

## RESOLUTION NO. 06-18401

### A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE PARK MAINTENANCE DISTRICT NO. 4032 FOR THE PURPOSE OF MAINTAINING EXISTING AND FUTURE PUBLIC AREA IMPROVEMENTS IN RIVERFRONT POINTE SUBDIVISION, CITY OF BILLINGS, MONTANA

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

**Section 1. Proposed Park Maintenance District; Intention To Create Park Maintenance District.** The City proposes to maintain certain special improvements to benefit certain property located in the City of Billings, Montana. The Improvements consist of landscaping, trails, drainageways, storm water detention facilities, irrigation systems, lighting and other public area improvements that may be identified in the future, as more particularly described in Section 5. It is the intention of the Billings City 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 maintenance district (the "Special Improvement Maintenance District") for the purpose of financing the maintenance costs for the hardscaping, landscaping, drainageways, weed control, and other portions of the improvements made with the development of Riverfront Pointe Subdivision. The estimated annual costs for the maintenance of the special improvements to be set by Resolution of the Council each year.

**Section 2. Number of District.** The District, if the same shall be created and established, shall be known and designated as the Park Maintenance District No.4032 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 C" hereto.

**Section 4. Benefited Property.** The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits "A" and "C" are hereby declared to be the Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the Riverfront Pointe Subdivision public area improvements, and will be assessed for a portion of the costs of the maintenance as described in Section 1.

**Section 5. General Character of the Improvements to be Maintained.** The general character of the Improvements to be maintained is as follows: landscaping, trails, trees, irrigation systems, irrigation system water services, drainageways, storm water detention facilities, lighting and other park equipment and public area improvements installed by the developer, Parks Department and/or as part of a future Special Improvement District.

**Section 6. Assessment Methods; Property To Be Assessed.** All eligible properties within the District are to be assessed for a portion of the costs of maintaining the Riverfront Pointe Subdivision, public area improvements as specified herein. Said properties shall not be eligible for assessment until such time as the final plat of the property is filed and the Restrictions on Transfers and Conveyances are lifted.

**Section 7. Assessable Area.** All eligible properties in the District will be assessed for their proportionate share of the costs of maintaining the Riverfront Pointe Subdivision public area improvements. The total number of assessable units in the District to be assessed for the first year is 74 units. The costs of maintaining the Improvements per unit for the first year shall be \$51.35135/unit, as shown in Exhibit "D" (which is hereby incorporated herein and made a part hereof).

**Section 8. Payment of Assessments.** The assessments for the costs of maintaining the Riverfront Pointe Subdivision, Public Area Improvements shall be payable, as prescribed in Section 7-12-4162 through 7-12-4165, M.C.A.

**Section 9. 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 proposed District subject to assessment and taxation for the cost and expense of maintaining the Riverfront Pointe Subdivision public area improvements may make and file with the City Clerk until **5:00 p.m. M.D.T., April 28<sup>th</sup>, 2006** on the expiration date of said 15-day period, written protest against the proposed Park Maintenance District No. 4032, 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 **Monday, May 8<sup>th</sup>, 2006, at 6:30 p.m. M.D.T.**, in the Council Chambers, located on the Second Floor of the City Hall at 220 North 27th Street, in Billings, Montana.

**Section 10. 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 **April 13<sup>th</sup> and April 20<sup>th</sup>, 2006**, 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 10th day of April, 2006.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AEE, CITY CLERK