

RESOLUTION NUMBER 04-18065

A RESOLUTION CREATING EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4024 IN j & e SUBDIVISION FOR THE PURPOSE OF MAINTENANCE OF PARK IMPROVEMENTS

WHEREAS, the City Council of Billings, Montana, hereby finds, determines and declares that:

1. The public interest and convenience require the creation of the above named district.
2. That said district is of more than local or ordinary public benefit, which requires that said district be an extended district.
3. All lands are benefited and no lands that are not benefited have been included within the district. All lands within the district will be enhanced in value to the extent of the assessments to be levied upon such lands, and all lands included within the district should be assessed accordingly to pay the costs and expenses of the district.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS:

1. *Jurisdiction and Creation.* Special Improvement Maintenance District Number 4024 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Extended Special Improvement Maintenance District Number 4024. All lands included within Special Improvement Maintenance District Number 4024 are benefited and no lands which are not benefited have been included in said district.
2. *General Character of Improvement and Maintenance.* The general character of the improvements are park facilities located on the Public Park (Walden Grove Park) and portions of Blocks 3, 4, and 5 of j&e Subdivision as shown on Exhibit "A" attached hereto. The purpose of said district is to provide perpetual maintenance of the subject park facilities.
3. *Boundaries.* The Boundaries of the district are described and designated on Exhibit "B" attached hereto.
4. *Ownership.* The ownership records of all properties within the said district are described and designated in Exhibit "C" attached hereto.
5. *Maintenance Estimate.* The estimated cost of the proposed maintenance for the first year will be \$0.0104 per square foot as described in the Maintenance Estimate attached hereto in Exhibit "D".

6. *Assessment Method:* All of the costs and expenses of the district will be assessed against the entire district, and each lot or parcel of land within the district will be assessed based on the number of square feet contained within the subject lot. Assessments for each lot during the first year will be approximately \$0.0104 per square foot. In accordance with 7-1-1479 MCA, the assessment for each lot in each ensuing year will be set by the City Council by resolution.
7. *Payment of Assessment.* The assessments for all maintenance and costs of the district shall be paid in equal annual installments, provided that payment of one-half of said annual assessment may be deferred to May 31 of the year following the assessment. All money derived from the collection of said assessments otherwise shall constitute a fund to be known as Fund of Special Improvement Maintenance District Number 4024.
8. *Bonds for Improvement.* There will be no bonds sold for this district as it is for maintenance only.
9. *Engineering.* The park improvements shall be installed under P-480. All design and engineering has been completed under P-480.
10. *District Accounts.* The Director of Finance is hereby authorized and directed to establish the necessary accounts to govern the receiving of all revenues and the expenditures of the same district.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, and **APPROVED** this 12th day of January, 2004.

CITY OF BILLINGS

By: _____
Charles F. Tooley Mayor

Attest:

By: _____
Marita Herold, CMC City Clerk

Exhibit "B"

METES AND BOUNDS OF PROPOSED DISTRICT AND LEGAL DESCRIPTION:

A tract of land being situated in the NW1/4 of Section 23, T1N, R26E, P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Beginning at a point which is the southeast corner of Lot 1, Block 3, Dunbar Subdivision; thence, from said point of beginning, along the west right-of-way line of Hawthorne Lane, SOUTH a distance of 992.62 feet; thence, along the north line of Fritz Subdivision, N89°58'00"W a distance of 1196.31 feet to a point on the east line of the City Utility Right-Of-Way (Old BNRR Spur); thence, along said east right-of-way line, N00°20'13"W a distance of 990.32 feet to the southwest corner of Lot 3, Block 2, Dunbar Subdivision; thence, along the south line of said Dunbar Subdivision, N89°55'23"E a distance of 1202.13 to the point of beginning.