

## RESOLUTION No. 01-17778

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE AN EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING THE BIKE NET PATH (EXCLUSIVE OF THE UNDERPASS) AND ASSOCIATED LINEAL PARK ADJACENT TO THE SOUTHERLY LINE OF LOT 4, MISSIONS UNITED SUBDIVISION AND THE LANDSCAPING IMPROVEMENTS IN SHILOH ROAD ADJACENT TO LOTS 1-4, MISSIONS UNITED SUBDIVISION AS INSTALLED IN CONTRACT NO. 95-08.

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

**Section 1. Proposed Extended Special Improvement Maintenance District; Intention To Create Special Improvement 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 Bike Net Path and associated landscaping both to the south of Lot 4 and to the west of Lots 1-4, Missions United Subdivision as installed in Contract No. 95-08, 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 and other portions of the improvements made in Contract No.95-08. 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 Extended Special Improvements Maintenance District No. 4016 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 Extended Special Improvements Maintenance District and the territory which will benefit and be benefited by the maintenance of the Contract No. 95-08 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: Bike Net Path (exclusive of the underpass) and associated lineal park adjacent to the southerly line of Lot 4, Missions United Subdivision and the landscaping improvements in Shiloh Road adjacent to Lots 1-4, Missions United Subdivision as installed in Contract No. 95-08.

**Section 6. Assessment Methods; Property To Be Assessed.** All properties within the District are to be assessed for a portion of the costs of maintaining the Contract No. 95-08, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Contract No. 95-08 Improvements. All lots or parcel of land within the district will be assessed equally.

**Section 7. Assessable Area.** All properties in the District will be assessed for their proportionate share of the costs of maintaining the Contract No. 95-08 Improvements. The total number of lots in the District to be assessed is 4 lots. The costs of maintaining the Improvements per lot for the first year shall be \$710.50 per lot 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 Contract No. 95-08 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 Extended District subject to assessment and taxation for the cost and expense of maintaining the Contract No. 95-08 Improvements may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (November 30, 2001), written protest against the proposed Special Improvement Maintenance District, 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 on Monday, December 10, 2001, at 7:30 p.m., 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 November 15, 2001 and November 21, 2001, 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 Extended 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 13th day of November, 2001.



THE CITY OF BILLINGS:

BY: Charles F. Tooley  
Charles F. Tooley, MAYOR

ATTEST:

BY: Marita Herold  
Marita Herold, CMC/AE, CITY CLERK

TRACT B

BLUE MEADOWS SUBDIVISION

TRACT 4

POLY DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

RUSH SUBDIVISION 1ST FILING

CORBIN DR.

LOT 1

LOT 2

LOT 3

COLTON BLVD.

COLTON BLVD.

LOT 1

LOT 2

RUSH SUBDIVISION 2ND FILING

POINT OF BEGINNING  
SW CORNER C/S 369

-C/S 369-

N 53°38'25" E  
66.88'

N 74°36'25" E

TRACT A

N 81°32'25" E  
114.68'

444.60'

20' HI-LINE DITCH-EASEMENT  
10' WIDE UTILITY EASEMENT (TYP.)

DISTRICT BOUNDARY

1  
207,413 S.F.  
2511 SHILOH RD.

C/S 843  
REMAINDER  
(ARROWHEAD SCHOOL)  
(820,568 S.F.)

POLY DRIVE

N 89°18'25" E  
600.93'

16' WIDE  
UTILITY  
EASEMENT

1' WIDE NO ACCESS STRIP AND THROAT

1' WIDE NO ACCESS STRIP (TYPICAL)

8' WIDE UTILITY EASEMENT (TYP.)

2  
247,360 S.F.  
2425 SHILOH RD.

10' WIDE UTILITY EASEMENT (TYP.)

N 89°18'25" E  
605.82'

16' WIDE  
UTILITY  
EASEMENT

1' WIDE NO ACCESS STRIP (TYPICAL)

3  
249,364 S.F.  
2223 SHILOH RD.

16' WIDE  
UTILITY  
EASEMENT

N 89°18'25" E  
610.71'

1' WIDE NO ACCESS STRIP AND THROAT

4  
198,166 S.F.  
2117 SHILOH RD.

POLY VISTA PARK

C/S 706

POLY VISTA PARK

C/S 690

TRACT 1

89°59'25" W  
103.15'

65°06'32" W  
148.77'

S 84°27'59" W  
74.92'

N 88°24'01" W 250.90'

20' WIDE BIG DITCH EASEMENT

337.26'

1570.04'

S 86°14'59" W  
66.80'

LOT 3-A-1

CIRCLE FIFTY SUBDIVISION

LOT 4-A

LOT 5-A

LOT 6-A

LOT 7-A

LOT 8-A

LOT 9-A

LOT 10-A

LOT 11-A

NORTH

**EXHIBIT A**  
**MISSIONS UNITED SUBDIVISION**  
SCALE: 1"=200'



**ENGINEERING, INC.**  
CONSULTING ENGINEERS & LAND SURVEYORS  
SUITE 200 CHEYENNE  
1001 SO. 24TH ST. WEST  
BILLINGS, MONTANA 59108-1345  
406-624-3253

# EXHIBIT "B"

## BOUNDARY DESCRIPTION SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4016

### MISSIONS UNITED SUBDIVISION

#### *Meets and Bounds Description:*

Beginning at a point located N53°38'25"E a distance of 49.66 feet from the southwest corner of Tract "A", Certificate of Survey No. 369, Yellowstone County, Montana; thence, from said point of beginning, along the south boundary line of said Tract "A", the following courses and distances: N53°38'25"E a distance of 66.88 feet; thence, N74°36'25"E a distance of 444.60 feet; thence, N81°32'25"E a distance of 114.68 feet; thence, leaving south boundary line of said Tract "A", S00°41'35"E a distance of 1,570.04 feet; thence, S86°14'59"W a distance of 66.80 feet; thence, N88°24'01"W a distance of 250.90 feet; thence, S84°27'59"W a distance of 74.92 feet; thence, N65°06'32"W a distance of 148.77 feet; thence, S89°59'25"W a distance of 103.15 feet; thence, N03°11'18"E a distance of 272.28 feet; thence, N00°00'35"W a distance of 1,065.54 feet to the point of beginning.

**EXHIBIT "C"**

**OWNERSHIP RECORDS**  
**SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. \_\_\_\_\_**

**MISSIONS UNITED SUBDIVISION**



AMENDED  
CERTIFICATE OF TITLE  
for  
MISSIONS UNITED SUBDIVISION



At the request of Engineering, Inc. , we have made a careful search of the records of Yellowstone County, Montana, as to the following described real property:

That part of the NE1/4 of Section 33, Township 1 North, Range 25, of the Principal Meridian, in Yellowstone County, Montana, more particularly described as CERTIFICATE OF SURVEY NO. 843, on file in the office of the Clerk and Recorder of said County, under Document No. 644280.

As of January 2, 2001 at 5:00 P.M. said property vested of record in:

SCHOOL DISTRICT NO. 2, YELLOWSTONE COUNTY; AND HIGH SCHOOL DISTRICT NO. 2, YELLOWSTONE COUNTY, MONTANA


We have searched the records of Yellowstone County, Montana, for Judgments and State and Federal Tax Liens against the above named owner(s) and as of the above date, we find the following:

NONE

We further find no liens, mortgages, or other encumbrances of record which affect said property, except as follows:

(See Exhibit A attached hereto and made a part of this report)

First Montana Title Company of Billings

  
Allen Leppink  
Title Officer

AL /psg

EXHIBIT C

- ( 1) General and special taxes and assessments for the year 2001, which are a lien, but not yet computed or payable. Tax Code No. D-4715.

NOTE: General and special taxes and assessments for the year 2000, which are paid in full in the amount of \$26,508.14.

- ( 2) Easement, dated April 30, 1938, granted by Mabel H. Zimmerman and Sidney E. Zimmerman, wife and husband, to Yellowstone Valley Electrification Association, a corporation, for an electric transmission and distribution line or system, with incidental purposes, in the E1/2E1/2 Section 33, Township 1 North, Range 25 East, M.P.M., recorded March 8, 1939 in Book 210, page 204. (C/S 843 is in the E1/2 of said Section 33)
- ( 3) Effect of Declaratory Statement of Covenant to Run With the Land, dated June 7, 1971, executed by Vernon W. Ott, et al, to the City of Billings, recorded June 14, 1971 in Book 939, page 111, under Document No. 884252, and Declaratory Statement, dated May 29, 1971, executed by Henry Rush, et al, recorded June 4, 1971 in Book 939, page 69, under Document No. 883666. (See copies attached)
- ( 4) Waiver, dated July 25, 1977, wherein School District No. 2, waived any right to protest Rural Special Improvement District and agrees to participate in Yellowstone County Maintenance District No. 249, recorded August 1, 1977 in Book 1161, page 540, under Document No. 1059138.
- ( 5) Waiver, dated July 25, 1977, wherein School District No. 2, waived the right to protest any and all special improvement districts hereafter formed having any relation to the providing of water service to serve the subject tract, recorded August 1, 1977 in Book 1161, page 541, under Document No. 1059139.
- ( 6) Consent to Annexation, dated July 25, 1977, executed by School District No. 2 to the City of Billings of the following described real property: Northeast corner of C/S No. 843 bordering on 38th Street West NE1/4 Section 33-1N-25E, recorded August 1, 1977 in Book 1161, page 544, under Document No. 1059140.
- ( 7) Waiver of Right to protest all future Sanitary Sewerage Facilities Special Improvement Districts, dated July 25, 1977, executed by School District No. 2, affecting Northeast corner of C/S No. 843 bordering on 38th Street West NE1/4 Section 33-1N-25E, recorded August 1, 1977 in Book 1161, page 550, under Document No. 1059141.
- ( 8) Waiver of Right to Protest all future water facilities Special Improvement Districts, dated January 16, 1977, executed by School District No. 2, affecting Northeast corner of C/S No. 843, bordering on 38th Street West NE1/4 Section 33-1N-25E, recorded January 16, 1978 in Book 1187, page 1005, under Document No. 1076688.

(Continued)

exceptions (continued)

- ( 9) Easement for irrigation ditch along the Southerly line of said Certificate of Survey No. 843, as disclosed by the Plat of Certificate of Survey No. 843.



# EXHIBIT "D"

## ESTIMATE OF PROBABLE COST SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO.

### MISSIONS UNITED SUBDIVISION

1. The Bike Net Path (exclusive of the underpass) and associated lineal park improvements along the southerly lot line of Lot 4, Missions United Subdivision and the landscaping improvements in Shiloh Road adjacent to Lots 1-4, Missions United Subdivision as installed in Contract No. 95-08.
2. For the property as shown on attached Exhibit "A" will be constructed as a part of Contract No. 95-08 and will not be a cost to said district.
3. The costs to create the maintenance district are estimated to be \$500.00.
4. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$2,842.00. The first year's assessment is estimated as follows.

Account Description

Proposed Budget

Salary and Wages:

Salaries: 4 hrs. @ \$29.00/hr.	\$ 116.00
Wages: 16 hrs. @ \$21.00/hr.	336.00
Temporary Wages: 80 hrs. @ \$6.75/hr.	<u>540.00</u>
Salary and Wages Total	\$ 992.00

Operations and Supplies, etc:

Clothing and uniforms	10.00
Other operating supplies	25.00
Gas, oil, grease, etc.	30.00
Motor vehicle parts	30.00
Machinery/equipment parts	40.00
Tires, tubes, etc.	25.00
Consumable tools	15.00
Electricity	30.00
Water services	480.00
Natural gas expense	10.00
Labor-motor vehicles	50.00
Ground maintenance	100.00
Other repair/maintenance	105.00

Other service/finance charges	\$ 225.00
Other contract services	<u>75.00</u>
Operation and Supplies Total	\$ 1,250.00
Capital Reserve	\$ 600.00
Missions United Subdivision SIMD Total	\$ 2,842.00

5. Total assessment area is as follows:

Plat of Missions United Subdivision

<u>Lot</u>	<u>Lot Area (SF)</u>
Lot 1	198,616 SF
Lot 2	238,908 SF
Lot 3	241,144 SF
Lot 4	191,315 SF

Total Assessment Area in Special Improvement  
Maintenance District: 29,298 SF  
0.6726 ACRES

Total Number of Lots in Special Improvement  
Maintenance District: 4 Lots

6. Estimated annual maintenance assessment per lot for the first year:

Cost per lot = \$2,842.00/4 Lots = \$710.50/Lot  
 Cost per SF = \$2,842.00/29,298 SF = \$.097/SF

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Machinery/equipment parts	40.00
Tires, tubes, etc.	25.00
Consumable tools	15.00
Electricity	30.00
Water services	480.00
Natural gas expense	10.00
Labor-motor vehicles	50.00
Ground maintenance	100.00
Other repair/maintenance	105.00

Other service/finance charges	\$ 225.00
Other contract services	<u>75.00</u>
Operation and Supplies Total	\$ 1,250.00
Capital Reserve	\$ 600.00
Missions United Subdivision SIMD Total	\$ 2,842.00

5. Total assessment area is as follows:

Plat of Missions United Subdivision

<u>Lot</u>	<u>Lot Area (SF)</u>
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