amended, as recorded September 16, 2016, under Document Number 3789691;

Tract 3B, Amended Tracts 3 and 4 of Certificate of Survey 1349, as recorded December 3, 1985, under Document Number 1374008;

Lot 1, Block 1, Willow Bend Subdivision 1st Filing, as recorded December 18, 1985, under Document Number 1375833;

Lots 1 & 2, Block 1, Golden Meadows Subdivision 1st Filing, as recorded April 17, 1979, under Document Number 1125487, Lot 3, Block 1, Golden Meadows Subdivision 2nd Filing, as recorded August 4, 1982 under Document Number 1236651, and Lot 4, Block 1, Golden Meadows Subdivision 3rd Filing, as recorded on February 8, 1985 under Document Number 1339536;

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

TAX ID	Owner/Name	ShortLegalDescription	Frontage	Lineal Estimate
A244528	MACDONALD, GREGORY C	GOLDEN MEADOWS SUBD 3RD FILING, S14, T01 S, R25 E, BLOCK 1, Lot 4 & L15 1-2, BLK 1 GOLDEN MEADOWS SUB 1ST & LT 3 BLK 1 GOLDEN MEADOWS SUB 2ND (06)	1291	\$1,151.24
A26748	MACDONALD, GREGORY C	WILLOW BEND SUBD 1ST FILING, S14, T01 S, R25 E, BLOCK 1, Lot 1	1049	\$935.57
A27336	FRANK, GEORGE	STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4A, AMD	158	\$140.70
A27337	FRANK, GEORGE	STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4B, AMD	158	\$140.65
A27338	FRANK, GEORGE	STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4C, AMD	158	\$140.65
A27339	FRANK, GEORGE	STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4D, AMD(06)	150	\$140.65
A29217	BOTTRELL FAMILY INVESTMENTS LP	GABEL SUBD 2ND FILING, S14, T01 S, R25 E, BLOCK 2, Lot 1A, 59156 SQUARE FEET	326	\$290.81
A29218	BOTTRELL FAMILY INVESTMENTS LP	GABEL SUBD 2ND FILING, S14, T01 S, R25 E, BLOCK 2, Lot 1A, 59156 SQUARE FEET	326	\$290.81
A30059M	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, MASTIFF C&D LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	81	\$71.78
A30059A	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 8.44% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	51	\$45.59
A30059B	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	36	\$33.85
A30059D	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	28	\$25.26
A30059E	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	50	\$44.57
A30059F	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	14	\$12.16
A30059G	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	71	\$62.94
A30059H	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	95	\$84.88
A30059I	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	31	\$45.33
A30059K	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	38	\$34.28
A30059L	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	60	\$53.07
A30059M	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	79	\$70.00
A30059N	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	38	\$33.77
A30059P	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	20	\$17.61
A30059Q	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	24	\$21.29
A30059R	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	23	\$20.84
A30059S	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	29	\$25.52
A30059T	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	29	\$25.43
A30059U	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	63	\$56.30
A30059V	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	19	\$17.27
A30059W	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	23	\$20.67
A30059X	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 3.98% COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	32	\$28.32
A30254	TGC LP	GABEL ROAD COMMERCIAL CENTER SUBD, S13, T01 S, R25 E, BLOCK 1, Lot 1	312	\$278.02
A33294	INVESTMENT PROPERTIES FINANCE GROUP LLC	TERRA YELLOWSTONE INDUSTRIAL PARK SUB 2ND FL, S13, T01 S, R25 E, BLOCK 6, Lot 1	267	\$238.07
C03637	PARK STREET HOLDINGS LLC	TERRA YELLOWSTONE IND SUBD, S13, T01 S, R25 E, BLOCK 1A, Lot 1A, AMD (09)	285	\$253.92
C03638A	GREGSBY CORPORATION	S13, T01 S, R25 E, C.O.S. 1479, PARCEL 1G2, & TR LD AMD (06)	285	\$253.88
C11801	COPPER KING RESOURCES INC	S13, T01 S, R25 E, C.O.S. 1479, PARCEL 1B	227	\$202.14
D00548B	MCKNIRE, DENNIS M & MICHELLE N	TERRA YELLOWSTONE IND SUBD, S13, T01 S, R25 E, BLOCK 1A, Lot 1A, AMD (09)	78	\$69.68
D00548C	ALBRECHT, DAVID & ANIQUE	S13, T01 S, R25 E, C.O.S. 2206, PARCEL 1, (MORTGAGE SURVEY 12)	509	\$453.68
D00552	KING AVENUE PROPERTIES LLP	S13, T01 S, R25 E, C.O.S. 3208, PARCEL 1, (05)	352	\$313.59
D00554	KING AVENUE PROPERTIES LLP	S13, T01 S, R25 E, C.O.S. 1445, PARCEL 2	184	\$164.23
D00557	MCKNIRE, DENNIS MICHAEL & (ETAL)	S13, T01 S, R25 E, C.O.S. 3208, PARCEL 2, (05)	7	\$6.12
D00571A	MACDONALD, GREGORY C	S14, T01 S, R25 E, C.O.S. 1349, PARCEL 3B, AMND (BWMV CANAL EASEMENT)	100	\$89.15
D00598	RED LODGE INVESTMENT LLC	S14, T01 S, R25 E, C.O.S. 1147, PARCEL 23A, AMD TRS 22-24 (18)	200	\$178.29
D00599	RED LODGE INVESTMENT LLC	S14, T01 S, R25 E, C.O.S. 1147, PARCEL 24A, AMD TRS 22-24 (18)	143	\$127.82
D11575	FOOD SERVICES OF AMERICA INC	S13, T01 S, R25 E, C.O.S. 2548, PARCEL 7A, AMND TR 7 22 629 AC (02)	1062	\$946.54

Lineal Cost \$ 0.891456

8413 \$ 7,500.00

TAX ID	OwnerName	Current Short Legal Description	Previous Short Legal Description
A39218	BOTTRELL FAMILY INVESTMENTS LP	GABEL SUBD 2ND HLING, S14, T01 S, R25 E, BLOCK 2, Lot 1A, 59155 SQUARE FEET	
A300594	BOTTRELL FAMILY INVESTMENTS LP	TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 8A, 7,499 COMMON AREA INTEREST, LOC @ LT 1A2, BLK 1 TRANSTECH CTR SUB 3RD AMD	S14, T01 S, R25 E, C.O.S. 1147 PARCEL 24
D00598	RED LODGE INVESTMENT LLC	S14, T01 S, R25 E, C.O.S. 1147, PARCEL 23A, AMD TRS 22-24 (18)	S14, T01 S, R25 E, C.O.S. 1147, PARCEL 24
D00599	RED LODGE INVESTMENT LLC	S14, T01 S, R25 E, C.O.S. 1147, PARCEL 24A, AMD TRS 22-24 (18)	S14, T01 S, R25 E, C.O.S. 1147, PARCEL 22A, AMD TRS 22-24 (18)
A36567	RED LODGE INVESTMENT LLC	TERRA YELLOWSTONE SUB (18), S14, T01 S, R25 E, BLOCK 1, Lot 1	