CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No. 04-18205, entitled: **RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1369; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND** (the Resolution" was duly adopted by the City Council of the City at a meeting on October 25, 2004 that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.)

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: unanimous ;

voted against the same: none ;

or were absent: Iverson and Popper .

WITNESS my hand officially this 25th day of October, 2004.

Marita Herold

Marita Herold, CMC City Clerk

RESOLUTION NO. 04-18205

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1369; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

Section 1. Proposed Improvements; Intention To Create District. The City proposes to undertake certain local Improvements (the "Improvements") to benefit certain property located in the City. The Improvements consist of the construction of sewer main, storm drainage facilities, street lighting and street improvements, as more particularly described in Section 5. The total estimated costs of the Improvements are $1,775,363.75. The costs of the Improvements are to be paid from the sale of Special Improvement District bonds hereinafter described. It is the intention of this Council to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, a Special Improvement District (the "District") for the purpose of financing costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of Special Improvement District bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are $1,775,363.75. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefited by the Improvements.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Special Improvement District No. 1369 of the City of Billings, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on Exhibit E hereto (which are hereby incorporated herein and made a part hereof).

Section 4. Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A, B, and E are hereby declared to be the Special Improvement District and the territory which will benefit and be benefited by the Improvements and will be assessed for the costs of the Improvements as described in Section 7.

Section 5. General Character of the Improvements. The general character of the Improvements, as shown in Exhibit D, is the construction of curb & gutter, sidewalk, drive approaches, accessibility ramps, storm drain facilities, street lighting and street improvements to Moore Lane.

Section 6. Engineer and Estimated Cost. The Office of the City Engineer, 510 N. Broadway, 4th Floor, Billings, MT 59101, shall be the Engineer for the District. The Engineer has estimated that the costs of the Improvements, including all incidental costs, are $1,775,363.75.

Section 7. Assessment Methods.

7.1. Property to be Assessed. All properties within the district are to be assessed for the costs of the Improvements, as specified herein. The costs of the Improvements shall be assessed against the property in the District benefiting from the Improvements based on the equal amount and linear footage methods described in Section 7-12-4162, and 7-12-4163 M.C.A., as particularly applied and set forth in this Section 7.

7.1.2 Assessment # 1 - Linear Foot Method.
The assessment # 1 will include Improvements to curb, gutter, sidewalks, sanitary sewer mains, water main, storm drain facilities and street lights within Flanagan Subdivision along Moore Lane between Burlington Northern Rail Road and Central Avenue. The properties to be assessed for these improvements shown on Exhibit "A" and listed as follows:

C/S 363 IN LOT 6 FLANAGAN SUB(OLD CODE # D-229); FLANAGAN SUB AMND 6B(OLD D01450) (98); OLD #(D 233)FLANAGAN SUB S 145'OF LOT 6 8 1S 26E1.A; OLD #(D 228)FLANAGAN SUB LOT 5IN NE4 8 1S 26E4.55A; FLANAGAN SUB (LOT 12 AMEND) 12A; MAVERIK SUB N 150' OF LOT 11FLANAGAN SUB AMND IN 8 1S 26E 1 1; FLANAGAN SUB(LOT 12 AMEND) 12C & 12D; MAVERIK SUB 2ND FIL 2 1; OLD #(D263)FLANAGAN SUB 145.55' OFN2 OF LOT 12; MAVERICK SUB 2ND 3 1OLD #(D01475) ('87); C/S 352 TR AIN LOT 12 FLANAGAN SUB(OLD CODE # D-264); MAVERICK SUB 2ND FIL 4 1OLD #(D)1475) ('87); MAVERICK SUB 2ND FIL 5 1OLD # (D01475) ('87)NO PERSONAL PROPERTY 1992; C/S 352 TR BIN S2 LOT 12 FLANAGAN SUB(OLD CODE # D-262); FLANAGAN N 3/5 LOT 22 AMEND 7 & 10' ADJ VAC ALLEY; C/S 352 TR CIN S 72.53' OF LOT 12 FLANAGAN SUB(OLD CODE # D-266); FLANAGAN SUB N 3/5 LOT 22 AMNDN60' OF 8 & 10' ADJ VAC ALLEY; OLD #(D 292)FLANAGAN SUB N 150'OF 21; FLANAGAN SUBN 3/5 LOT 22 AMND 9 & 10& S 5' OF 8& 10' ADJ VAC ALLEY; C/S 1495 FLANAGAN SUBCENTER TRCT 21-CIN NE4 8 1S 26EOLD #(D292-1) .41A; FLANAGAN SUB N 3/5 LOT 22 AMND 11 &10' ADJ VAC ALLEY; OLD #(D 292-2)FLANAGAN SUB 21A; FLANAGAN SUB N 3/5 LOT 22 AMEND 12&10' ADJ VAC ALLEY; FLANAGAN SUB AMND 21B-1 (99); OLD #(D 294)FLANAGAN SUB 22AN 2/3 OF 2/5 OF LT 22 AMND; FLANAGAN SUB 22BN 2/3 OF S 2/5 OF LOT 22 AMND(OLD D 1512) (03); OLD #(D 293)FLANAGAN SUBS 1/3 OF S 2/5 22; FLANAGAN SUB AMND 21B-2 (99); C/S 116 AMND TR 1A & 1B (93)(I00777 ALSO HERE) (03); OLD #(D 323)FLANAGAN SUB LOT 28 8 1S 26E1.70A; C/S 116 AMND TR 1CIN LOT 27 FLANAGAN SUB(OLD CODE # D-322) .41A; FLANAGAN SUB FRAC LOT 27 AMEND 1; FLANGAN SUB FRAC LOT 27 AMEND 2 &30' ABDN 11TH STREET WEST.

The costs of the Improvements plus the proportionate share of the incidental costs of issuing the Bonds attributable to the parcels in the District is $1,568,000. The total of $1,568,000 shall be assessed against each lot, tract, or parcel of land in the District, as above-mentioned, for that part of the costs of the Improvements that the linear frontage of such lot, tract or parcel bears to the total linear frontage of all lots, tracts, or parcels of land in the District, as above-mentioned. The total linear frontage of parcels attributable to this assessment is 4487.03 linear feet. The costs of the Improvements and the properties share of the incidental costs to be financed by the Bonds assessable to the above-mentioned parcels per linear frontage of each parcel are estimated to be $349.451641.

7.1.3 Assessment # 2 - Equal Amount Method.

Assessment #2 will include sewer laterals (connections to main) to be constructed on Moore Lane as described in Exhibit D. The properties to be assessed for these improvements include the following:

OLD #(D 292)FLANAGAN SUB N 150'OF 21; FLANAGAN SUBN 3/5 LOT 22 AMND 9 & 10& S 5' OF 8& 10' ADJ VAC ALLEY; C/S 1495 FLANAGAN SUBCENTER TRCT 21-CIN NE4 8 1S 26EOLD #(D292-1) .41A; FLANAGAN SUB N 3/5 LOT 22 AMND 11 &10' ADJ VAC ALLEY; OLD #(D 292-2)FLANAGAN SUB 21A; FLANAGAN SUB N 3/5 LOT 22 AMEND 12&10' ADJ VAC ALLEY; FLANAGAN SUB AMND 21B-1 (99); OLD #(D 294)FLANAGAN SUB 22AN 2/3 OF 2/5 OF LT 22 AMND; FLANAGAN SUB 22BN 2/3 OF S 2/5 OF LOT 22 AMND(OLD D 1512) (03); OLD #(D 293)FLANAGAN SUBS 1/3 OF S 2/5 22; FLANAGAN SUB AMND 21B-2 (99); C/S 116 AMND TR 1A & 1B (93)(I00777 ALSO HERE) (03); OLD #(D 323)FLANAGAN SUB LOT 28 8 1S 26E1.70A; C/S 116 AMND TR 1CIN LOT 27 FLANAGAN SUB(OLD CODE # D-322) .41A; FLANAGAN SUB FRAC LOT 27 AMEND 1; FLANGAN SUB FRAC LOT 27 AMEND 2 &30' ABDN 11TH STREET WEST .

For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving sewer main improvements, shall equally bear the costs of the improvements as set forth hereto to arrive at an equal cost for the improvements. The total estimated cost of the Assessment is $ 128,100.00 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving sewer main improvements, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be $8,006.25.

7.1.4 Assessment # 3 - Equal Amount Method.

Assessment #3 will include sewer laterals (connections to main) to be constructed on Moore Lane as described in Exhibit D. The properties to be assessed for these improvements include the following:

FLANAGAN SUB AMND 6B(OLD D01450) (98); FLANAGAN SUB (LOT 12 AMEND) 12A; MAVERIK SUB N 150' OF LOT 11FLANAGAN SUB AMND IN 8 1S 26E 1 1; MAVERICK SUB 2ND FIL 5 1OLD # (D01475) ('87)NO PERSONAL PROPERTY 1992; OLD #(D 292)FLANAGAN SUB N 150'OF 21; FLANAGAN SUBN 3/5 LOT 22 AMND 9 & 10& S 5' OF 8& 10' ADJ VAC ALLEY; C/S 1495 FLANAGAN SUBCENTER TRCT 21-CIN NE4 8 1S 26EOLD #(D292-1) .41A; FLANAGAN SUB N 3/5 LOT 22 AMND 11 &10' ADJ VAC ALLEY; OLD #(D 292-2)FLANAGAN SUB 21A; FLANAGAN SUB N 3/5 LOT 22 AMEND 12&10' ADJ VAC ALLEY; FLANAGAN SUB AMND 21B-1 (99); OLD #(D 294)FLANAGAN SUB 22AN 2/3 OF 2/5 OF LT 22 AMND; FLANAGAN SUB 22BN 2/3 OF S 2/5 OF LOT 22 AMND(OLD D 1512) (03); OLD #(D 293)FLANAGAN SUBS 1/3 OF S 2/5 22; FLANAGAN SUB AMND 21B-2 (99); C/S 116 AMND TR 1A & 1B (93)(I00777 ALSO HERE) (03); OLD #(D 323)FLANAGAN SUB LOT 28 8 1S 26E1.70A; C/S 116 AMND TR 1CIN LOT 27 FLANAGAN SUB(OLD CODE # D-322) .41A; FLANAGAN SUB FRAC LOT 27 AMEND 1; FLANGAN SUB FRAC LOT 27 AMEND 2 &30' ABDN 11TH STREET WEST.

For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving sewer lateral improvements, shall equally bear the costs of the improvements as set forth hereto to arrive at an equal cost for the improvements. The total estimated cost of the Assessment is $ 42,780.00 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving sewer lateral improvements, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be $2,139.00.

7.2. **Assessment Methodologies Equitable and Consistent With Benefit**. This Council hereby determines that the methods of assessment and the assessment of costs of the specific improvements against the properties benefited thereby as prescribed in this Section 7 are equitable in proportion to and not exceeding the special benefits derived from the respective improvements by the lots, tracts, and parcels to be assessed therefore within the District.

Section 8. **Payment of Assessments**. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 years, each in equal semiannual installments of principal, plus interest, or equal semiannual payments of principal and interest, as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Property
Owners have the right to prepay assessments as provided by law. Further, all owners shall have the opportunity to prepay their assessments prior to sale of the SID bonds.

Section 9. **Method of Financing; Pledge of Revolving Fund; Findings and Determinations**. The City will issue the Bonds in an aggregate principal amount not to exceed $1,775,363.75 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the properties in the District. This Council further finds it is in the public interest, and in the best interest of the City and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the city to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

(a) **Estimated Market Value of Parcels**. The estimated market value of the lots, parcels, or tracts in the District as of the date of adoption of this resolution, as estimated, by the County Assessor for property tax purposes ranges from $21,215 to $595,428 and is set forth in Exhibit E. The average market value is $182,386.36 with the median being $145,250.00. The special assessments to be levied under Section 7 against each lot, parcel, or tract in the District is less than the increase in estimated value of the lot, parcel, or tract as a result of the construction of the Improvements.

(b) **Diversity of Property Ownership**. There are a total of 33 parcels within the district boundaries. No improvements, public or private, are located on any of the parcels within the District. There are 24 different owners of the 33 parcels in the district boundaries.

(c) **Comparison of Special Assessments and Property Taxes and Market Value**. Based on an analysis of the aggregate amount of the proposed, any outstanding special assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a parcel in the District) against each lot, parcel, or tract in the District in comparison to the estimated market value of such lot, parcel, or tract after the Improvements, the City concludes that, overall, the estimated market value of the lots, tracts, or parcels of land in the District exceeds the sum of special assessments, delinquent property taxes, and current assessments and is set forth in Exhibit E.

(d) **Delinquencies**. An analysis of the amount of delinquencies in the payment of outstanding special assessments or property taxes levied against the properties in the District shows that of 33 properties, one (1) property was delinquent which represents 0.03% of the total number of properties in the District, and is set forth in Exhibit E.

(e) **The Public Benefit of the Improvements**. The total estimated cost of installing these public improvements is $1,775,363.75, the full cost of which would be recovered through direct assessments to property owners within the District. There are a total of 33 parcels within the District. Of the 33 parcels within the District, 26 parcels are fully developed. This condition is necessary to satisfy the City's Special Improvement District Policy regarding raw land subdivision. The public improvements contemplated under the terms of this proposed District are required by the City Subdivision, Site Development and Zoning Ordinances. All properties are zoned "Controlled Industrial".

Section 10. Reimbursement Expenditures.

10.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

10.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

10.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of $1,775,363.75 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

10.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

10.05. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidence by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

Section 11. **Public Hearing Protests**. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (November 12, 2004), written protest against the proposed Improvements, or against the extension or creation of the District or both, 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 Monday the 22nd day of November 2004, at 6:30 p.m., in the Council Chambers, at 220 North 27th Street, in Billings, Montana.

Section 12. **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 the passage of this resolution in the Billings Times, a newspaper of general circulation in the county on October 28th and November 4, 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 District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, 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 25th day of October 2004.

Charles F. Tooley

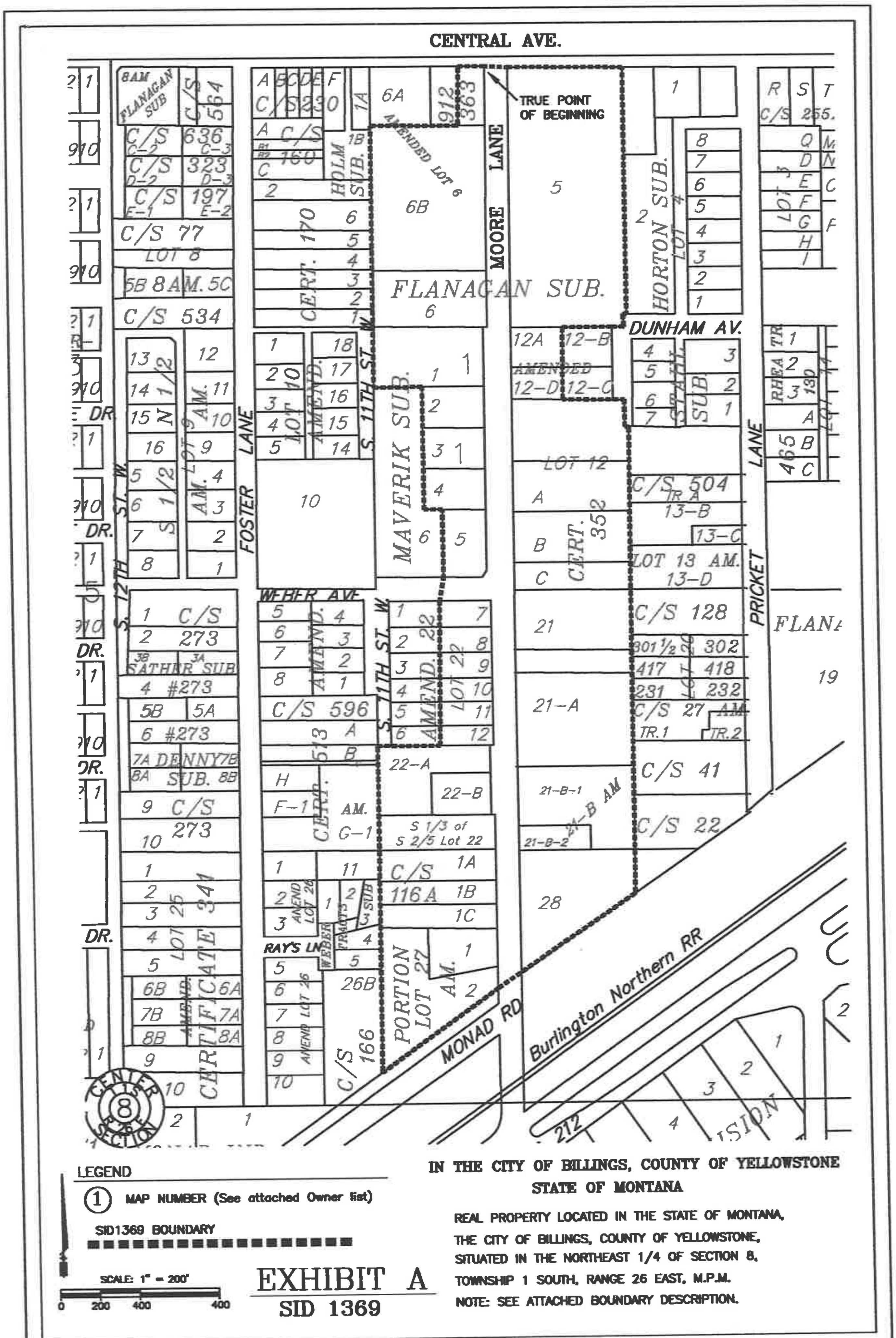
Charles F. Tooley, Mayor

CITY OF BILLINGS • YELLOWSTONE COUNTY, MONTANA • SEAL

Attest:

Marita Herold

Marita Herold, CMC/AAE City Clerk



CENTRAL AVE.
TRUE POINT OF BEGINNING
MOORE LANE
FLANAGAN SUB.
HORTON SUB.
DUNHAM AV.
MAVERIK SUB.
FOSTER LANE
WEBER AVE
PRICKET LANE
S. 11TH ST. W.
S. 12TH ST. W.
CERT. 170
CERT. 352
CERTIFICATE 341
PORTION LOT 22 AM.
MONAD RD
Burlington Northern RR
RAY'S LN
LEGEND
1 MAP NUMBER (See attached Owner list)
SID1369 BOUNDARY
SCALE: 1" = 200'
0 200 400 400
EXHIBIT A
SID 1369
IN THE CITY OF BILLINGS, COUNTY OF YELLOWSTONE
STATE OF MONTANA
REAL PROPERTY LOCATED IN THE STATE OF MONTANA,
THE CITY OF BILLINGS, COUNTY OF YELLOWSTONE,
SITUATED IN THE NORTHEAST 1/4 OF SECTION 8,
TOWNSHIP 1 SOUTH, RANGE 26 EAST, M.P.M.
NOTE: SEE ATTACHED BOUNDARY DESCRIPTION.

EXHIBIT B

BOUNDARY FOR SID 1369

A portion of Section 8, Township 1 South, Range 26 East, M.P.M., in the City of Billings, County of Yellowstone, State of Montana, described as follows:

Beginning at the northeast corner of Lot 6 of Flanagan Subdivision, in the northeast quarter of Section 8, Township 1 South, Range 26 East, M.P.M., Yellowstone County, State of Montana, filed in the official records of said County; thence westerly along the south right-of-way line of Central Avenue to the northwest corner of Lot 6 of Certificate of Survey Number 363; thence southerly along the western most line to the southeast corner of said Lot 6; also being a point on the north most line of Lot 6B of the plat of Amended Lot 6, Flanagan Subdivision, filed in the official records of said County; thence westerly along said north line to the most north westerly corner of said Lot 6B; thence southerly along the most westerly line to the southwest corner of said Lot 6B, also being the northwest corner of a tract of land recorded as Certificate of Survey Number 313, filed in the official records of said County; thence southerly along the west line of said tract of land to the southwest corner, also being the northwest corner of Lot 1 of the Maverik Subdivision Plat filed in the official records of said County; thence southerly along the west line to the southwest corner of said Lot 1; thence easterly along the south line to a point on the south line, also being the northwest corner of Lot 2 of the Maverik Subdivision 2nd Filing in the official records of said County; thence southerly along the west line of Lots 2, 3, and 4 of said Subdivision to the southwest corner of Lot 4 of said Subdivision; thence easterly along the south line of said Lot 4 to a point on the south line, also being the northwest corner of Lot 5 per said subdivision; thence southerly along the west line of said Lot 5 to a point on the north right-of-way of Weber Avenue, also being the southwest corner of said Lot 5; thence southerly to the northwest corner of Lot 7 of the Amended Plat of the North 3/5ths of Lot 22 Flanagan Subdivision filed in the official records of said County; thence southerly along the western most line of Lots 7, 8, 9, 10, 11, and 12 of said amended plat to the southwest corner of Lot 12, also being a point on the north line of Lot 22-A of the Amended north 2/3rds of the south 2/5ths of Lot 22, Flanagan Subdivision filed in the official records of said County; thence westerly along the north line to the northwest corner of said Lot 22-A; thence southerly along the most westerly line to the most south westerly corner of said Lot 22-A, also being the northwest corner of the south 1/3rd of the south 2/3rds of Lot 22 of Flanagan Subdivision, in the northeast quarter of Section 8, Township 1 South, Range 26 East, M.P.M., Yellowstone County, State of Montana, filed in the official records of said County; thence southerly along the westerly line to the southwest corner of said 1/3rd of the south 2/3rds of Lot 22, also being the northeast corner of Tract 1A of Certificate of Survey Number 116 (Amended) filed in the official records of said County; thence southerly along the western lines of Tracts 1-A, 1-B and 1-C to the southwest corner of Tract 1-C per said Certificate of Survey; thence southerly along the most westerly line of Lot 2 of the Amended Plat of a portion of Lot 27, Flanagan Subdivision filed in the official records of said County, to the most south western corner of said Lot 2; thence northeast along the most southerly line to the most southeasterly corner of said Lot 2, also being a point on the westerly right-of-way of Moore Lane; thence northeasterly to the southwest corner of Lot 28 of Flanagan Subdivision, in the northeast quarter of Section 8, Township 1 South, Range 26 East, M.P.M., Yellowstone County, State of Montana, filed in the official records of said County; thence northeasterly along the south line to the southeast corner of said Lot 28; thence northerly along the east line to the northeast corner of said Lot 28, also being the southeasterly corner of Lot 21-B-1 of the plat of Amended Lot 21-B and the south 64 feet of Lot 21, Flanagan Subdivision filed in the official records of said County; thence northerly along the east line to the northeast corner of said Lot 21-B, also being the southeast corner of Lot 21-A of the Amended Plat of a portion of Lot 21, Flanagan Subdivision filed in the official records of said County; thence northerly along the east line to the northeast corner of said Lot 21, also being the southeast corner of Lot 21-C of Certificate of Survey Number 1495, filed in the official records in said County; thence northerly along the east line to the northeast corner of said Lot, also being the southeast corner of the north 150.00 feet of Lot 21 of Flanagan Subdivision, in the northeast quarter of Section 8, Township 1 South, Range 26 East, M.P.M., Yellowstone County, State of Montana, filed in the official records of said County; thence northerly along the west line to the northeast corner of said north 150 feet, also being the southwest corner of Tract C of Certificate of Survey Number 352 filed in the official records of said County; thence northerly along the east line of Tracts C, B, and A to the northeast corner of Tract A of said Certificate of Survey, also being the southeast corner of the south 145.55 feet of the north half of Lot 12 of Flanagan Subdivision, in the northeast quarter of Section 8, Township 1 South, Range 26 East, M.P.M., Yellowstone County, State of Montana, filed in the official records of said County; thence northerly along the east line to the northeast corner of said south 145.55 feet of the north half of Lot 12, also being the southeast corner of a 30 foot strip of 10th Street West off Flanagan Subdivision, Amended portion of the north 185.6 feet of Lot 12, northwest quarter of northeast quarter, Section 8, Township 1 South, Range 26 East, M.P.M., filed in said County; thence westerly along the south line of Lot 12-C to the southwest corner of Lot 12-C of said Flanagan Subdivision Amended; thence northerly along the east line of Lot 12-D and 12-A to the northeast corner of Lot 12-A of said Flanagan Subdivision Amended, also being a point on the south line of Lot 5 of Flanagan Subdivision, in the northeast quarter of Section 8, Township 1 South, Range 26 East, M.P.M., Yellowstone County, State of Montana, filed in the official records of said County; thence easterly along the south line to the southeast corner of said Lot 5; thence northerly along the east line to the northeast corner of said Lot 5; thence westerly along the north line to the northwest corner of said Lot 5; thence westerly along the progression of the south right-of-way line of Central Avenue to the point of beginning being the northeast corner of Lot 6 of said Flanagan Subdivision.

EXHIBIT "C"

Preliminary Engineers Estimate

SID 1369 Moore Lane - *Between Burlington Northern RR & Central Avenue*

City of Billings *Project Engineer: Andrew Jackson Mattie*

September 28, 2004

Project Details

Length (ft/mi) = 2640 / 0.5
Width (Back of curb to back of curb) = 49 ft
Pavement Area (sf) = 118,800

Assumed Pavement Section

AC Surface Course (ft) = 0.25
Base Course (ft) = 1.10
Total Section (ft) = 1.35

Key

City Funded
SID Cost

Assessment # 1- Per Linar Foot of Frontage

Item No.	Description	Quantity	Unit	Unit Cost	Total	Notes
1	Mobilization (5%)	1	LS	50,592.39	50,592.39	5% of Subtotal
2	Taxes, Bonds, and Insurance	1	LS	30,355.43	30,355.43	
2	Unclassified Excavation	6000	CY	13.00	78,000.00	To include demolition exist ROW
3	1 1/2" Base Gravel	5000	CY	17.50	87,500.00	Update per Geo-tech report
4	Asphalt Surface Course	3000	TN	30.00	90,000.00	Update per Geo-tech report
5	Asphalt Oil (6%)	180	TN	175.00	31,500.00	Update per Geo-tech report
6	Curb & Gutter	5200	LF	10.00	52,000.00	
7	Handicap Crossings / Ramps (ADA)	5	EA	2,000.00	10,000.00	
8	Driveway Entrance	30	EA	3,800.00	114,000.00	
9	Sidewalk (5' width)	26400	SF	4.25	112,200.00	
10	18" Storm Drain Main	2600	LF	50.00	130,000.00	
11	Storm Drainage inlets	8	EA	2,500.00	20,000.00	
12	Strom Drainage Manhole	8	EA	3,500.00	28,000.00	
13	Strom Drain Connection	1	EA	2,000.00	2,000.00	
14	Striping & Curb Painting	1	LS	10,000.00	10,000.00	
15	Traffic Signage	1	LS	5,000.00	5,000.00	
16	Traffic Control	1	LS	45,000.00	45,000.00	
17	Street Lights	22	EA	2,500.00	55,000.00	(1 light/125')
18	Light Services	4	EA	1,500.00	6,000.00	
19	Lighting Wire, Conduit and installation	2600	LF	12.00	31,200.00	
20	8" Water Main (Includes all bends & connections)	150	LF	120.00	18,000.00	City Funded
21	8" Gate Valve	2	EA	1,000.00	2,000.00	City Funded
22	Fire Hydrant	1	EA	3,500.00	3,500.00	City Funded
				Subtotal Construction	**$1,011,847.83**	Water + SID

Contingency	$101,184.78	10% of Subtotal Construction
Design and Administration Cost	$252,961.96	25% of Subtotal Construction
Subtotal	**$1,365,994.57**	Water + SID
City Contribution	$36,483.75	Water
Total Construction & Engineering	**$1,329,510.82**	SID
Administration Fee (3.5%)	$54,880.00	
Finance Fee (2.5%)	$39,200.00	
Revolving Fund (5%)	$78,400.00	
Bond Discount (2.5%)	$39,200.00	
Legal Fees (1.7%)	$26,656.00	
Roundoff	$153.19	
Total Estimated Cost for Improvements	**$1,568,000.00**	SID + Administration
Estimated Cost Per Linear Foot of Frontage	***$349.45***	

Presumed Construction Cost One Year Hence

Total Estimated Cost for Improvements (SID)

5% inflation for one year ***$1,646,400.00***

Assessment # 2 - Equal Method of Assessment

Item No.	Description	Quantity	Unit	Unit Cost	Total	Notes
1	Mobilization and Traffic Control (5%)	1	LS	968.35	968.35	5% of Subtotal
2	8" Sewer Main	1250	LF	50.00	62,500.00	
3	Sewer Manhole	4	EA	3,500.00	14,000.00	
				Subtotal Construction	$77,468.35	SID
		Contingency			$11,620.25	15% of Subtotal Construction
		Design and Administration Cost			$19,367.09	25% of Subtotal Construction
		Subtotal			$108,455.70	SID
		City Contribution			$0.00	
		Total Construction & Engineering			$108,455.70	SID
		Administration Fee (3.5%)			$4,483.50	
		Finance Fee (2.5%)			$3,202.50	
		Revolving Fund (5%)			$6,405.00	
		Bond Discount (2.5%)			$3,202.50	
		Legal Fees (1.7%)			$2,177.70	
		Roundoff			$173.10	
		Total Estimated Cost for Improvements			$128,100.00	SID + Administration
				Estimated Cost Per Each	$8,006.25	

Presumed Construction Cost One Year Hence

Total Estimated Cost for Improvements (SID)

5% inflation for one year ***$134,505.00***

Assessment # 3 Equal Method of Assessment

Item No.	Description	Quantity	Unit	Unit Cost	Total	Notes
1	Mobilization and Traffic Control (5%)	1	LS	1,806.45	1,806.45	5% of Subtotal
2	Sewer Laterals (includes connection at ROW)	20	EA	1,200.00	24,000.00	Depth & location to be determined
				Subtotal Construction	$25,806.45	SID
		Contingency			$3,870.97	15% of Subtotal Construction
		Design and Administration Cost			$6,451.61	25% of Subtotal Construction
		Subtotal			$36,129.03	SID
		City Contribution			$0.00	
		Total Construction & Engineering			$36,129.03	SID
		Administration Fee (3.5%)			$1,497.30	
		Finance Fee (2.5%)			$1,069.50	
		Revolving Fund (5%)			$2,139.00	
		Bond Discount (2.5%)			$1,069.50	
		Legal Fees (1.7%)			$727.26	
		Roundoff			$148.41	
		Total Estimated Cost for Improvements			$42,780.00	SID + Administration
				Estimated Cost Per Each	$2,139.00	

Presumed Construction Cost One Year Hence

Total Estimated Cost for Improvements (SID)

5% inflation for one year ***$44,919.00***

EXHIBIT D

SID 1369
Moore Lane – Between Burlington Northern Rail Road and Central Avenue

PROJECT DESCRIPTION

Special Improvement District No. 1369 shall construct the following improvements to Moore Lane – Between Burlington Northern Rail Road and Central Avenue.

Moore Lane – Between Burlington Northern Rail Road and Central Avenue.

1) Construction of street improvements, which shall include storm drain, curb and gutter, sidewalk, drive approaches, street widening, street lighting and realignment of Moore Lane.
2) Construction of streetlights.
3) Construction of sewer main in Moore Lane north of Burlington Northern Rail Road Crossing and south of the intersection of Weber Avenue and Moore Lane.
4) Construction of sanitary sewer services along Moore Lane (sewer connections to the existing main.
5) Modification of existing utilities and services along Moore Lane.
6) Construction improvements include a City of Billings funded water main tie in.

SID 1369

Exhibit E

Tax Code	SID #	SID Pay-off	Delinquent	SID 1369 Assessment	SID Pay-off + Delinquent + SID 1369 Assessment	Estimated Market Value	Estimated Market Value After Improvements	Percent of Total Assessment in District	Buildings on the Lots (Yes or No)
D01448			$ 255.38	$ 52,417.75	$ 52,673.13	$ 51,261.00	$ 103,678.75	3.01%	Y
C12345				$ 94,743.68	$ 94,743.68	$ 46,022.00	$ 140,765.68	5.45%	N
D01452				$ 50,670.49	$ 50,670.49	$ 267,472.00	$ 318,142.49	2.91%	Y
D01447				$ 230,638.08	$ 230,638.08	$ 595,428.00	$ 826,066.08	13.26%	Y
A07004				$ 37,084.16	$ 37,084.16	$ 137,905.00	$ 174,989.16	2.13%	Y
A23885				$ 54,556.75	$ 54,556.75	$ 35,746.00	$ 90,302.75	3.14%	Y
A07007				$ 29,913.06	$ 29,913.06	$ 164,073.00	$ 193,986.06	1.72%	Y
A27196				$ 36,692.42	$ 36,692.42	$ 35,746.00	$ 72,438.42	2.11%	N
D01476				$ 50,862.69	$ 50,862.69	$ 114,237.00	$ 165,099.69	2.93%	Y
A27197				$ 36,692.42	$ 36,692.42	$ 379,175.00	$ 415,867.42	2.11%	Y
D01477				$ 45,100.23	$ 45,100.23	$ 595,428.00	$ 640,528.23	2.59%	Y
A27198				$ 36,692.42	$ 36,692.42	$ 35,746.00	$ 72,438.42	2.11%	N
A27199				$ 60,106.04	$ 60,106.04	$ 163,510.00	$ 223,616.04	3.46%	Y
D01478				$ 45,100.23	$ 45,100.23	$ 200,232.00	$ 245,332.23	2.59%	Y
A07041				$ 23,063.81	$ 23,063.81	$ 21,215.00	$ 44,278.81	1.33%	N
D01479				$ 25,345.73	$ 25,345.73	$ 147,726.00	$ 173,071.73	1.46%	Y
A07042				$ 22,714.36	$ 22,714.36	$ 151,724.00	$ 174,438.36	1.31%	Y
D01506				$ 62,563.00	$ 62,563.00	$ 299,079.00	$ 361,642.00	3.60%	Y
A07042A				$ 55,573.96	$ 55,573.96	$ 137,170.00	$ 192,743.96	3.20%	Y
D01509				$ 31,112.35	$ 31,112.35	$ 47,540.00	$ 78,652.35	1.79%	Y
A07043				$ 31,112.35	$ 31,112.35	$ 46,293.00	$ 77,405.35	1.79%	Y
D01507				$ 93,465.00	$ 93,465.00	$ 460,466.00	$ 553,931.00	5.38%	Y
A07044				$ 27,890.40	$ 27,890.40	$ 25,434.00	$ 53,324.40	1.60%	Y
D01508				$ 62,563.00	$ 62,563.00	$ 579,463.00	$ 642,026.00	3.60%	Y
D01512				$ 34,645.30	$ 34,645.30	$ 183,234.00	$ 217,879.30	1.99%	Y
A30057				$ 47,288.46	$ 47,288.46	$ 64,111.00	$ 111,399.46	2.72%	Y
D01511				$ 40,956.40	$ 40,956.40	$ 173,598.00	$ 214,554.40	2.36%	Y
D01510				$ 31,811.25	$ 31,811.25	$ 89,535.00	$ 121,346.25	1.83%	Y
D01536				$ 52,079.45	$ 52,079.45	$ 145,250.00	$ 197,329.45	2.99%	Y
D01538				$ 121,330.28	$ 121,330.28	$ 188,297.00	$ 309,627.28	6.98%	Y
D01537				$ 31,112.35	$ 31,112.35	$ 106,383.00	$ 137,495.35	1.79%	Y
A07066				$ 51,869.78	$ 51,869.78	$ 131,862.00	$ 183,731.78	2.98%	Y
A07067				$ 31,112.35	$ 31,112.35	$ 198,389.00	$ 229,501.35	1.79%	Y
	Average		**$ 255.38**	**$ 52,693.33**	**$ 52,701.07**	**$ 182,386.36**	**$ 235,079.70**	**3.03%**	
	Median		**$ 255.38**	**$ 45,100.23**	**$ 45,100.23**	**$ 145,250.00**	**$ 183,731.78**	**2.59%**	
	Low		**$ 255.38**	**$ 22,714.36**	**$ 22,714.36**	**$ 21,215.00**	**$ 44,278.81**	**1.31%**	
	High		**$ 255.38**	**$ 230,638.08**	**$ 230,638.08**	**$ 595,428.00**	**$ 826,066.08**	**13.26%**	

CITY OF BILLINGS, MONTANA
SPECIAL IMPROVEMENT DISTRICT ASSESSMENT DATA
PART II

CONSULTANT TO COMPLETE	DATA PROCESSING CARDS	COLS
DATE: October 6, 2004		
S.I.D. NUMBER: 1369	A&B	2 – 5
S.I.D. DESCRIPTION: Sanitary sewer, water, storm drain, and street improvements to portions of C/S 793, Deep Powder Subdivision and Lake Hills Subdivision	A	6 - 39
YEARS TO BE ASSESSED: 15	A	59 – 60
TOTAL S.I.D. AREA: 28.75± AC.	A	61 – 71
MEASUREMENT: ___ SF X LF X OTHER		
S.I.D. COSTS: x ESTIMATED PER PRELIMINARY PLANS; ___ ESTIMATED PER BID PRICE; ___ FINAL PER ACTUAL CONSTRUCTION		
S.I.D. MAIN IMPROVEMENT COST: $ 1,775,363.75		

CODE		QUANTITY		UNIT COST		TOTAL
1	ASSESSMENT #1		LF	349.451641	$	1,568,000.00
2	ASSESSMENT #2	16	EA	8,006.25	$	128,100.00
3	ASSESSMENT #3	20	EA	2,139.00	$	42,780.00
4	CITY WATER	1	EA	36,483.75		36,483.75

	DATA PROCESSING CARDS	COLS
TOTAL PROJECT COST = $ 1,775,363.75	A	89 – 96
(ALL COSTS TO INCLUDE PRORATA SHARE OF ADMINISTRATIVE COSTS)		
CITY CENTRAL SUPPORT SERVICES TO COMPLETE		
FIRST YEAR TO BE ASSESSED:	A	40 – 41
TYPE ASSESSMENT: ___ PENDING ___ FINAL	A	42
INTEREST RATE:	A	53 – 58
BOND ISSUE RATE:	A	73 – 78

SID 1369
Moore Lane

Part III

SID Costs:
__XXX__ Estimate Per Preliminary Plans
________ Estimate Per Bid Prices
Final Per Actual Construction

Date: 9/28/2004
SID Number: 1369
Completed By: Andrew Jackson Mattie
Engineer: City of Billings

Tax ID	Legal	Lot	Block	Area (SF)	Frontage (LF)	Assessment # 1 Linear Foot Method of Assessment $ 349.45	Assessment # 2 Equal Method of Assessment $ 8,006.25	Assessment # 3 Equal Method of Assessment $ 2,139.00	Total Cost
						Per Linear Foot of Frontage	Per Property	Per Property	
D01448	C/S 363	6	0	10,500	150	52,417.75			$ 52,417.75
C12345	Flanagan Sub Amended 6B	6B	0	109,756	265	92,604.68		2,139.00	$ 94,743.68
D01452	Old Fanagan Sub. S. 145 ft. Lot 6	6	0	43,601	145	50,670.49			$ 50,670.49
D01447	Old Fanagan Sub. Lot 5	5	0	198,198	660	230,638.08			$ 230,638.08
A07004	Flanagan Sub (Lot 12 Amended) 12A	12	0	13,515	100	34,945.16		2,139.00	$ 37,084.16
A23885	Maverik Sub. N. 150 of Lot 11 Flanagan	1	1	43,581	150	52,417.75		2,139.00	$ 54,556.75
A07007	Flanagan Sub. (Lot 12 Am.) 12C & 12D	12	0	23,138	85.6	29,913.06			$ 29,913.06
A27196	Maverik Sub. 2nd Filing	2	1	15,750	105	36,692.42			$ 36,692.42
D01476	Flanagan Sub. S. 145 ft. of N. 1/2 Lot 12	12	0	39,207	145.55	50,862.69			$ 50,862.69
A27197	Maverrik Sub. 2nd	3	1	15,750	105.00	36,692.42			$ 36,692.42
D01477	C/S 352	12	0	38,769	129.06	45,100.23			$ 45,100.23
A27198	Maverick Sub. 2nd Filing	4	1	15,750	105	36,692.42			$ 36,692.42
A27199	Maverick Sub. 2nd Filing	5	1	17,393	165.88	57,967.04		2,139.00	$ 60,106.04
D01478	C/S 352	12	1	38,769	129.06	45,100.23			$ 45,100.23
A07041	Flanagan N. 3/5 of lot 22	7	0	8,933	66	23,063.81			$ 23,063.81
D01479	C/S 352	12	0	21,780	72.53	25,345.73			$ 25,345.73
A07042	Flanagan Sub. N. 3/5th Lot 22	8	0	8,798	65	22,714.36			$ 22,714.36
D01506	Old Flanagan Sub. N. 150 of 21	21	0	45,045	150	52,417.75	8,006.25	2,139.00	$ 62,563.00
A07042A	Flanagan Sub. N. 3/5 Lot 22	8	0	17,596	130	45,428.71	8,006.25	2,139.00	$ 55,573.96
D01509	C/S 1495	21C	0	1,816	60	20,967.10	8,006.25	2,139.00	$ 31,112.35
A07043	Flanagan Sub. N. 3/5 Lot 22	11	0	8,121	60	20,967.10	8,006.25	2,139.00	$ 31,112.35
D01507	Old Flanagan Sub. 21A	21A	0	71,601	238.43	83,319.75	8,006.25	2,139.00	$ 93,465.00
A07044	Flanagan Sub. N. 3/5 Lot 22	12	0	6,873	50.78	17,745.15	8,006.25	2,139.00	$ 27,890.40
D01508	Flanagan Sub. Amended 21-B1	21B	0	52,098	150	52,417.75	8,006.25	2,139.00	$ 62,563.00
D01512	Old Flanagan Sub. 22 Am. 2/3rd / S. 2/5th	22	0	35,067	70.11	24,500.05	8,006.25	2,139.00	$ 34,645.30
A30057	Flanagan Sub. 22B N. 2/3rd / S. 2/5	22B	0	16,212	106.29	37,143.21	8,006.25	2,139.00	$ 47,288.46
D01511	Old Flanagan Sub. 1/3 / 2/5 Lot 22	22	0	26,514	88.17	30,811.15	8,006.25	2,139.00	$ 40,956.40
D01510	Flanagan Sub. Amended 21-B2	21	0	11,565	62	21,666.00	8,006.25	2,139.00	$ 31,811.25
D01536	C/S 116 Amended	27	0	36,120	120	41,934.20	8,006.25	2,139.00	$ 52,079.45
D01538	Old Flanagan Sub. Lot 28	28	0	64,692	318.17	111,185.03	8,006.25	2,139.00	$ 121,330.28
D01537	C/S 116 Amended	27	0	18,060	60	20,967.10	8,006.25	2,139.00	$ 31,112.35
A07066	Flanagan Sub. Fraction Lot 27 Amended	1	0	23,857	119.4	41,724.53	8,006.25	2,139.00	$ 51,869.78
A07067	Flanagan Sub. Fraction Lot 27 Amended	2	0	49,809	60	20,967.10	8,006.25	2,139.00	$ 31,112.35
Total				**1,148,234**	**4487.03**	**$ 1,568,000.00**	**$ 128,100.00**	**$ 42,780.00**	**$ 1,738,880.00**