

RESOLUTION NUMBER 01-17782

A RESOLUTION CREATING EXTENDED SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4016 MISSIONS UNITED SUBDIVISION FOR THE PURPOSE OF MAINTENANCE OF SPECIAL IMPROVEMENTS

WHEREAS, the City Council of Billings, Montana, hereby finds, determines and declares that:

1. The public interest and convenience require the creation of the above named district.
2. That said district is of more than local or ordinary public benefit which requires that said district be an extended district.
3. All lands are benefited and no lands which are not benefited have been included within the district. All lands within the district will be enhanced in value to the extent of the assessments to be levied upon such lands, and all lands included within the district should be assessed accordingly to pay the costs and expenses of the district.

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

1. *Jurisdiction and Creation.* Special Improvement Maintenance District Number 4016 is of more than local or ordinary public benefit. The Council has acquired jurisdiction to order the proposed improvement, and it does hereby create Extended Special Improvement Maintenance District Number 4016. All lands included within Special Improvement Maintenance District Number 4016 benefited and no lands which are not benefited have been included in said district.
2. *General Character of Improvement and Maintenance.* The general character of the improvements are as on Page I, Missions United Subdivision as shown on **Exhibit "A"** attached hereto. The improvements will be installed under Contract No. 95-08. The purpose of said district is to provide perpetual maintenance of the subject improvements.
3. *Boundaries.* The Boundaries of the district are described and designated on **Exhibit "B"** attached hereto.
4. *Ownership.* The ownership records of all properties within the said district are described and designated in **Exhibit "C"** attached hereto.
5. *Maintenance Estimate.* The estimated cost of the proposed maintenance for the first year will be \$2,842.00 as described in the Maintenance Estimate attached hereto in **Exhibit "D"**.
6. *Assessment Method:* All of the costs and expenses of the district will be assessed against the entire district, and each lot or parcel of land within the district will be assessed equally. Assessments for each lot during the first year will be approximately \$710.50/Lot. In accordance with 7-1-1479 MCA, the assessment for each lot in each ensuing year will be set by the City Council by resolution.
7. *Payment of Assessment.* The assessments for all maintenance and costs of the district shall be paid in equal annual installments, provided that payment of one-half of said annual assessment may be deferred to May 31 of the year following the assessment. All money derived from the collection of said assessments otherwise shall constitute a fund to be known as Fund of Special Improvement Maintenance District Number 4016.
8. *Bonds for Improvement.* There will be no bonds sold for this district as it is for maintenance only.
9. *Engineering.* The special improvements shall be installed under Contract No. 95-08. All design and engineering has been completed under Contract No. 95-08.

10. *District Accounts.* The Director of Finance is hereby authorized and directed to establish the necessary accounts to govern the receiving of all revenues and the expenditures of the same district.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, and **APPROVED** this 10th day of December, 2001.

CITY OF BILLINGS



By: Charles F. Tooley
Charles F. Tooley Mayor

Attest:

By: Marita Herold
Marita Herold, CMC/AAE City Clerk

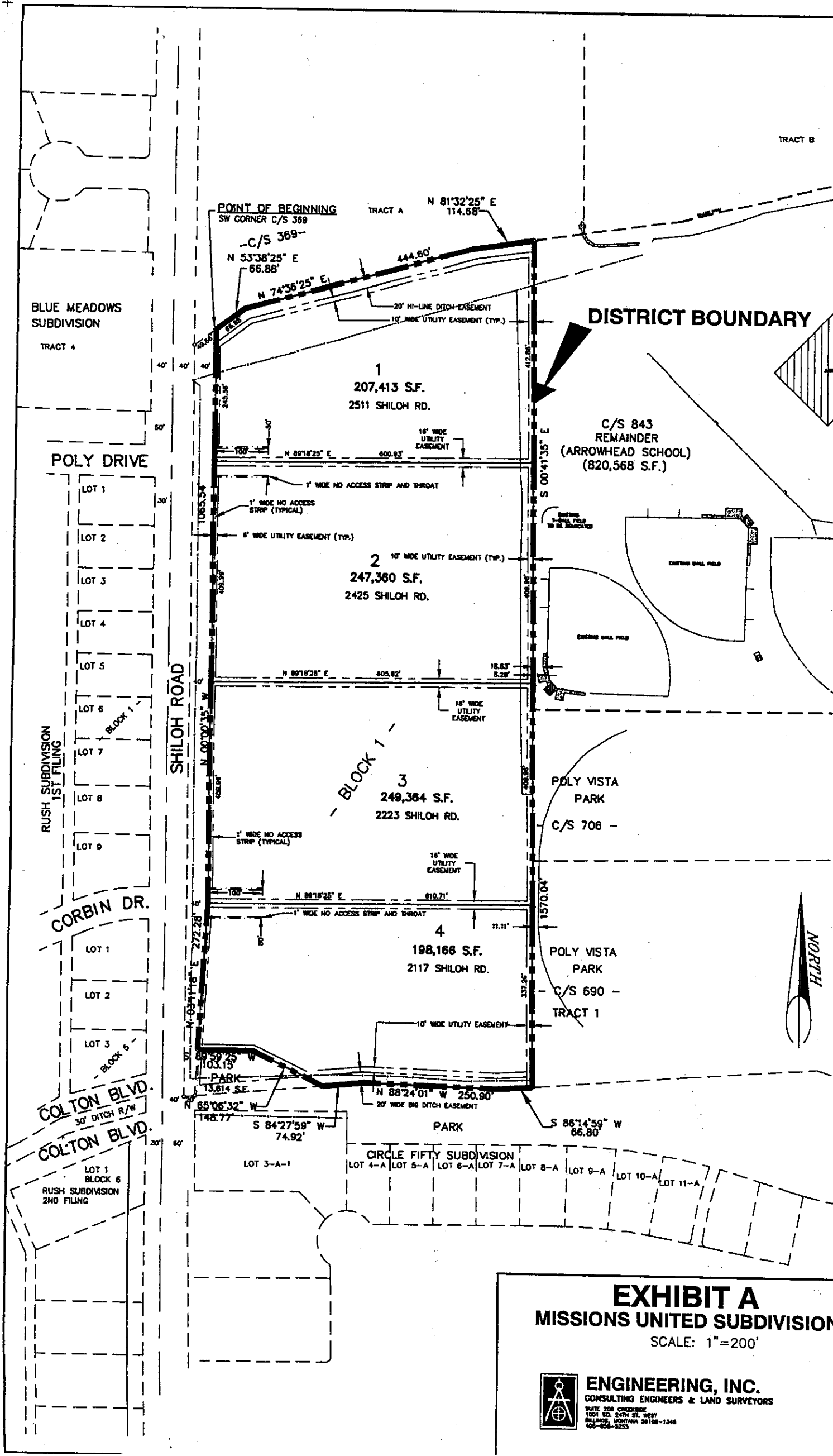


EXHIBIT A
MISSIONS UNITED SUBDIVISION
 SCALE: 1"=200'

ENGINEERING, INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 SUITE 200 CHESTER
 1501 E. 24TH ST. WEST
 BILLINGS, MONTANA 59106-1348
 406-558-5255

EXHIBIT "B"

BOUNDARY DESCRIPTION SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. _____

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



**FIRST
MONTANA
TITLE** COMPANY OF
BILLINGS

January 22, 2001
Order No. B-67661 Amended

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.	540.00
Salary and Wages Total	<u>\$ 992.00</u>

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