

RESOLUTION NO. 06-18460

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 299 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. 299" hereinafter called the District, and the boundaries of the District are hereby declared to include the lots, parcels and pieces of land within Blocks 1, 2, 3, & 4 of Vintage Estates Subdivision, 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 twelve (12) 100-watt high-pressure sodium acorn style lamps, mounted on twelve (12) foot posts with decorative fluted stems. The Yellowstone Valley Electric Company shall install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

The City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$590 per year. Future energy costs shall be in accordance with the standard rates established by Yellowstone Valley Electric for customers within this service area. That the Yellowstone Valley Electric Company shall provide energy to all of the lights. That the Yellowstone Valley Electric Company shall pay the initial costs of installing the light fixtures, poles, cables, and other equipment incidental to operating the lighting and shall provide normal maintenance and repairs to said equipment as part of the monthly rate for these lights. The installation costs shall be amortized over a period not to exceed 25 years, and at the end of such time all the light fixtures, poles, cables, and other equipment incidental to operating the lighting shall become the property of the City of Billings. The estimated annual cost of routine maintenance & recovery of capital investment is \$3821 per year.

SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$6,034.11; 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 it's 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 \$0.01051166 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 \$7,667.78 or approximately \$0.01335757 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. 299 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 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. 299 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. 299. 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

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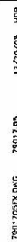


EXHIBIT B

SILMD 299 - ASSESSMENT DATA

Total Area to be Assessed	574,040
Equal Assessment Per Sq.Ft	\$0.01051166
1st Year Assessment (Per Sq. Ft.)	\$0.01335757

Block #	Lot #	Lot Area (SF)	Cost Per	1st Year Cost Per	Estimated	Estimated
			SF	SF	Annual Assessmen t	1st Year Assessmen t
1	1	12,727	\$0.0105	\$0.0134	\$133.78	\$170.00
1	2	12,500	\$0.0105	\$0.0134	\$131.40	\$166.97
1	3	12,500	\$0.0105	\$0.0134	\$131.40	\$166.97
1	4	12,500	\$0.0105	\$0.0134	\$131.40	\$166.97
1	5	12,500	\$0.0105	\$0.0134	\$131.40	\$166.97
1	6	15,232	\$0.0105	\$0.0134	\$160.11	\$203.46
1	7	16,625	\$0.0105	\$0.0134	\$174.76	\$222.07
1	8	14,778	\$0.0105	\$0.0134	\$155.34	\$197.40
1	9	14,637	\$0.0105	\$0.0134	\$153.86	\$195.51
1	10	14,679	\$0.0105	\$0.0134	\$154.30	\$196.08

Block #	Lot #	Lot Area (SF)	Cost Per	1st Year Cost Per	Estimated	Estimated
			SF	SF	Annual Assessmen t	1st Year Assessmen t
2	1	13,154	\$0.0105	\$0.0134	\$138.27	\$175.71
2	2	13,838	\$0.0105	\$0.0134	\$145.46	\$184.84
2	3	16,655	\$0.0105	\$0.0134	\$175.07	\$222.47
2	4	15,315	\$0.0105	\$0.0134	\$160.99	\$204.57
2	5	12,811	\$0.0105	\$0.0134	\$134.66	\$171.12
2	6	12,663	\$0.0105	\$0.0134	\$133.11	\$169.15
2	7	12,863	\$0.0105	\$0.0134	\$135.21	\$171.82
2	8	13,459	\$0.0105	\$0.0134	\$141.48	\$179.78
2	9	14,689	\$0.0105	\$0.0134	\$154.41	\$196.21

Block #	Lot #	Lot Area (SF)	Cost Per	1st Year Cost Per	Estimated	Estimated
			SF	SF	Annual Assessmen t	1st Year Assessmen t
3	1	12,768	\$0.0105	\$0.0134	\$134.21	\$170.55
3	2	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11

3	3	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	4	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	5	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	6	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	7	13,222	\$0.0105	\$0.0134	\$138.99	\$176.61
3	8	13,041	\$0.0105	\$0.0134	\$137.08	\$174.20
3	9	14,988	\$0.0105	\$0.0134	\$157.55	\$200.20
3	10	13,642	\$0.0105	\$0.0134	\$143.40	\$182.22
3	11	12,026	\$0.0105	\$0.0134	\$126.41	\$160.64
3	12	12,052	\$0.0105	\$0.0134	\$126.69	\$160.99
3	13	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	14	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	15	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
3	16	13,059	\$0.0105	\$0.0134	\$137.27	\$174.44

Block #	Lot #	Lot Area (SF)	Cost Per SF	1st Year Cost Per SF	Estimated	Estimated
					Annual	1st Year
					Assessmen t	Assessmen t
4	1	16,361	\$0.0105	\$0.0134	\$171.98	\$218.54
4	2	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
4	3	12,960	\$0.0105	\$0.0134	\$136.23	\$173.11
4	4	13,203	\$0.0105	\$0.0134	\$138.79	\$176.36
4	5	13,125	\$0.0105	\$0.0134	\$137.97	\$175.32
4	6	14,626	\$0.0105	\$0.0134	\$153.74	\$195.37
4	7	18,202	\$0.0105	\$0.0134	\$191.33	\$243.13

Total Area = 574,040 SF

EXHIBIT C: BOUNDARY DESCRIPTION

A tract of land situated in the NW ¼ of Section 4, T. 1 S., R. 25 E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Beginning at a point which is the northeast corner of Lot 3, Block 2, Vintage Estates Subdivision; thence S 00°00'53" W a distance of 748.00 feet to the southeast corner of Lot 9 of said Block 2; thence S 89°59'46" W a distance of 120.04 feet to the southwest corner of said Lot 9; thence, crossing the right-of-way of Vineyard Way, S 80°02'58" W a distance of 60.92 feet to the northeast corner of Lot 8, Block 4 of said Vintage Estates Subdivision; thence N 62°12'47" W a distance of 112.96 feet to the northwest corner of said Lot 8; thence N 57°35'09" W a distance of 137.05 feet to the northwest corner of Lot 9 of said Block 4; thence N 53°00'06" W a distance of 62.11 feet to the southeast corner of Lot 5 of said Block 4; thence S 89°59'46" W a distance of 546.59 feet to the southwest corner of Lot 1 of said Block 4; thence, crossing the right-of-way of Beringer Way, S 85°55'44" W a distance of 60.63 feet to the southeast corner of Lot 10 of Block 1 of said Vintage Estates Subdivision; thence S 89°40'48" W a distance of 111.62 feet to the southwest corner of said Lot 10; thence N 00°19'12" W a distance of 599.92 feet to the northwest corner of Lot 7 of said Block 1; thence N 89°59'46" E a distance of 1167.51 feet to the point of beginning; said described tract having an area of 17.1111 acres.