

RESOLUTION NO. 04 -18083

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO EXPAND THE BOUNDARIES OF SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NUMBER 4009

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 Extend Special Improvements Maintenance District 4009.

The City proposes to maintain the 32nd Street West Boulevard improvements adjacent to Aspen Grove Subdivision (the "Improvements") to benefit Lot 2, Block 1, Aspen Grove Subdivision, Second Filing. The Improvements consist of **boulevard improvements installed by W.O. 95-09 on 32nd Street West adjacent to Aspen Grove Subdivision, Fourth Filing and Lot 2, Block 1, Aspen Grove Second Filing**, as more particularly described in Section 5. It is the intention of the City to extend the District established by resolution 96-17110 as provided under Montana Code annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the maintenance costs for the boulevard improvements installed under W.O. 95-09 as part of the Aspen Grove Subdivision, Fourth Filing, improvements. The estimated annual costs for the maintenance of the Improvements, to be set by Resolution of the Council each year.

Section 2. Number of District.

The District to be extended is known as Special Improvements Maintenance District No. 4009 of the City of Billings, Montana.

Section 3. Boundaries of District.

The limits and boundaries of the District Number 4009 to be extended to include Lot 2, Block 1, Aspen Grove Subdivision, Second Filing, and the adjacent 32nd Street West boulevard, are 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 the District. The legal description of the expanded Special Improvements Maintenance District No. 4009 is included as Exhibit B, hereto. The property to be added into the District is identified on Exhibit A hereto.

Section 4. Benefited Property.

Special Improvements Maintenance District No. 4009 **shall be amended to include Lot 2, Block 1, Aspen Grove Subdivision, 2nd Filing**, and be included within the limits and boundaries described in Section 3 and as shown on Exhibit A. This property will be benefited by the maintenance of the W.O. 95-06 Boulevard Landscape Improvements and will be assessed for a portion of the costs of the maintenance of the Improvements described in Section 5.

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

The general character of the Improvements to be maintained is as follows: **turfgrass, irrigation systems, irrigation water service, privacy fence, and other boulevard landscape improvements installed by private contract W.O. 95-09 on 32nd Street West adjacent to Aspen Grove Subdivision, Fourth Filing and Lot 2, Block 1, Aspen Grove Second Filing, installed as part of the W.O. 95-09 Improvements.**

Section 6. Assessment Method. Property To Be Assessed.

The cost of maintaining the Improvements shall be based on the proportionate share of the total costs for maintaining the Improvements. The proportionate share of the cost for maintaining the improvements shall be based on the assessable area method described in Section 7-12-4162 (1)(a) M.C.A., as particularly applied and set forth therein. Each property within the District shall be assessed for that part of the entire maintenance costs which its assessable area bears to the assessable area of all benefited properties in the District, exclusive of streets, avenues, alleys, and public places. The properties to be added to Special Improvements District No. 4009 and their assessable areas are shown in Exhibit C, hereto.

Section 7. Assessable Area.

All properties in the District will be assessed for their proportionate share of the costs of maintaining the W.O. 95-09 Boulevard Landscape Improvements. The total assessable area of the District to be assessed is 374,438 square feet plus the area of 9,613 square feet of Lot 2, Block 1, Aspen Grove Subdivision, Second Filing, for a total of 384,051 square feet. The costs of maintaining the Improvements per square foot of assessable area for the first year shall be a total of \$6,036 or an amount of \$0.015717 per square foot 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 W.O. 95-09 Boulevard Landscape 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 being added to Special Improvement District No. 4009 subject to assessment and taxation for the cost and expense of maintaining the W.O. 95-09 Landscape 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 February 13, 2004, 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 February 23, 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 29, 2004 and February 5, 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 added property 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 26TH day of JANUARY, 2004.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley MAYOR

ATTEST

BY: _____
Marita Herold, CMC/AE, CITY CLERK