

RESOLUTION NO. 11-19043

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE AN EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING THE PARK LAND IN YELLOWSTONE CLUB ESTATES.

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

Section 1. Proposed Extended Park Maintenance District; Intention To Create Park Maintenance District. The City proposes to maintain certain park improvements to benefit certain property located in the City of Billings, Montana. Improvements consist of **the park improvements to be installed as part of Special Improvement District No. 1392**, as more particularly described in Section 5. It is the intention of the Billings City Council to create and establish in the City under Montana Code annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, a park maintenance district (the "Park Maintenance District") for the purpose of financing the maintenance costs for the park landscaping and other improvements portion of the improvements made in Yellowstone Club Estates. The estimated annual costs for the maintenance of the park improvements to be set by Resolution of the Council each year.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as the Extended Park Maintenance District No. **4040** of the City of Billings, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as "Exhibit A" hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on "Exhibit B" hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on "Exhibit C" hereto.

Section 4. Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits "A" and "C" are hereby declared to be the Extended Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the Park Improvements, and will be assessed for **a portion of the** costs of the maintenance as described in Section 1.

Section 5. General Character of the Improvements to be Maintained. The general character of the Improvements to be maintained is as follows: **landscaping, trees, shrubs, turf grass, native vegetation, trails, sidewalk, irrigation systems, irrigation system water services, drainage ways, weed control, pest control, shelter, playground and equipment and other park equipment and public area improvements installed by the Parks and Recreation Department and/or as part of Special Improvement District No. 1392.**

Section 6. Assessment Methods; Property To Be Assessed. All properties within the District are to be assessed for a portion of the costs of maintaining the Park Improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Landscape Improvements, based on the equal amount method of assessment described in Section 7-12-4162 through 7-12-4165, M.C.A., as particularly applied and set forth herein.

Section 7. Equal Amount. All properties in the District will be assessed for their proportionate share of the costs of maintaining the Park Improvements. For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, the Engineer has determined that each lot, tract, or parcel of land shall equally bear the costs of the park maintenance. The total number of lots, tracts, or parcels of land in the District to be assessed is 386. The costs of maintaining the Improvements per lot, tract, or parcel of land for the first year shall be \$ 66.3860 per lot, tract, or parcel of land as shown in Exhibit "C" (which is hereby incorporated herein and made a part hereof).

Section 8. Payment of Assessments. The assessments for the costs of maintaining the Park Improvements shall be payable, as prescribed in Section 7-12-4162 through 7-12-4165, M.C.A.

Section 9. Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the proposed Extended District subject to assessment and taxation for the cost and expense of maintaining the Park Improvements may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (**April 15, 2011**), written protest against the proposed Special Improvement Maintenance District, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Monday, **April 25, 2011**, at 6:30 p.m., in the Council Chambers, located on the Second Floor of the Police Facility at 220 North 27th Street, in Billings, Montana.

Section 10. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution in the Billings Times, a newspaper of general circulation in the county on **March 31 and April 7, 2011**, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said Notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the Extended District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **28TH day of March, 2011.**



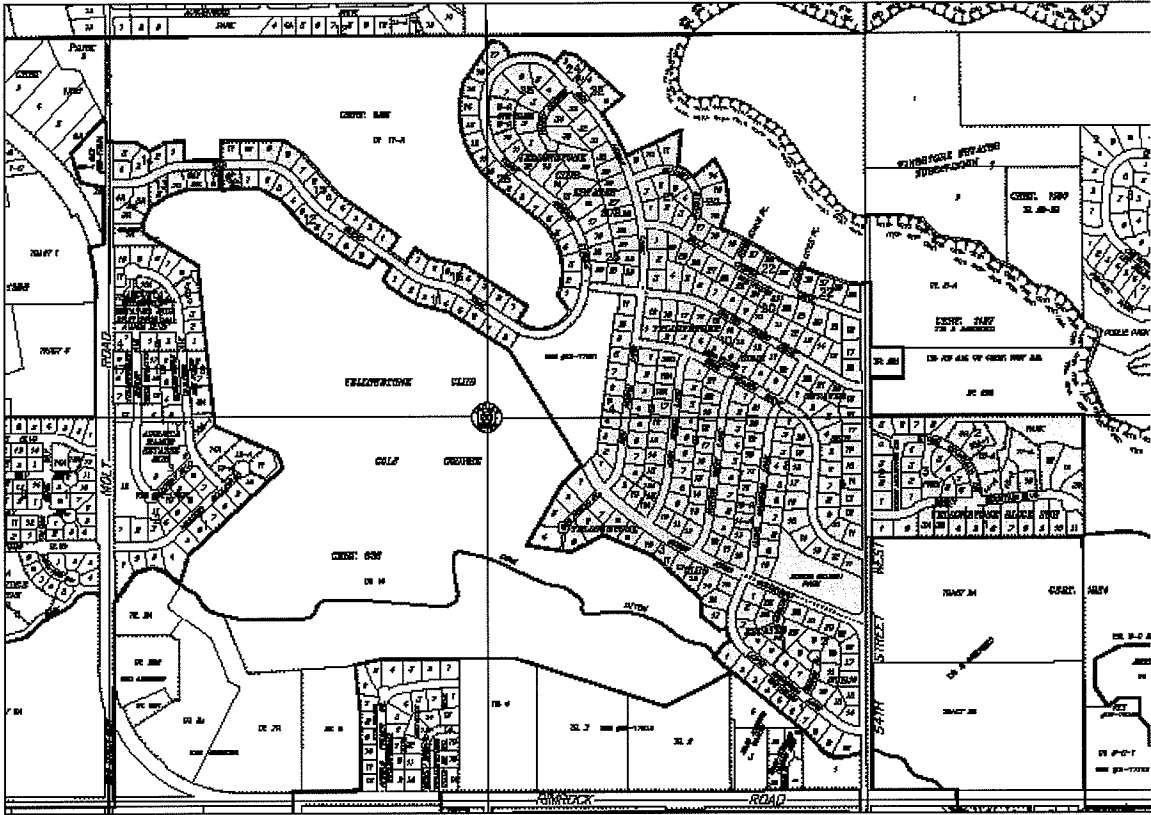
THE CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel, MAYOR

ATTEST:

BY: Cari Martin
Cari Martin, CITY CLERK

PMD 4040 EXHIBIT "A"



PMD 4040 EXHIBIT B

Yellowstone Club Estates 1st Filing, Recorded August 8, 1960, under Document No. 646375;

Yellowstone Club Estates 2nd Filing, Recorded August 8, 1960, under Document No. 646376;

Lots 14-A & 15-A, Block 7 of Amended Lots 14 & 15, Block 7, Yellowstone Club Estates 2nd Filing, Recorded September 6, 1979, under Document No. 1140959;

Lots 18A, 19A & 20A, Block 5 of Amended Plat of Lots 18, 19 & 20, Block 5, Yellowstone Club Estates 2nd Filing, Recorded September 10, 1982, under Document No. 1239812;

Lots 11A & 12A, Block 5 of Amended Plat of Lots 11 & 12, Block 5, Yellowstone Club Estates 2nd Filing, Recorded April 18, 1985, under Document No. 1347440;

Yellowstone Club Estates 3rd Filing, Recorded August 8, 1960, under Document No. 646377;

Yellowstone Club Estates 4th Filing, Recorded August 8, 1960, under Document No. 646378;

Lots 7-A & 8-A-1, Block 13 of Amended Lots 7 & 8-A, Block 13, Yellowstone Club Estates 4th Filing, Recorded May 2, 1986, under Document No. 1391518;

Lots 3-A, 4-A & 5-A, Block 13 of Amended Plat of Lots 3, 4 & 5, Block 13 of, Yellowstone Club Estates 4th Filing, Recorded May 2, 1986, under Document No. 1391519;

Lot 1A, Block 13 of Amended Plat of Lots 1 and 2, Block 13 and Portions of Vacated Spalding Avenue, Yellowstone Club Estates 5th Filing, Recorded October 27, 2004, under Document No. 3309614;

Yellowstone Club Estates 6th Filing, Recorded September 10, 1965, under Document No. 762216, Records of Yellowstone County;

Lots 8-A & 9-A, Block 25 of Amended Lot 8 and 9, Block 25, Yellowstone Club Estates 6th Filing, Recorded June 2, 2005, under Document No. 3335181;

Yellowstone Ridge Subdivision, Recorded May 14, 2003, under Document No. 3230262, Records of Yellowstone County;

Lots 14-A, 15-A & 17-A, Block 2 of Amended Plat of Lots 13, 14, 15 & 17, Block 2, Yellowstone Ridge Subdivision, Recorded October 10, 2006, under Document No. 3396131;

Lots 3A, & 3B, Block 1 of Amended Plat of Lot 3, Block 1, Yellowstone Ridge Subdivision, Recorded February 8, 2007, under Document No. 3410474;

Lot 12-A, Block 2 of Amended Plat of Lots 10, 11 & 12, Block 2, Yellowstone Ridge Subdivision, Recorded June 25, 2007, under Document No. 3427850;

Lots 9A & 10A-1, Block 2 of Amended Plat of Lots 9 & 10-A, Block 2, Yellowstone Ridge Subdivision, Recorded June 10, 2010, under Document No. 3552311;

Tract 10A of Amended Tract 10, Certificate of Survey No. 836, Recorded September 13, 1983, under Document No. 1279839;

Tract 2B1 of Amended Tract 2B, Certificate of Survey No. 1197 Amended, Recorded July 23, 1990, under Document No. 1566690.

All documents on file with the Records of Yellowstone County.

EXHIBIT "C"

ESTIMATE OF PROBABLE COST PARK MAINTENANCE DISTRICT NO. - 4040

Yellowstone Family Park EXTENDED PARK MAINTENANCE DISTRICT

1. **The District will be to maintain existing and future park improvements in Yellowstone Club Estates. The park, as shown on attached Exhibit "A" will be constructed as part of Special Improvement District No.1392.**
2. **The costs to create the maintenance district are estimated to be \$600.00.**
3. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$ 25,625.00. The first year's assessment is estimated as follows:

<i>Account Description</i>	<i>Proposed Budget</i>
• Parks Charges for Services: 260 hrs. @ \$38.20/hr. (Salary, Wages, Incl. Supplies & Materials, & Equipment per Hour Rate)	9,550.00
• Electricity	160.00
• Water	10,160.00
• Ground maintenance	560.00
• Other service/finance charges	580.00
• Special Assessments	1,015.00
Operation Total	\$22,025.00
Fund Reserve	\$3,000.00
Maintenance District Creation Costs	\$600.00
Yellowstone Family Park – Total	\$ 25,625.00

4. Total lots, tracts or parcels of land is as follows:

Yellowstone Family Park

A30735	C03221	C03269	C03289	C03329	C03361	C05713	C05762
A30736	C03222	C03270	C03290	C03330	C03362	C05714	C05763
A30737	C03223	C03271	C03290A	C03331	C03363	C05715	C05764
A30737A	C03224	C03272	C03290B	C03331A	C03364	C05716	C05765
A30738	C03225	C03273	C03291	C03331B	C03367	C05717	C05766
A30739	C03226	C03274	C03291A	C03332	C03373	C05718	C05767
A30740	C03227	C03275	C03291B	C03332A	C03373A	C05719	C05768
A30741	C03228	C03276	C03292	C03332B	C03373B	C05720	C05769
A30742	C03229	C03276A	C03292A	C03333	C03373C	C05721	C05770
A30743	C03230	C03276B	C03292B	C03333A	C03373D	C05722	C05771
A30744	C03231	C03277	C03293	C03334	C03374	C05723	C05772
A30745	C03232	C03277A	C03293A	C03335	C03374A	C05724	C05773
A30746	C03233	C03277B	C03294	C03336	C03374B	C05725	C05774
A30747	C03234	C03278	C03295	C03337	C03374C	C05726	C05775
A30748	C03235	C03278A	C03296	C03338	C03375	C05727	C05776
A30749	C03236	C03278B	C03297	C03339	C03376	C05728	C05777
A30750	C03237	C03279	C03298	C03340	C03377	C05729	C05778
A30751	C03238	C03279A	C03299	C03340A	C03377A	C05730	C05779
A30752	C03239	C03279B	C03300	C03340B	C03377B	C05731	C05780
A30753	C03240	C03280	C03301	C03340C	C03377C	C05732	C05781
A30754	C03241	C03280A	C03302	C03341	C03377D	C05733	C05782
A30755	C03242	C03280B	C03303	C03341A	C03378	C05734	C05783
A30757	C03243	C03280C	C03304	C03341B	C03379	C05735	C05784
A30759	C03244	C03281	C03305	C03342	C03380	C05736	C05785
A30760	C03245	C03281A	C03306	C03343	C03381	C05737	C05786
A30761	C03246	C03281B	C03307	C03343A	C03381A	C05738	C05787
A30762	C03247	C03281C	C03308	C03344	C03382	C05739	C05788
A30763	C03248	C03282	C03309	C03345	C03383	C05740	C05789
A30764	C03249	C03282A	C03310	C03345A	C05693	C05741	C05790
A30765	C03250	C03282B	C03311	C03345B	C05694	C05742	C05791
A30766	C03251	C03283	C03312	C03346	C05695	C05743	C05792
A30767	C03252	C03283A	C03313	C03346A	C05696	C05744	C05793
A30768	C03253	C03283B	C03314	C03346B	C05697	C05745	C05794
A30769	C03254	C03284	C03315	C03347	C05698	C05746	C05795
A30770	C03255	C03284A	C03316	C03348	C05699	C05747	C05796
A30771	C03256	C03284B	C03317	C03349	C05700	C05748	C05797
A30772	C03257	C03285	C03318	C03350	C05701	C05749	C05798
A30773	C03258	C03285A	C03319	C03350A	C05702	C05750	C05799
A30774	C03259	C03285B	C03320	C03351	C05703	C05751	C05800

C03212	C03260	C03286	C03321	C03352	C05704	C05752	C05801
C03213	C03261	C03286A	C03322	C03353	C05705	C05753	C11621
C03214	C03262	C03286B	C03323	C03354	C05706	C05754	C11622
C03215	C03263	C03287	C03323A	C03355	C05707	C05755	C11623
C03216	C03264	C03287A	C03324	C03356	C05708	C05756	C11624
C03217	C03265	C03287B	C03325	C03357	C05709	C05758	C11625
C03218	C03266	C03288	C03326	C03358	C05710	C05759	C11626
C03219	C03267	C03288A	C03327	C03359	C05711	C05760	C11627
C03220	C03268	C03288B	C03328	C03360	C05712	C05761	C11628
D04629B	D04645A						

Total Lots, Tracts, or Parcels of Land in Park Maintenance District: **386 lots, tracts, or parcels of land**

- Estimated annual maintenance assessment per lot, tract, or parcel of land for the first year:

Cost per lot, tract, or parcel of land = $\$25,625 / 386 = \mathbf{\$66.3860 / Lot, Tract, or Parcel of Land assessed.}$