

## RESOLUTION 20 -10851

**A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 326 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 COSTS.**

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 more particularly described hereinafter, is declared.

### SECTION 2:

That said newly created district shall be known and designated as "Special Improvement Lighting Maintenance District No. 326", hereinafter called the District, and the boundaries of the District shall include lots, parcels and pieces of land directly abutting King Avenue East between Orchard Lane and Jackson Street as shown on the map designated as Exhibit "A" and as described in Exhibit "B" attached hereto.

### SECTION 3:

That the City of Billings, Montana, 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 costs and expenses 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 declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of sixteen (16) LED luminaires mounted on steel poles with underground wiring. The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The initial cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

### SECTION 5:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$7.94 per unit, per month, and that 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, including City administrative costs, is the sum of \$4,045.96; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "C" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its assessable

area bears to the total assessable area of the entire District, exclusive of public streets, avenues, alleys and other public places. The estimated cost of the District per year for property owners is on the basis of approximately \$ 0.00830852 per square foot of property within the District boundary.

#### 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 § 7-12-4332, MCA, the City Council shall adopt a resolution estimating the cost of maintaining said lights including a reserve to fund annual maintenance and future costs to replace underground wiring, fixtures, and poles, 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. 326 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

#### SECTION 8:

That on the 23rd day of March, 2020, at 5:30 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. 326 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 published in "Yellowstone County News".

#### 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 "Yellowstone County News", a weekly newspaper published and circulated in Yellowstone County, Montana, on February 28<sup>th</sup>

and March 6<sup>th</sup>, 2020, 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. 326. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 24th day of February, 2020.

CITY OF BILLINGS



By William A. Cole  
William A. Cole, Mayor

ATTEST:

By Denise R. Bohlman  
Denise R. Bohlman, City Clerk

# SILMD 326 - Exhibit A

STONE STREET

MURPHY AVENUE

HILLVIEW LANE

JANSMA AVENUE

HALLOWELL LANE

D01634

D01634A

D01634B

D01635

ORCHARD LANE

A09424 A09427 A09428

A09425

A09426

A09429

A09430

A09431

A09432

A09433

A09434

A09435

A09436

A09437

A09438

A09439

A09440

A09441

A09442

A09443

A09444

JACKSON STREET

A25411

CAMBRIDGE DRIVE

D01869

D01870

ARLINGTON DRIVE

BROCKTON AVENUE S.W.

CARLTON AVENUE S.W.

SILMD 326

Assessed Parcels

SILMD 326 Assessed Area

## EXHIBIT "B"

### SILMD 326 – DISTRICT DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of King Avenue East between Orchard Lane and Jackson Street in Yellowstone County, Montana. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

Lot 1A, Block 6, Lot 9A, Block 12, Amended Plat of Block 6 and Lots 9 -11, Block 12, Southwest Billings Subdivision, 2<sup>nd</sup> Filing, as recorded April 24, 1978 under Document Number 1086626;

Tract 1A, of the Amended Tracts 1 & 2 of Certificate of Survey 741, as recorded August 2, 1982, under Document Number 1236396;

Lot 13, of Cambridge Subdivision, as recorded May 29, 2002, under Document Number 3178161;

Lots 22-24, Block 12, Southwest Park Subdivision, 4<sup>th</sup> Filing, as recorded December 21, 1976, under Document Number 1037482;

Lots 1A-2A, 6A-10A Block 2, Amended Plat Block 2 Jansma Subdivision 2<sup>nd</sup> Filing, as recorded July, 26, 1983, under Document Number 1274014;

Lots 3-5, Block 2 Jansma Subdivision, 2<sup>nd</sup> Filing, as recorded October 9, 1961, under Document Number 670441

Lots 1-10 Block 1, Jansma Subdivision 1<sup>st</sup> Filing, as recorded January 12, 1961 under Document Number 654824;

Tract 2A, 3 & 4 of the Second Amended Certificate of Survey 2128M, as recorded December 28, 1987, under Document Number 1468403;

Tract 1, of the Certificate of Survey 1824, as recorded October 11, 1978, under Document Number 1106899;

Exempting there from all lands which are public street, road, or alley rights-of-way.

Exhibit C  
SILMD 326  
King Avenue East

TAX_ID	Owner Name	Property Address	Short Legal Description	LOT AREA	Est. Annual Assmt. Sqft
A09424	PEPPIN, COLE A &	4249 KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 1 - 2	12466	\$103.57
A09425	BLAKE, TRACEY L	4233 KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 3	6233	\$51.79
A09426	HOFFMANN, JOHN B & COLLEEN F	4215 KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 4	6233	\$51.79
A09427	KALLEVIG, MICHAEL A	4211 KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 5 - 6	12466	\$103.57
A09428	THOMALOU LLC	4203 KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 9 - 10	12486	\$103.74
A09428A	SPUTSTONE, TIMOTHY & LUCINDA	4209 KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 7	6233	\$51.79
A09428B	WHITAKER, ALVIN E	NULL KING AVE	JANSMA SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, Lot 8	6233	\$51.79
A09429	SCHOENENBERGER, DAVID L & MARGARET	4149 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 1A	5933	\$49.29
A09429A	BULLER, BEN & ASHLEY	4143 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 2A	5933	\$49.29
A09429B	WOOD, SHAWN &	4135 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 3 - 5, (96)	17798	\$147.88
A09430A	HOVLAND, CASSANDRA LYNN	4129 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 6A, AMENDED	5933	\$49.29
A09430B	JOSEPH, JAMAAL	4123 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 7A	5933	\$49.29
A09431	MIZE, NATHAN & CANDI	4117 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 8A	5933	\$49.29
A09431A	HARTMAN, DONNA J	4111 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 9A, AMENDED	5933	\$49.29
A09431B	WHITEMAN, ZANE & BRIDGET	4105 KING AVE	JANSMA SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 2, Lot 10A, AMENDED	6002	\$49.87
A14199	GRAY, GARY A & DIANA M	820 ARLINGTON DR	SOUTHWEST BILLINGS SUBD 2ND, S16, T01 S, R26 E, BLOCK 6, Lot 1A	14304	\$1,188.48
A14268	GRAY, GARY A & DIANA M	820 ARLINGTON DR	SOUTHWEST BILLINGS SUBD 2ND, S16, T01 S, R26 E, BLOCK 12, Lot 9A	9885.9	\$82.14
A25411	NOWAK, MARTIN S JR & JOANN J	4101 KING AVE	SOUTHWEST PARK SUBD 4TH FILING, S09, T01 S, R26 E, BLOCK 12, Lot 22 - 24	48941.6	\$406.63
D01634	SCHLEINING, GL	NULL NULL NULL	S09, T01 S, R26 E, C.O.S. 2128M, TRACT 2A, 2ND AMND TR 2	57076.4384	\$474.22
D01634A	SCHLEINING, GL	731 ORCHARD LN	S09, T01 S, R26 E, C.O.S. 2128M, TRACT 3, 2ND AMND TR 1A	3128.561	\$25.99
D01634B	SCHLEINING, GL	NULL NULL NULL	S09, T01 S, R26 E, C.O.S. 2128M, TRACT 4, 2ND AMND TR 1B	11325.6	\$94.10
D01635	SCHMELING, KEVIN W	4339 KING AVE	S09, T01 S, R26 E, C.O.S. 1824, TRACT 1	15930	\$132.36
D01869	PETERSON, LYNELLE	4140 KING AVE	S16, T01 S, R26 E, C.O.S. 647, TRACT B, AMND & LT 13 CAMBRIDGE SUB (REMAINDER) 6, 366 AC (03)	6355.25	\$52.80
D01870	SCHOOL DISTRICT #2	4188 KING AVE	S16, T01 S, R26 E, C.O.S. 741, TRACT 1A, AMEND TR 1 & 2 PONDEROSA SCHOOL	69529.031	\$577.68
					<b>\$4,045.96</b>
			Total Assessment Basis	486,964.60	Square feet
			Assessment Rate	0.000330832	