

RESOLUTION 20-10917

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 329 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF MAINTAINING THE STREET LIGHTING FIXTURES AND FACILITIES WITHIN THE DISTRICT AND SUPPLYING ELECTRICAL CURRENT THEREFOR; DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, GENERALLY DESCRIBING THE MAINTENANCE TO BE UNDERTAKEN, PROVIDING AN INITIAL ESTIMATE OF COSTS AND EXPENSES AND DESCRIBING THE METHOD OF ASSESSING SUCH COSTS AND EXPENSES; AND, IN THE EVENT THE DISTRICT IS CREATED, AMENDING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 263 OF THE CITY OF BILLINGS, MONTANA

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

Section 1. The City Council of the City has determined that the public interest and convenience require, and it is deemed necessary to create, a Special Improvement Lighting Maintenance District pursuant to Montana Code Annotated, Title 7, Chapter 12, Part 43, for the purpose of maintaining the street lighting fixtures and facilities within the proposed district, supplying electrical current therefor, and assessing the costs and expenses thereof against the lots and parcels of land within the proposed district. The intention of the City Council to create the proposed district, as hereinafter more particularly described, is hereby declared.

Section 2. The proposed Special Improvement Lighting Maintenance District shall be known and designated as "Special Improvement Lighting Maintenance District No. 329 (hereinafter called the "District"), and the boundaries of the District are hereby declared to include the lots and parcels of land directly abutting Hallowell Lane between King Avenue East and State Avenue, as shown on the map included as Exhibit A attached hereto and as described in Exhibit B attached hereto.

The District includes certain lots and parcels of land within existing Special Improvement Lighting Maintenance Districts designated as "Special Improvement Lighting Maintenance District No. 263" (hereinafter called the "Existing District"), as described in Exhibit C attached hereto. If the District is created, the Existing District shall be amended to remove said parcel as of the first fiscal year in which assessments are levied with respect to the District.

Section 3. The general character of the maintenance to be undertaken within the District is hereby declared to be as follows: (i) maintenance of the street lighting fixtures

and facilities, currently consisting of 36 LED luminaires mounted on steel poles, underground wiring and associated appurtenances and equipment, and (ii) supplying electrical current therefor. The City shall own all such street lighting fixtures and facilities. Notwithstanding anything herein to the contrary, maintenance, for purposes of the District, includes routine maintenance, major maintenance and replacement of obsolete, damaged or worn-out street lighting fixtures and facilities.

Section 4. The City hereby finds, determines and declares that each of the lots and parcels of land within the District will be specially benefited and affected by the street lighting fixtures and facilities within the District, and that all of the lots and parcels of land within the District are hereby declared to be the lots and parcels of land to be assessed for the costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor, as further described in Section 5 below.

Section 5. The City estimates that the aggregate costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor are \$5,826.62 for the first year, which amount includes \$2.45 per unit per month for electrical current. It is expected that such costs and expenses will vary from year to year and will generally increase over time. Each year the City Council shall adopt a resolution estimating such costs and expenses and may adjust annual assessment amounts in accordance with Section 7-12-4332, M.C.A. Such costs and expenses may include amounts for the accumulation of maintenance reserves. The cost of the original installation of the street lighting fixtures and facilities will be paid for by the City and will not be included in the costs and expenses assessed against the lots and parcels of land within the District.

Section 6. All costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor shall be assessed against the lots and parcels of land within the District, as listed in Exhibit D attached hereto in accordance with Section 7-12-4324, M.C.A., with each such lot or parcel of land to be assessed such portion of the aggregate costs and expenses as its lineal frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. Estimated assessments for the first year is approximately \$0.699390 per lineal foot of property frontage, as set forth on Exhibit D attached hereto.

Section 7. All monies derived from the collection of the assessments described in Section 6 above shall be paid into a fund to be known as "Special Lighting Maintenance District No. 329 Maintenance Fund." Amounts in the Special Lighting District No. 329 Maintenance Fund will be used to pay the costs and expenses of maintaining the street lighting fixtures and facilities and supplying electrical current therefor, and for no other purpose.

Section 8. That on the 11th day of January 2021, at 5:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create the District and will hear protests against the proposed maintenance, the costs and expenses

SILMD 329 - Exhibit A

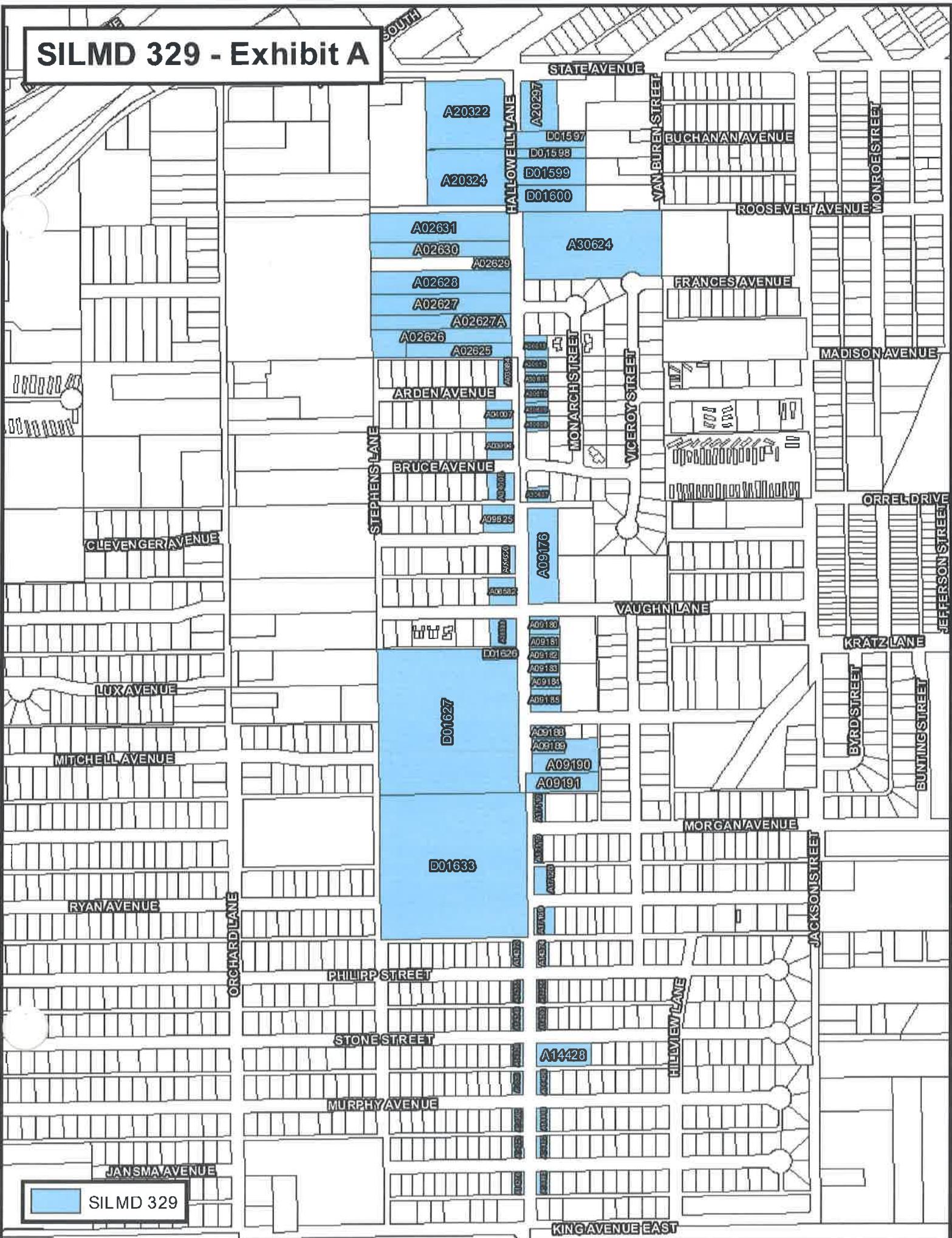


EXHIBIT "B"

SILMD 329 – DISTRICT DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Hallowell Lane between King Avenue East and State Avenue 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 16, Block 10, Lots 1 & 12, Block 9, Lots 1 & 12, Block 8, Lots 1 & 12, Block 7, Lot 1, Block 6, Southwest Park Subdivision, 2nd Filing, as recorded August 27, 1963, under Document Number 713317;

Lot 17, Block 6, Lots 17-18, Block 3, Lot 16, Block 2, Treasure Valley Subdivision, as recorded June 05, 1954, under Document Number 524964;

Tract 2, Certificate of Survey 360, as recorded November 11, 1950, under Document Number 471080;

Lots 4, 5, 12, 13 & 20, Homecroft Acres Subdivision, as recorded September 6, 1907, under Document Number 8239;

Lots 2-7, Block 1, Lot 1, Block 2, Lot 2, Block 4, Chrysalis Acres Subdivision, as recorded March 3, 2003, under Document Number 3220635;

Unplatted parcels situated in the NE1/4 Section 9, Township 1 South, Range 26 East, wholly surrounded to the west by T.O. Rickman Industrial Subdivision, Amended, as recorded January 27, 1984 under Document Number 1294680, to the north by Tract 2, Certificate of Survey 1930, as recorded September 4, 1979 under Document Number 1140616, to the east by Amended Tract B of Certificate of Survey Number 154, as recorded October 9, 1979 under Document Number 1144409 and Fairview Subdivision, as recorded May 27, 1914 under Document Number 52839, to the south by Chrysalis Acres Subdivision, as recorded March 20, 2003 under Document Number 3220635;

Tracts 1 & 2, Certificate of Survey 1930, as recorded September 4, 1979, under Document Number 1140616;

Lot 1A, Conitz Subdivision, as recorded February 28, 1996, under Document Number 1818380;

Lots 1A1 & 3A1, Block 1, T.O. Rickman Industrial Subdivision Amended, as recorded January 27, 1984, under Document Number 1294680;

Lots 1-10, Balcher Acres, as recorded November 22, 1946, under Document Number 420510;

Lot 1, Block 1, Lots 1 & 20, Block 2, Lot 1, Block 3, Byrnes-Stephens Subdivision, as recorded August 21, 1951, under Document Number 481005;

Lot 1, Block 1, Lot 1, Block 2, Kissee Subdivision, as recorded May 29, 1956, under Document Number 564232;

Lot 1, Block 1, Lot 1, Block 2, Hayes Subdivision, as recorded April 17, 1959, under Document Number 619995;

Unplatted parcels situated in Section 9, Township 1 South, Range 26 East, more particularly described as follows; the NE1/4, NW1/4, SE1/4 and the SE1/4, NW1/4, SE1/4 of Section 9, Township 1 South, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana;

Lot 6, Block 5, Lots 6 & 7, Block 4, Lots 6 & 7, Block 3, Lots 6 & 7, Block 2, Lot 7, Block 1, Southwest Park Subdivision, as recorded October 9, 1961, under Document Number 670442;

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

EXHIBIT C

| TAX_ID | OwnerName | ShortLegalDescription |
|--------|--------------------------|--|
| D01597 | SMITH, DAN L & BARBARA L | S09, T01 S, R26 E, C.O.S. 1930, PARCEL 1 |

EXHIBIT D

| TAX_ID | OwnerName | Short Legal Description | Frontage | Assessment Estimate |
|---------|--|---|----------|---------------------|
| A02625 | NETTERBERG, CHARLES J JR | BALCHER ACRES, S09, T01 S, R26 E, lot 1, E475 FT LT 1 | 66 | \$ 46.16 |
| A02626 | BAUER PROPERTIES LLC | BALCHER ACRES, S09, T01 S, R26 E, lot 2, & W154.8 FT LT 1 | 66 | \$ 46.16 |
| A02627 | SCHELLER, JEFFREY A & SHAINA C | BALCHER ACRES, S09, T01 S, R26 E, lot 4, & S27' LT 5 1/346 AC (02) | 93 | \$ 65.04 |
| A02627A | BAUER PROPERTIES LLC | BALCHER ACRES, S09, T01 S, R26 E, lot 3, 0.956 AC (02) | 66 | \$ 46.16 |
| A02628 | PERRY, DALTON A | BALCHER ACRES, S09, T01 S, R26 E, lot 5, N39' LT 5-6 | 105 | \$ 73.44 |
| A02629 | MCGEE, TORRENCE K & HEATHER D | S09, T01 S, R26 E, C.O.S. 480, PARCEL A | 61 | \$ 42.66 |
| A02630 | TIPTON, GARY C & | BALCHER ACRES, S09, T01 S, R26 E, lot 8, LT 8 & NS FT LT 7 (LESS COS 480) | 71 | \$ 49.56 |
| A02631 | ROMERO, GILBERT JR | BALCHER ACRES, S09, T01 S, R26 E, lot 9-10 | 132 | \$ 92.32 |
| A03984 | ELLARD, ADAM C & RACHEL M | BYRNES-STEPHENS, S09, T01 S, R26 E, BLOCK 1, lot 1 | 125 | \$ 87.42 |
| A03994 | PASQUARELLO, ROBERT & KAMELLE | BYRNES-STEPHENS, S09, T01 S, R26 E, BLOCK 2, lot 1-2 | 125 | \$ 87.42 |
| A04007 | RICHAU, KEVIN | BYRNES-STEPHENS, S09, T01 S, R26 E, BLOCK 2, lot 19-20 | 125 | \$ 87.42 |
| A04008 | NORDAHL, ALICE F | BYRNES-STEPHENS, S09, T01 S, R26 E, BLOCK 3, lot 1-2 | 126 | \$ 88.12 |
| A08582 | BIRKLE, KAREN | HAYES SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1-2 | 125 | \$ 87.42 |
| A08588 | BIRKLE, KAREN | HAYES SUBD, S09, T01 S, R26 E, BLOCK 2, lot 1-2 | 126 | \$ 88.12 |
| A09176 | EASTMAN, RICK A & | HOMECROFT ACRES, S09, T01 S, R26 E, Lot 4-5 | 435 | \$ 304.23 |
| A09180 | DVORAK, RICK | HOMECROFT ACRES, S09, T01 S, R26 E, lot 12, N82.5' | 83 | \$ 58.05 |
| A09181 | ROMERO, NEILE | HOMECROFT ACRES, S09, T01 S, R26 E, lot 12, N60 FT S135 FT LT 12 | 60 | \$ 41.96 |
| A09182 | ROMERO, GUY C & KIRK R & NEILE & LLOYD | HOMECROFT ACRES, S09, T01 S, R26 E, lot 12, S75' | 75 | \$ 52.45 |
| A09183 | ACHTEN, WAYNE & | HOMECROFT ACRES, S09, T01 S, R26 E, lot 13, N56' | 56 | \$ 39.17 |
| A09184 | SMITH, MICHAEL L & | HOMECROFT ACRES, S09, T01 S, R26 E, lot 13, S56' N112' | 56 | \$ 39.17 |
| A09185 | HIRT, DONNA | HOMECROFT ACRES, S09, T01 S, R26 E, lot 13, S105.5' | 106 | \$ 74.14 |
| A09188 | CHARLES R DANHOF TRUST | HOMECROFT ACRES, S09, T01 S, R26 E, lot 19-20, W15.29' N62.5' LT 19 & N62.5' LT 20 | 63 | \$ 44.06 |
| A09189 | SANNES, RONALD R JR | HOMECROFT ACRES, S09, T01 S, R26 E, lot 19-20, N67.5' S155' W15.29' LT 19 N67.5' S155' LT 20 | 68 | \$ 47.56 |
| A09190 | O'REILLY, LYLE W & BARBARA F | HOMECROFT ACRES, S09, T01 S, R26 E, lot 19-20, N67.5' E150' S155' LT 19 & S87.5' LT 19-20 | 88 | \$ 61.55 |
| A09191 | NAVA, ROBIN LEE & JESSICA ALDORA | S09, T01 S, R26 E, C.O.S. 380, PARCEL 2, (LESS 30 FT STREET) | 85 | \$ 59.45 |
| A09625 | RESELEN, KIMBERLY A | KISSEE SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1-2, & E21 LT 3 | 125 | \$ 87.42 |
| A09630 | FISHER, SHANNON J | KISSEE SUBD, S09, T01 S, R26 E, BLOCK 2, lot 1 | 125 | \$ 87.42 |
| A14278 | WEBER, JAMES A & ROBIN K | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 1, lot 7, LESS W50 FT | 104 | \$ 72.74 |
| A14301 | ENZENBACHER, DOMINICK | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 2, lot 6, LESS W50 FT | 104 | \$ 72.74 |
| A14302 | MARTIN, AARON J & DOLORES | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 2, lot 7, LESS W50 FT | 104 | \$ 72.74 |
| A14325 | JONES, ANGELA L | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 3, lot 6, E54 | 108 | \$ 75.53 |
| A14326 | HOLT, KAREN N | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 3, lot 7, LESS W50' | 104 | \$ 72.74 |
| A14349 | BONNER, REUBEN & MURIEL | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 004, lot 006, LT 6 LESS W50 FT BLK 4 SOUTHWEST PARK SUBD 1ST FILING | 104 | \$ 72.74 |
| A14350 | TURNER, JAMES D & | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 4, lot 7, LESS W50 FT | 104 | \$ 72.74 |
| A14373 | REYNOLDS, RICHARD | SOUTHWEST PARK SUBD 1ST FILING, S09, T01 S, R26 E, BLOCK 5, lot 6, LESS W50 FT | 115 | \$ 80.43 |
| A14374 | BALL, NATALIE Y | SOUTHWEST PARK SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 6, lot 1, LESS E55 FT | 115 | \$ 80.43 |
| A14382 | OAKLAND, BRIANA M | SOUTHWEST PARK SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 7, lot 1, LT 1 LESS E50 FT BLK 7 | 104 | \$ 72.74 |
| A14405 | NICHOLSON, PATRICK T | SOUTHWEST PARK SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 7, lot 12, LESS E50 FT | 104 | \$ 72.74 |
| A14406 | LUECK, VICKI L & | SOUTHWEST PARK SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 8, lot 1, LESS E40 FT | 108 | \$ 75.53 |
| A14428 | CHURCH OF GOD PROPHECY, THE | SOUTHWEST PARK SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 8, lot 11-12, W50' LT 10 & ALL LT 11-12 BLK 8 SOUTHWEST PARK SUBD 2ND FILING | 104 | \$ 72.74 |
| A14430 | REIMERS, RUSSELL D & ROBERTA K | TREASURE VALLEY SUBD, S09, T01 S, R26 E, BLOCK 3, lot 17 | 115 | \$ 80.43 |
| A14449 | CUMMINS, GERALD E | TREASURE VALLEY SUBD, S09, T01 S, R26 E, BLOCK 3, lot 18-20 | 104 | \$ 72.74 |
| A14463 | BARNARD, PETER E | TREASURE VALLEY SUBD, S09, T01 S, R26 E, BLOCK 6, lot 15-17 | 104 | \$ 72.74 |
| A17110 | BIBLER, HEIDI J | CONITZ SUBD, S09, T01 S, R26 E, Lot 1A, AMND LT 1(97) | 126 | \$ 88.12 |
| A17119 | SHEARIN, SHANNON | RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1A1, AMND | 125 | \$ 87.42 |
| A17120 | LAJURGE, RONALD G | RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1A1, AMND | 125 | \$ 87.42 |
| A17169 | MAIER, BETTY A | RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1A1, AMND | 125 | \$ 87.42 |
| A20327 | FD GROUP 9 LLC | RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1A1, AMND | 126 | \$ 87.42 |
| A20322 | REALCO LLC | RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, lot 1A1, AMND | 125 | \$ 87.42 |

EXHIBIT D

| TAX_ID | OwnerName | ShortLegalDescription | Frontage | Assessment Estimate |
|--------|------------------------------------|--|----------|---------------------|
| A20324 | MILLS, BOBBY R | RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 3A/1, AMND | 259 | \$ 181.14 |
| A30608 | CARLSON, RUSSELL C JR & REBECCA | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, lot 2, 7,035 SF (04) | 67 | \$ 46.86 |
| A30609 | KING, MICHAEL & | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, lot 3, 7,035 SF (04) | 67 | \$ 46.86 |
| A30610 | GENTRY, KEVIN TYLER & COURTNEY LEE | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, lot 4, 7,035 SF (04) | 67 | \$ 46.86 |
| A30611 | TIDWELL, CHANEY R & | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, lot 5, 7,035 SF (04) | 67 | \$ 46.86 |
| A30612 | PETRE, CONNIE J | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, lot 6, 7,035 SF (04) | 67 | \$ 46.86 |
| A30613 | ELCO ENTERPRISES LLC | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, lot 7, 10,413 SF (04) | 99 | \$ 69.24 |
| A30624 | BILLINGS ELEMENTARY SCHOOL DIST #2 | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 2, lot 1, 4.42 AC (04) | 313 | \$ 218.91 |
| A30657 | BOWMAN, RHANNON | CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 4, lot 2, 7,022 SF (04) | 67 | \$ 46.86 |
| D01197 | SMITH, DAN L & BARBARA L | S09, T01 S, R26 E, C.O.S. 1930, PARCEL 1 | 76 | \$ 53.15 |
| D01598 | TURLEY, DARREN J & | S09, T01 S, R26 E, C.O.S. 1930, PARCEL 2 | 50 | \$ 34.97 |
| D01599 | HENDERSON, EDWARD T & | S09, T01 S, R26 E, 1 AC IN W2, LOT 2 IN NE4 | 122 | \$ 85.33 |
| D01600 | METZER, STEVEN W | S09, T01 S, R26 E, S 1 ACRE OF W2 LT 2 IN NE4 | 122 | \$ 85.33 |
| D01626 | ROMAIN, MONTE R | S09, T01 S, R26 E, 50 X 150 FT IN NE CORNER OF LT 3 IN SEA | 50 | \$ 34.97 |
| D01627 | CITY OF BILLINGS | S09, T01 S, R26 E, LOT 3 OR NENWSE4 (LESS 50 X 150FT) IN NE CORNER | 601 | \$ 420.33 |
| D01633 | CITY OF BILLINGS | S09, T01 S, R26 E, LOT 6 OR SENWSE | 661 | \$ 462.30 |
| | | | 8331 | \$ 5,826.62 |

Price Per Lineal Foot

0.699390

thereof and the extent and creation of the District to be assessed therefor, at said time and place, by any person, firm or corporation owning property within the District who has filed a written protest with the City Clerk of the City within fifteen (15) days after the date on which the notice of the passage of this Resolution of Intention is first published in the 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 twice in the Yellowstone County News, a weekly newspaper published and circulated in the City, and to mail a copy of said notice to every person, firm or corporation owning property within the District. Said notice is to be mailed on the same date as it is first published.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 14th day of December 2020.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

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