

RESOLUTION NO. 07-18523

**A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE
CITY COUNCIL TO CREATE PARK MAINTENANCE DISTRICT NO.
4036 FOR THE PURPOSE OF MAINTAINING EXISTING AND
FUTURE PUBLIC AREA IMPROVEMENTS IN
JOSEPHINE CROSSING SUBDIVISION**

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

Section 1. Proposed Park Maintenance District; Intention To Create Park 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 landscaping, trails, drainageways, storm water detention facilities, irrigation systems, lighting and other public area improvements that may be identified in the future, 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, drainageways, weed control, lighting, and other portions of the improvements made with the development of Josephine Crossing Subdivision. 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 Park Maintenance District No.4036 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 Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the Josephine Crossing Subdivision public area 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: landscaping, trails, trees, irrigation systems, irrigation system water services, drainageways, storm water detention facilities, lighting and other park equipment and public area improvements installed by the developer, Parks Department and/or as part of a future Special Improvement District. The Homeowner's Association shall maintain the public "pocket parks" within the subdivision. In the event that the Homeowner's Association does not fulfill said maintenance responsibilities, Park Maintenance District No. 4036 shall accept said maintenance responsibilities and adjust assessments accordingly.

Section 6. Assessment Methods; Property To Be Assessed. All eligible properties within the District are to be assessed for a portion of the costs of maintaining the Josephine Crossing Subdivision, public area improvements as specified herein. Said properties shall not be eligible for assessment until such time as the final plat of the property is filed and the Restrictions on Transfers and Conveyances are lifted.

Section 7. Assessable Area. All eligible properties in the District will be assessed for their proportionate share of the costs of maintaining the Josephine Crossing Subdivision public area improvements. The total square footage in the District to be assessed for the first year is 628,867 square feet. The costs of maintaining the Improvements per unit for the first year shall be \$0.01445/square foot, as shown in Exhibit "D" (which is hereby incorporated herein and made a part hereof).

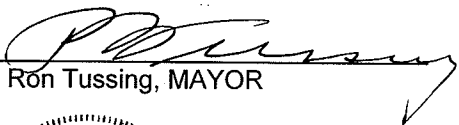
Section 8. Payment of Assessments. The assessments for the costs of maintaining the Josephine Crossing Subdivision, Public Area Improvements shall be payable, as prescribed in Section 7-12-4162 through 7-12-4165, M.C.A.

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 District subject to assessment and taxation for the cost and expense of maintaining the Josephine Crossing Subdivision public area improvements may make and file with the City Clerk until 5:00 p.m. M.D.T., March 2nd, 2007 on the expiration date of said 15-day period, written protest against the proposed Park Maintenance District No. 4036, 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 Monday, March 12th, 2007, at 6:30 p.m. M.D.T., 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 February 15th and February 22nd, 2007, 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 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.

APPROVED by the City Council of the City of Billings, Montana, this 12th day of February, 2007.

THE CITY OF BILLINGS:

BY: 
Ron Tussing, MAYOR

ATTEST:

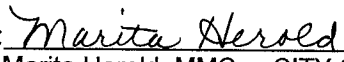
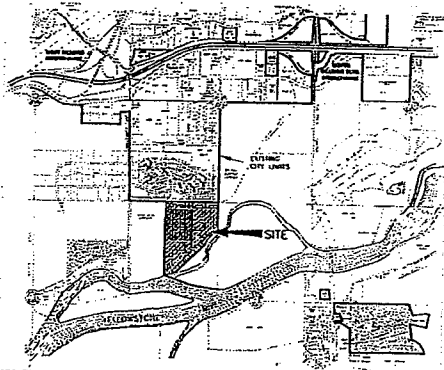
BY: 
Marita Herold, MMC CITY CLERK



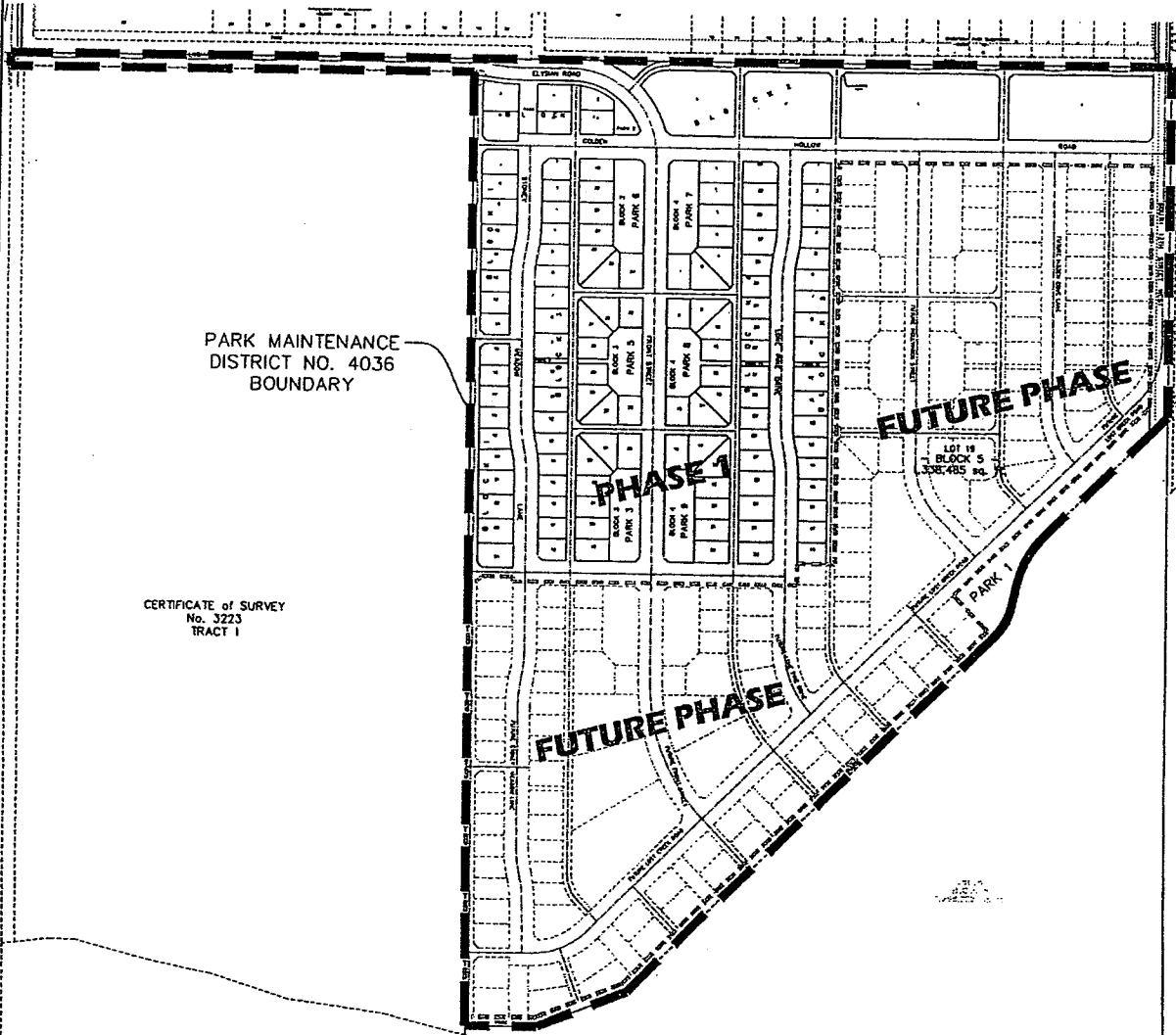
EXHIBIT "A"

PARK MAINTENANCE DISTRICT NO. 4036 JOSEPHINE CROSSING SUBDIVISION

BEING THE REMAINDER SHOWN ON CERTIFICATE OF SURVEY No. 3223 TRACT 1 AMENDED
SITUATED IN THE NW 1/4 OF SECTION 20, T.1S., R.26E., P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



VICINITY MAP
NOT TO SCALE



CERTIFICATE OF SURVEY
No. 3223
TRACT 1

P:\cond\vid3-land\48-180970-01-JOSEPHINE-CROSSING-P360-LP\map\mid_c28.dwg, SHEET 1 (2), 1/11/2007 9:57:18 AM, 434000, 1:2,24718

EXHIBIT "B"

BOUNDARY DESCRIPTION SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4036 JOSEPHINE CROSSING SUBDIVISION PARK MAINTENANCE DISTRICT

Metes and Bounds Description:

Beginning at a point which is the Northwest corner of Section 20, T. 1 S., R 26 E., P.M.M.;

thence, from said point of beginning, along the north line of said Section 20, N 89°49'46" E a distance of 2641.45 feet to the north 1/4 corner of said Section 20; thence, along the midsection line of said Section 20, S 00°09'50" E a distance of 793.29; thence, S 45°40'15" W a distance of 386.30 feet; thence, on a non-tangent curve to the left with a radius of 240.00 feet a distance of 136.03 feet (chord bearing N 29°26'02" E, chord length 134.21 feet); thence, S 13°11'49" W a distance of 49.01 feet; thence, on a non-tangent curve to the right with a radius of 141.72 feet a distance of 80.32 feet (chord bearing N 29°26'02" E, chord length 79.25 feet); thence, the following courses and distances:

S 45°40'15" W a distance of 1150.27 feet,

S 69°24'21" W a distance of 223.07 feet,

S 89°49'46" W a distance of 162.51 feet,

Thence, N 00°11'11" W a distance of 2144.86 feet to the northeast corner of Tract 1A of Corrected Certificate of Survey No.3223; thence, along the north line of said Tract 1A, S 89°49'46" W a distance of 1050.06 feet to a point on the west line of said Section 20;

thence, along said west section line, N 00°11'11" W a distance of 30.00 feet, to the point of beginning; said described tract containing an area of approximately 60.28 acres.

EXHIBIT "C"

**OWNERSHIP RECORDS
SPECIAL IMPROVEMENT MAINTENANCE DISTRICT No. 4036
JOSEPHINE CROSSING SUBDIVISION
PARK MAINTENANCE DISTRICT**

STATE OF MONTANA
COUNTY OF YELLOWSTONE

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CHECKED THE
RECORDS IN MY OFFICE FROM October 13, 2006 TO January 2, 2006
AND THE LISTED PERSON ARE THE OWNERS OF RECORD FOR THE LISTED
PROPERTY.

SIGNED AND SEALED THIS 5th DAY OF JANUARY, 2007

1 NAMES \$.50

CERT \$ 2.00

TOTAL \$ 2.50

1 PAGES

TONY NAVE

CLERK & RECORDER

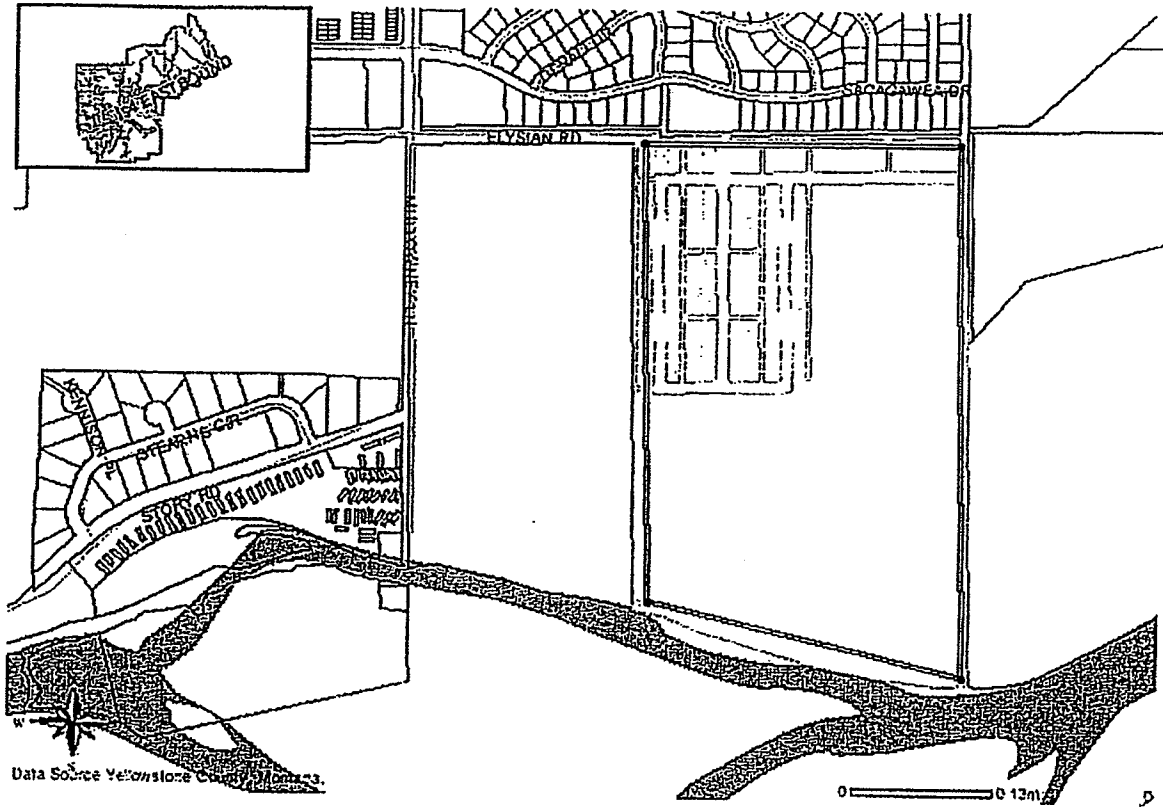
BY Tina Iverson
DEPUTY

RANGES: TAX YEAR: (R) 2006 - 2006
 ASSESSOR: (L) *JOSEPHINE 06* D01936
 TAX TYPE: (A)
 LEVY DISTRICT: (A)
 SUB-LEVY DIST: (A)
 SPECIAL DISTRICT: (A)
 LIST CODE: (A)

Certified Thru
10/13/06
 Dept of Revenue
Baule

OPTIONS: SORT ORDER: N # OF COPIES: 1

Assessor#	Owner/Mailing Address	Legal Description	Levy Sub Tax	Dist Dist Type Key #1
D01936	MCCALL DEVELOPMENT INC ✓ 2751 ENTERPRISE AVE STE 2 BILLINGS MT 59102-7413	01-0927-20-2-01-01-0000 NENHHH4 S2NHHH4 & LOT 3-4 LESS COS J223 SEC 20 T1S R26 E	021	RE



JOSEPHINE CROSSING SUBDIVISION

Variance List - CERTIFIED OWNERSHIP

Kjersten OLSON - ENGINEERING INC 656-5255

Parcel

Highlight on Map	GEOCODE	Tax Id	Address	Property Tax Data	CAMA Data
1	03092720203210000			Click Here	Click Here
2	03092720203160000			Click Here	Click Here
3	03092720203110000			Click Here	Click Here
4	03092720203060000			Click Here	Click Here
5	03092720203010000			Click Here	Click Here
6	03092720202490000			Click Here	Click Here
7	03092720202090000			Click Here	Click Here
8	03092720202050000			Click Here	Click Here
9	03092720202030000			Click Here	Click Here
10	03092720202010000			Click Here	Click Here
11	03092720202070000			Click Here	Click Here
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14	03092720202130000			Click Here	Click Here
15	03092720206010000			Click Here	Click Here
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17	03092720205010000			Click Here	Click Here
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40	03092720206090000			Click Here	Click Here
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139	03092720204350000			Click Here	Click Here
140	03092720202470000			Click Here	Click Here

[Zoom to these records](#)

EXHIBIT "D"

**ESTIMATE OF PROBABLE COST
PARK MAINTENANCE DISTRICT NO. 4036
JOSEPHINE CROSSING SUBDIVISION
PARK MAINTENANCE DISTRICT**

1. The costs to create the maintenance district are estimated to be \$900.
2. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$8,190.

The first year's assessment is estimated as follows:

CITY OF BILLINGS - PARK MAINTENANCE DISTRICT NO. 4036 ESTIMATE OF ANNUAL MAINTENANCE COSTS				
PMD Description: Josephine Crossing Subdivision Public Areas				
PMD Number: <u>4036</u>				
Date: <u>01/22/07</u>				
BA SUB	ELE	SUB OBJ	ACCOUNT DESCRIPTION	ESTIMATED MAINTENANCE COSTS
			Creation Documents and Exhibits:	\$900.00
			Operations and Supplies	
	34	10	Electricity/Lighting	\$195.00
		20	City Water	\$1,000.00
		50	Ground Maintenance	\$496.00
	39	65	Other Service/Finance Charges	\$715.00
		90	Parks Charge for Services	\$4,534.00
	54	10	Special Assessments	\$750.00
			Total Operations and Supplies, Etc.	\$8,590.00
			Capital E/I Reserve	\$500.00
			Total Josephine Crossing Subdivision O & M Annual Cost Estimate	\$9,090.00
			Equal Assessment Per Square Foot	628,867
			1st year Assessment (Per Square Foot)	\$0.01445

4. Total anticipated assessment area for the first year is as follows:

Josephine Crossing Subdivision
(does not include Lots 19 & 20, Block 5)

BLOCK#	LOT#	AREA-SF
BLOCK 1		
	1	4,381
	2	3,362
	3	4,963
	4	4,077
	5	5,343
	6	5,366
	7	4,442
	8	4,491
	9	4,490
	10	4,349
	11	3,331
	12	3,178
	13	3,174
	14	3,123
	15	3,122
	16	3,172
	17	3,171
	18	3,177
	19	3,353
	20	3,727
	21	4,400
	22	4,400
	23	4,399
	24	4,348
BLOCK 2		
	1	27,550
	2	30,200
	3	53,300
	4	49,716
BLOCK 3		
	1	3,128
	2	3,168
	3	3,168
	4	3,224
	5	3,547
	6	3,818
	7	3,840
	8	4,480
	9	4,480
	10	4,480
	11	4,480
	12	3,818
	13	3,547
	14	3,224
	15	3,168
	16	3,168
	17	3,168
	18	3,184
	19	4,000
	20	3,840
	21	3,840
	22	3,840
	23	4,519
	24	4,519
	25	4,320
	26	3,564
	27	4,168
	28	4,205
	29	3,408
	30	3,408
	31	4,206
	32	4,168
	33	3,564
	34	4,320
	35	4,519
	36	4,519
	37	3,840
	38	3,840
	39	3,840
	40	4,000

BLOCK 4	
1	4,000
2	3,840
3	3,840
4	3,840
5	4,519
6	4,519
7	4,320
8	3,564
9	4,168
10	4,206
11	3,408
12	3,408
13	4,206
14	4,168
15	3,564
16	4,320
17	4,519
18	4,519
19	3,840
20	3,840
21	3,840
22	4,000
23	3,830
24	3,880
25	4,480
26	4,477
27	3,710
28	3,276
29	3,170
30	3,168
31	3,168
32	3,168
33	3,168
34	3,168
35	3,170
36	3,305
37	4,319
38	4,480
39	3,880
40	3,830
BLOCK 5	
1	3,184
2	3,168
3	3,168
4	3,224
5	3,547
6	3,818
7	3,840
8	4,480
9	4,480
10	4,480
11	4,480
12	3,818
13	3,547
14	3,224
15	3,168
16	3,168
17	3,168
18	3,168

Total Assessment Area in Park Maintenance District = 628,867 sf
14.44 acres
Total Number of Lots = 126

#####

Estimated annual maintenance assessment per lot for the first year:

Josephine Crossing Subdivision
 (does not include Lots 19 & 20, Block 5)

BLOCK#	LOT#	COST
BLOCK 1		
	1	\$63.33
	2	\$48.60
	3	\$71.74
	4	\$58.93
	5	\$77.23
	6	\$77.56
	7	\$64.21
	8	\$64.92
	9	\$64.90
	10	\$62.86
	11	\$48.15
	12	\$45.94
	13	\$45.88
	14	\$45.14
	15	\$45.13
	16	\$45.85
	17	\$45.84
	18	\$45.92
	19	\$48.47
	20	\$53.87
	21	\$63.60
	22	\$63.60
	23	\$63.59
	24	\$62.85
BLOCK 2		
	1	\$398.22
	2	\$436.53
	3	\$770.43
	4	\$718.62
BLOCK 3		
	1	\$45.21
	2	\$45.79
	3	\$45.79
	4	\$46.60
	5	\$51.27
	6	\$55.19
	7	\$55.51
	8	\$64.76
	9	\$64.76
	10	\$64.76
	11	\$64.76
	12	\$55.19
	13	\$51.27
	14	\$46.60
	15	\$45.79
	16	\$45.79
	17	\$45.79
	18	\$46.02
	19	\$57.82
	20	\$55.51
	21	\$55.51
	22	\$55.51
	23	\$65.32
	24	\$65.32
	25	\$62.44
	26	\$51.52
	27	\$60.25
	28	\$60.78
	29	\$49.26
	30	\$49.26
	31	\$60.80
	32	\$60.25
	33	\$51.52
	34	\$62.44
	35	\$65.32
	36	\$65.32
	37	\$55.51
	38	\$55.51
	39	\$55.51
	40	\$57.82

BLOCK 4		
1		\$57.82
2		\$55.51
3		\$55.51
4		\$55.51
5		\$65.32
6		\$65.32
7		\$62.44
8		\$51.52
9		\$60.25
10		\$60.80
11		\$49.26
12		\$49.26
13		\$60.80
14		\$60.25
15		\$51.52
16		\$62.44
17		\$65.32
18		\$65.32
19		\$55.51
20		\$55.51
21		\$55.51
22		\$57.82
23		\$55.36
24		\$56.08
25		\$64.76
26		\$64.71
27		\$53.63
28		\$47.35
29		\$45.82
30		\$45.79
31		\$45.79
32		\$45.79
33		\$45.79
34		\$45.79
35		\$45.82
36		\$47.77
37		\$62.43
38		\$64.76
39		\$56.08
40		\$55.36
BLOCK 5		
1		\$46.02
2		\$45.79
3		\$45.79
4		\$46.60
5		\$51.27
6		\$55.19
7		\$55.51
8		\$64.76
9		\$64.76
10		\$64.76
11		\$64.76
12		\$55.19
13		\$51.27
14		\$46.60
15		\$45.79
16		\$45.79
17		\$45.79
18		\$45.79