

## RESOLUTION NO. 04 - 18089

### A RESOLUTION TO CREATE PARK MAINTENANCE DISTRICT NO. 4019 FOR THE PURPOSE OF MAINTAINING THE PARK IMPROVEMENTS IN ROLLING HILLS PARK

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

1. The public interest and convenience require creating Park Maintenance District No. 4019 for the purpose of maintaining the park improvements in Rolling Hills Park in the City of Billings, Montana.
2. All lands are benefited and no lands which 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 maintaining the park improvements within the District.

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

1. *Jurisdiction and Creation:* Park Maintenance District No. 4019 is of more than local or ordinary public benefit. The Council has acquired jurisdiction and does hereby create Park Maintenance District No. 4019. All lands included in the boundaries of Park Maintenance District No. 4019 are benefited and no lands which are not benefited have been included in said District.
2. *General Character of Improvements and Maintenance:* The general character of the improvements to be maintained is as follows: **landscaping, trees, irrigation systems, irrigation water services and sidewalk**. The purpose of said District is to provide perpetual maintenance of the improvements.
3. *Boundaries:* The boundaries of the District are described and designated on Exhibit A attached hereto. The legal description of the District is included as Exhibit B, hereto.
4. *Maintenance Estimate:* The estimated cost of the proposed maintenance for the current year shall be \$3,690.00 and the one-time charge to the district for the creations costs of \$1,908, for a total of \$5,598. as described in the Park Maintenance Estimate attached hereto as Exhibit D.
5. *Assessment Method:* All of the maintenance costs and expenses of the District will be assessed against the entire District. In accordance with 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 the District are shown in Exhibit C, hereto. The costs for maintaining the park improvements per lot for the first year shall be \$169.64 as shown in Exhibit D (which is hereby incorporated herein and made a part hereof). In accordance with 7-1-1479 MCA, the assessment for each parcel in each ensuing year will be set by the City Council by resolution.

6. *Payment of Assessment:* The assessments for all maintenance and costs of the District shall be paid in equal annual installments, provided that the 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 the existing fund known as Fund of Park Maintenance District No. 4019.
7. *Bonds for Improvements:* There will be no bonds sold for this District as it is for maintenance only.
8. *Engineering:* No engineering will be required for the maintenance of the District.
9. *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 day 9th of February, 2004.

CITY OF BILLINGS

By: \_\_\_\_\_  
Charles F. Tooley Mayor

ATTEST:

By: \_\_\_\_\_  
Marita Herold, CMC/AEE City Clerk