

RESOLUTION NO. 06-18459

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 290 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 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. 290" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting South 32nd Street West between Central Avenue & Banff Avenue, 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 ten (10) 250-watt high pressure sodium fixtures mounted on steel, mast arm style poles and served by underground wiring. The City of Billings owns all ten (10) streetlights and all associated appurtenant structures and materials.

SECTION 5:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. Said rate is currently estimated at \$8.51 per unit, per month, 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 is the sum of \$2,364.84; 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 its assessable area bears to the assessable area 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 \$0.00445735 per square 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 \$2682.84 or approximately \$ 0.00505672 per square 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. 290 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 11th day of September, 2006, 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. 290 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. 290. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 14th day of August 2006.

CITY OF BILLINGS

By _____
Ron Tussing Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk

EXHIBIT A

SILMD 290 EXHIBIT A--BOUNDARY MAP

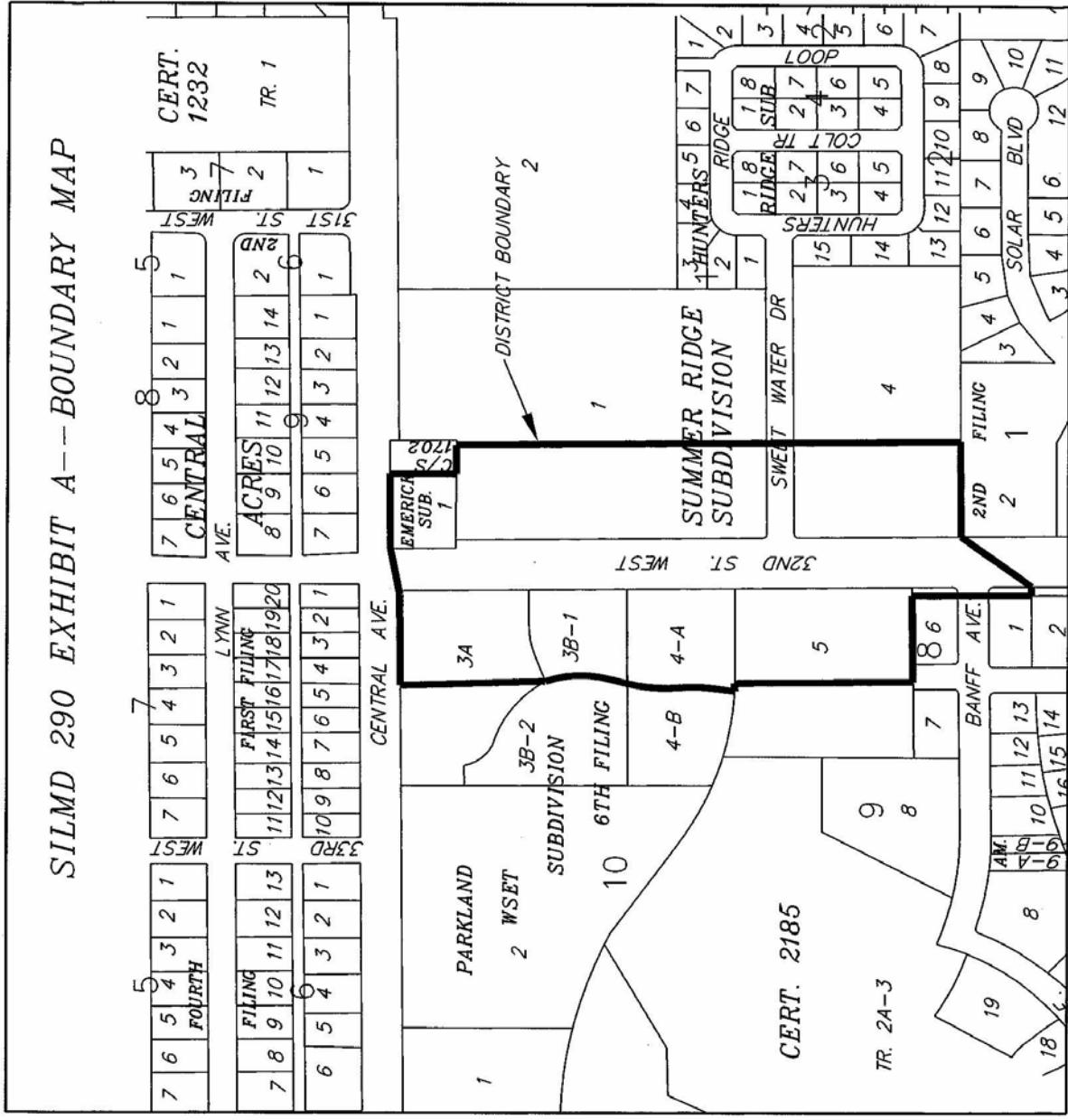


EXHIBIT "B"
OWNERSHIP LISTING
SLMD 290-32ND ST. West

Owner Name	Mailing Address	City	State	Zip	Assessed		Block	Subdivision
					Area (SF)	Lot		
CITY OF BILLINGS-Parks	POBOX 1178	BILLINGS	MT	59103	1,979	Park	1	PARKLANDWEST SUBD 1st
CITY OF BILLINGS-Parks	POBOX 1178	BILLINGS	MT	59103	1,979	Park	8	PARKLANDWEST SUBD 1st
LAUREL FEDERAL CREDIT UNION	POBOX 310	LAUREL	MT	59044	66,401	3A	10	PARKLANDWEST 6TH FILING
LAUREL FEDERAL CREDIT UNION	POBOX 310	LAUREL	MT	59044	44,610	3B-1	10	PARKLANDWEST 6TH FILING
DJ PROPERTIES LLC	374 BURNING TREE DR	BILLINGS	MT	59105	57,426	4A	10	PARKLANDWEST 6TH FILING
MZ LLP	2619 SAINT JOHNS AVE STE A	BILLINGS	MT	59102	90,001	5	10	PARKLANDWEST 6TH FILING
FAITH EVANGELICAL CHURCH OF AMERICA	3145 SWEETWATER DR	BILLINGS	MT	59102	156,799	1		SUMMER RIDGE SUBD
BILLINGS RETIREMENT LLC	POBOX 1369	ABERDEEN	SD	57402	84,354	4		SUMMER RIDGE SUBD
QWEST CORPORATION	1801 CALIFORNIA ST STE 2500	DENVER	CO	80202	27,000	1		EMERICK SUBD
					TOTAL			530,549

EXHIBIT "C"

SILMD 290 – BOUNDARY DESCRIPTION

Beginning at a point on the south right-of-way line of Central Avenue which bears N. 89°47'25"E a distance of 237.72 feet from the northwest corner of Lot 3A of the Amended Plat of Lot 3, Block 10, Parkland West Subdivision, 6th filing; thence

Southerly along a straight line thru said lot 3A to the southernmost lot corner of said Lot 3A, which is also the lot corner common to Lots 3A, 3-B1 and 3-B-2, Block 10 (as amended), Parkland West, 6th Filing; thence

Along the westerly boundary of said Lot 3-B-1 and the westerly boundary of Lot 4-A, Amended Lot 4, Block 10, Parkland Subdivision, 6th Filing to a point which is the southwest corner of said Lot 4-A; thence

Easterly along the south boundary of said Lot 4-A to a point which is 225 feet west of the west right-of-way line of S. 32nd Street West; thence

Southerly along a line that is parallel to and 225 feet west of the west right-of-way line of S. 32nd Street West to a point on the south line of Lot 5, Block 10, Parkland West, 6th Filing; thence

Easterly along the south line of said Lot 5, Block 10 to a point which is the northeast corner of Lot 6, Block 8, Parkland West Subdivision, 1st Filing, said point also being the northwest corner of the park strip in Block 8 Parkland West Subdivision, 1st Filing;

Thence southerly along the west line of said park strip in Block 8, Parkland West Subdivision, 1st Filing, extended to a point on the south right-of-way line of Banff Avenue which is also the most northwest corner of the park strip in Block 1, Parkland West Subdivision, 1st Filing; thence

Southerly along the west line of said park strip in Block 1, Parkland West Subdivision, 1st Filing which is also the east line of Lot 1, Block 1, Parkland West Subdivision, 1st Filing, to the southeast corner of said Lot 1, Block 1; thence

Easterly along an extension of the south line of said Lot 1, Block 1, Parkland West Subdivision, 1st Filing to a point on the westerly right-of-way line of S. 32nd Street West; thence

Northeasterly across S. 32nd Street West to a point which is the southwest corner of Lot 4, Summer Ridge Subdivision; thence

Easterly along the south line of said Lot 4, Summer Ridge Subdivision a distance of 225 feet; thence

Northerly along a line that is parallel to and 225 feet east of the east right-of-way line of South 32nd Street West to a point on the south line of Tract 2, C/S 1702; thence

Westerly along the south line of said Tract 2, C/S 1702 to the southwest corner of said Tract 2, which is also the southeast corner of Lot 1, Emerick Subdivision; thence

Northerly along the east line of said Lot 1, Emerick Subdivision to the northeast corner of said Lot 1, Emerick Subdivision, which is also a point on the south right-of-way line of Central Avenue; thence

Westerly along the south right-of-way line of Central to the northwest corner of said Lot 1, Emerick Subdivision; thence

Westerly across S. 32nd Street West to the northeast corner of Lot 3A of the Amended Plat of Lot 3, Block 10, Parkland West Subdivision, 6th filing; thence

Westerly along the north line of said Lot 3A, Block 6 to a point which is 225 feet west of the west right-of-way line of S. 32nd Street West, which is also the Point of Beginning;

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