

RESOLUTION NO. 00-17624

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 274 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 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. 274" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land in Wal-Mart Subdivision; 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 seven (7) 250-watt high pressure sodium luminaries mounted at a height of 30 or 35 feet. All luminaries 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: \$4.81 per 250 watt unit, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That the Montana Power 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 \$1,887.51; 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 on the basis of approximately \$0.00191584 per square foot per year. Due to the difference in the 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. 274 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 November, 2000, at 7:30 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. 274 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. 274. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 10th day of October, 2000.

CITY OF BILLINGS

00-17624

By Charles F. Tooley
Charles F. Tooley Mayor

ATTEST:

By Colleen P. Schell-Berg
Marita Herold, CMC/AAE Deputy City Clerk
City Clerk



EXHIBIT B

PROPOSED SILMD 274

Legal Property Owners

Owners of Lots 1, 2, 3, & 4, Block 1, Wal-Mart Subdivision

Wal-Mart Stores, Inc.
Bentonville, Arkansas 72716

EXHIBIT C

PROPOSED SILMD 274

DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northwest corner of Lot 8, Mattson Acres Subdivision; thence along the south right-of-way line of Mattson Lane, S 89°08'14" E a distance of 460.60 feet to a bend point on said south right-of-way line; thence, continuing along said south right-of-way line S 89°36'22" E a distance of 713.13 feet to a point on the west right-of-way line of Bench Boulevard; thence along said west right-of-way line, S 00°01'43" W a distance of 920.88 feet; thence, continuing along said west right-of-way line, S 45°12'21" W a distance of 23.26 feet to a point on the north right-of-way line of Wicks Lane; thence along said north right-of-way line, N 89°37'00" W a distance of 643.40 feet to the southeast corner of Tract 3, Certificate of Survey No. 385 Amended; thence along the east line of said Tract 3, N 00°23'00" E a distance of 190.00 feet to the northeast corner of said Tract 3; thence along the north lines of tracts 3, 4, 5, and 6 of said Certificate of Survey No. 385 Amended, N 89°37'00" W a distance of 300.00 feet to the northwest corner of said Tract 6; thence, along the west line of said Tract 6, S 00°23'00" W a distance of 190.00 feet to a point on the north right-of-way line of Wicks Lane; thence along said north right-of-way line, N 89°37'00" W a distance of 224.65 feet to a point on the east right-of-way line of U.S. Highway 10, 212 & 87 (also known as Main Street); thence along said east right-of-way line, N 00°04'51" E a distance of 159.37 feet; thence continuing along said east right-of-way line, N 14°07'01" E a distance of 41.23 feet; thence continuing along said east right-of-way line, N 00°04'51" E a distance of 741.94 feet to the point of beginning.