

RESOLUTION NO. 04 -18061

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE A PARK MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING THE PARK LAND IMPROVEMENTS IN DOKKEN PARK.

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

Section 1. Proposed Special Improvements Maintenance District; Intention to Create Park Maintenance District 4020.

The City proposes to maintain certain park improvements to benefit certain property located in the City of Billings, Montana. The Improvements consist of the park improvements 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 existing and future park improvements made in Dokken Park located in the City of Billings, Montana. The estimated annual cost for the maintenance of the park improvements to be set by Resolution of the Council each year.

Section 2. Number of District.

The District to be created shall be known as Park Maintenance District No. 4020 of the City of Billings, Montana.

Section 3. Boundaries of District.

The limits and boundaries of Park Maintenance District No. 4020 is as depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) which boundaries are designated and confirmed as the boundaries of Park Maintenance District. The legal description of Park Maintenance District No. 4020 is included as Exhibit B, 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 B are hereby declared to be the Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the park improvements, and will be assessed for the costs of the maintenance of the park improvements described in Section 5.

Section 5. General Character of the Improvements to be Maintained.

The general character of the park improvements to be maintained is as follows: **landscaping, trees, irrigation systems, irrigation water services, and sidewalk.**

Section 6. Assessment Method. Property To Be Assessed.

In accordance Section 7-12-4162 (3), M.C.A., each lot within the District shall be assessed an equal amount based on the total cost of maintaining the park improvements within the District. The lots to be included in Park Maintenance District are shown in Exhibit C, hereto.

Section 7. Assessable Area.

All properties in the Park Maintenance District will be assessed an equal amount for the costs of maintaining the park improvements. The cost to create the district is \$2,004. There are a total of **21 lots** within the Park Maintenance District. The costs of maintaining the park improvements per lot includes a one-time charge for creating the district and for the first year shall be \$303.7143, as shown in Exhibit D (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 passage and approval of this resolution, any owner of the real property within the proposed Park Maintenance 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. (local time), on the expiration date of said 15-day period January 30, 2004, written protest against the proposed Park 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 February 09, 2004 at 6:30 p.m. (local time), in the Council Chambers, located on the Second Floor of the Police Facility at 220 N. 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 this passage of this Resolution in the Billings Times, a newspaper of general circulation in the county on January 15, 2004 and January 22, 2004, 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 proposed Park Maintenance District

listed in his or her name upon the last completed assessment roll for state, county, and school district taxed, 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 12TH day of January, 2004.

THE CITY OF BILLINGS:

BY: Charles F. Tooley MAYOR

ATTEST

BY: Marita Herold, CMC/AAE, CITY CLERK