

RESOLUTION NO. 06-18442

**A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,
GRANTING THE REQUEST OF J.A. ZIEGLER FOR A REBATE
ON FY 2005 ARTERIAL CONSTRUCTION FEES.**

WHEREAS, the City Council of the City of Billings, Montana, on September 13, 2004, adopted Ordinance No. 04-5300, setting an arterial construction fee based on the land area and zoning of a parcel for the purpose of construction and reconstruction of arterial roadways in the City; and

WHEREAS, the City Council on April 11, 2005, adopted Ordinance No. 05-5322, which amended Ordinance No. 04-5300 to allow parcels zoned Planned Development (PD) to be assessed at their underlying zoning, and to cap residential parcels at the rate applied to properties of 9,600 square feet or less; and

WHEREAS, Ordinance No. 04-5300 requires that if a property owner complains that the charges applied to his or her premises are unfair, inequitable or unreasonable, he or she may apply to the Public Works Director, who shall investigate and report on the findings of that investigation to the City Council; and

WHEREAS, the City Council has the right to order a public hearing into any such matter and, if convinced that an adjustment of the charges is necessary to provide reasonable equality with those charged to others, shall fix special charges for individual premises during the period of continuance of special circumstances which make the standard charges unfair, inequitable, unreasonable or inadequate; and

WHEREAS, J.A. Ziegler has requested such consideration from the City Council for the second half of Fiscal Year (FY) 2005 arterial construction charges in the amount of \$340.63 on property identified as Tract 81S Certificate of Survey #2165 in the Briarwood Subdivision, commonly known as 3040 Hollow Tree Road, which carries a PD zoning with an underlying zoning of R-9600; and

WHEREAS, the Public Works Director has investigated and reported that more than 4,000 properties zoned PD were charged at the PD rate under the original provisions of Ordinance No. 04-5300 for FY 2005, but were re-evaluated and charged at their underlying zoning for FY 2006; and

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

1. Findings: The City Council of the City of Billings, Montana, hereby finds that the property identified as Tract 81S Certificate of Survey #2165 in the Briarwood Subdivision, commonly known as 3040 Hollow Tree Road, was charged the FY 2005 arterial construction fee, but that the charges should have been adjusted after the PD rate

was changed to reflect the underlying zoning, and therefore the charges were not fair, equitable or reasonable; and

2. Grant of Relief: The City Council of the City of Billings, Montana, therefore grants the request of the property owner regarding a rebate of the second half of the FY 2005 arterial construction fee on said property, and orders such a rebate to be made in the amount of \$340.63.

PASSED by the City Council of the City of Billings, Montana, and **APPROVED** this 26th day of June, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE, CITY CLERK