

RESOLUTION NO. 04-18177

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 287 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREET LIGHTS, DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COST.

WHEREAS, the City Council of Billings, Montana, has determined that the public interest and convenience require the creation of a Special Improvement Lighting Maintenance District as hereinafter provided;

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

SECTION 1:

That the public interest and convenience require, and it is deemed necessary, to create a Special Improvement Lighting Maintenance District for the purpose of providing energy and maintenance for new street lights for lighting in said district; and the intention of said City Council to create such a district, hereinafter more particularly described, is hereby declared.

SECTION 2:

That said district shall be known and designated as "Special Improvement Lighting Maintenance District No. 287" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting on Midland Road through Billings Operations Center Subdivision and Lot 4 Block 1, Cereus Subdivision as shown on the map designated as Exhibit "A" attached hereto, and as listed in Exhibit "B" which is attached hereto. The district boundary shall be as described in Exhibit "C" attached hereto.

SECTION 3:

That the City of Billings, Montana, hereby finds, determines and declares that each of the lots, blocks, pieces and parcels of land situated within the boundaries of the District, will be especially benefited and affected by said improvements, and that all of the property included within the District is hereby declared to be the property to be assessed, for the cost and expense of obtaining the electrical energy for and maintenance of said street lights.

SECTION 4:

That the general character of the improvements to be made for the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of twelve (12) 250 watt high pressure sodium luminaires. All luminaires will be mounted on steel poles served by underground wiring. The City of Billings, Montana shall own said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$7.01 per 250 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That the Northwestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 6:

The estimate of the cost of the District per year is the sum of \$2,629.44; that the entire cost of said District shall be paid by the owners of the property within said District, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which it's lineal front footage along Midland Road bears to the assessable lineal front footage of the entire District, exclusive of streets, avenues, alleys, and public places. The estimated cost of the District per year for property owners is on the basis of approximately \$1.09210526 per lineal foot. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$3328.28 or approximately \$1.38235978 per lineal foot.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District; that annually, pursuant to MCA 7-12-4332, the City Council shall adopt a resolution estimating the cost of maintaining said lights including a reserve, and furnishing electrical current and assessing all of said property within said District for the annual costs; that all monies derived

from the collection of such assessments shall be paid into a fund to be known as "Special Lighting Maintenance District No. 287 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefor.

SECTION 8:

That on the 13th day of September, 2004, at 6:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create such Special Improvement Lighting Maintenance District No. 287 and will hear objections and protests against the proposed improvements and the extent and creation of such District to be assessed, or any matter pertaining thereto, at said time and place, by any person, firm, or corporation who has filed a written protest with the City Clerk of the City of Billings within fifteen (15) days after the date on which the Notice of the passage of this Resolution of Intention is mailed to the property owners affected and published in "The Billings Times".

SECTION 9:

That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "The Billings Times", a weekly newspaper published and circulated in the City of Billings, Montana, and to send a copy of said Notice to the owners of all the lots, blocks, pieces or parcels of land included within the boundaries of said Special Improvement Lighting Maintenance District No. 287. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 23rd day of August 2004.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk

SILMD # 287
EXHIBIT "A"

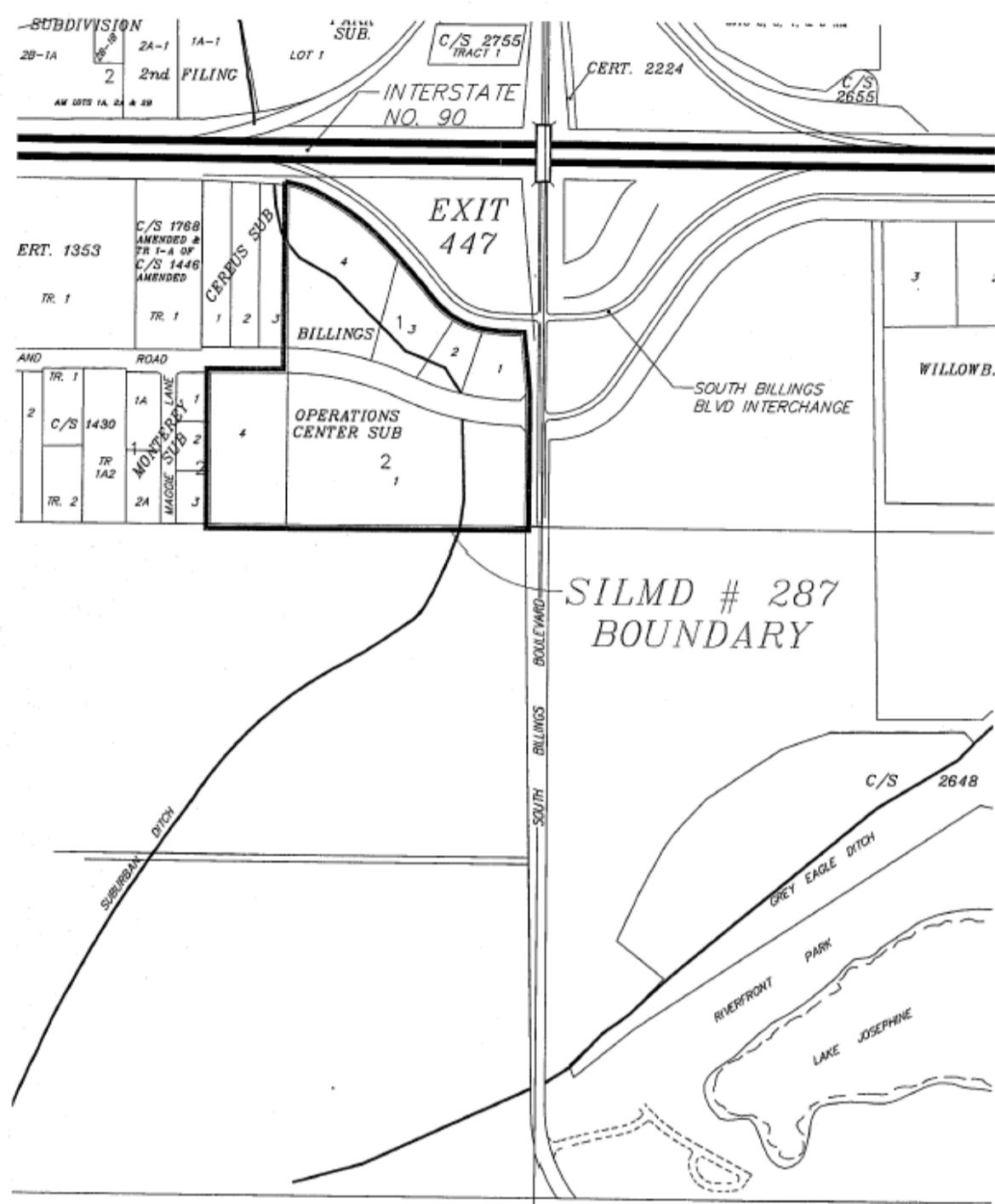


EXHIBIT B
SILMD 287--Ownership and Assessment Data

| GEOCODE | Tax Code | Owner Name | Legal Description | Address | City-State-Zip | Frontage |
|-----------------------|----------|------------------|---------------------------------------|-----------------------|------------------------|----------------|
| 03092717102040000 | C12074 | City of Billings | L 4 BLK 1 CEREUS SUB | PO Box 1178 PO BOX | BILLINGS MT 59103 | 314.44 |
| 03092717103100000 | A30490 | STUDER, ROBERT R | L 1 BLK 1 Blgs Operations Center Sub | 1396 PO BOX | BILLINGS MT 59103-1396 | 281.41 |
| 03092717103200000 | A30491 | STUDER, ROBERT R | L 2 BLK 1 Blgs Operations Center Sub | 1396 PO BOX | BILLINGS MT 59103-1396 | 199.35 |
| 03092717103300000 | A30492 | STUDER, ROBERT R | L 3 BLK 1 Blgs Operations Center Sub | 1396 | BILLINGS MT 59103-1396 | 203.00 |
| 03092717103400000 | A30493 | City of Billings | L 4 BLK 1 Blgs Operations Center Sub | PO Box 1178 | BILLINGS MT 59103 | 362.74 |
| 03092717104100000 | A30494 | City of Billings | L 1 BLK 2, Blgs Operations Center Sub | PO Box 1178 | BILLINGS MT 59103 | <u>1046.74</u> |
| Total Frontage (feet) | | | | | | 2407.68 |

EXHIBIT "C"

SILMD 287 – BOUNDARY DESCRIPTION

Beginning at the southeast corner of Lot 1, Block 2, Billings Operations Center Subdivision;
Thence northerly along the west Right-Of-Way line of South Billings Boulevard to the northeast corner of
Lot 1, Block 1 of said subdivision;
Thence northwesterly along the north property line of Block 1 of said subdivision, which is also the south
right-of-way line of Interstate 90, to the northwest corner of Lot 4, Block 1 of said subdivision;
Thence southerly along the west lot line of Lot 4, Block 1 of said subdivision and continuing across
Midland Road Right-Of-Way to the northeast corner of Lot 4, Block 1, Cereus Subdivision;
Thence westerly along the south Right-Of-Way line of Midland Road, which is also the north line of Lot 4,
Block 1 Cereus Subdivision, to the northwest corner of Lot 4, Block 1 of said subdivision;
Thence southerly along the west lot line of Lot 4, Block 1 of said subdivision to the southwest corner of
said lot and block;
Thence easterly along the south line of Cereus Subdivision and Billings Operations Center Subdivision to
the point of beginning.
Exempting there from all lands which are public street, road, or alley rights-of-way.