

SILMD 313

RESOLUTION NO. 14-10376

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 313 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREETLIGHTS, 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 streetlights 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. 313" 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, 4, 5, 6, 7, 8 & 9 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. Heritage Trail Park in Blocks 8 & 9 of the subdivision is specifically excluded from the District. It shall be noted that although the district boundary includes all lots within the subdivision excluding those already in SILMD 299, at this time only those lots which are currently served by public improvements constructed under Private Contracts 642 and 678 will receive an assessment. The remainder of the lots within the subdivision will receive assessments when public street improvements are constructed adjacent to said lots and lighting is installed. The lighting district created with this resolution shall be

amended as needed at the time of subsequent development to extend assessments to the additional lots.

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 fifteen (15) 43-watt LED acorn style lamps, mounted on twelve (12) foot posts with decorative fluted stems. An additional twelve (12) 43-watt LED lamps mounted on decorative poles will be installed in the future as public street improvements are completed in the subdivision, for a total of twenty-seven (27) lights in the District. Yellowstone Valley Electric Cooperative shall install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

Yellowstone Valley Electric Cooperative shall provide energy to all of the lights. The City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$2.75 per light per month, or approximately \$495 per year for the 15 lights initially being installed. Future energy costs shall be in accordance with the standard rates established by Yellowstone Valley Electric for customers within this service area. That Yellowstone Valley Electric Cooperative 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 30 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 and the recovery of capital investment is \$33 per light per month, or approximately \$5,940 per year for the 15 lights initially being installed.

SECTION 6:

The estimated annual cost of the District for the initial fifteen (15) lights, including City administrative costs, is the sum of \$7,376.28. The entire cost shall be paid by the owners of the property within said District listed as part of the initial phase in Exhibit "B," with each lot, parcel or piece of land to be assessed for that portion of the whole cost which its assessable area bears to the total assessable area exclusive of streets, avenues, alleys and Heritage Trail Park. The estimated cost per year for property owners is on the basis of approximately \$0.01325298 per square foot of lot area.

As additional lights are installed the total cost to be assessed and the assessment rate will be determined by the actual installation and energy costs for the lighting, and by the total lot area being assessed. The entire cost shall be paid by the owners of the all property within said District along then improved public streets, with each lot, parcel or piece of land to be assessed for that portion of the whole cost which its assessable area bears to the total assessable area, exclusive of streets, avenues, alleys and Heritage Trail Park.

SECTION 7:

That the entire cost 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 properties 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. 313 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 August, 2014, 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. 313 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. 313. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 14th day of July, 2014.

CITY OF BILLINGS

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:
BY: Cari Martin
Cari Martin, City Clerk



EXHIBIT A

SPECIAL IMPROVEMENT LIGHT MAINTENANCE DISTRICT #313 BOUNDARY IN VINTAGE ESTATES SUBDIVISION

PREPARED BY : SANDERSON STEWART BILLINGS, MONTANA

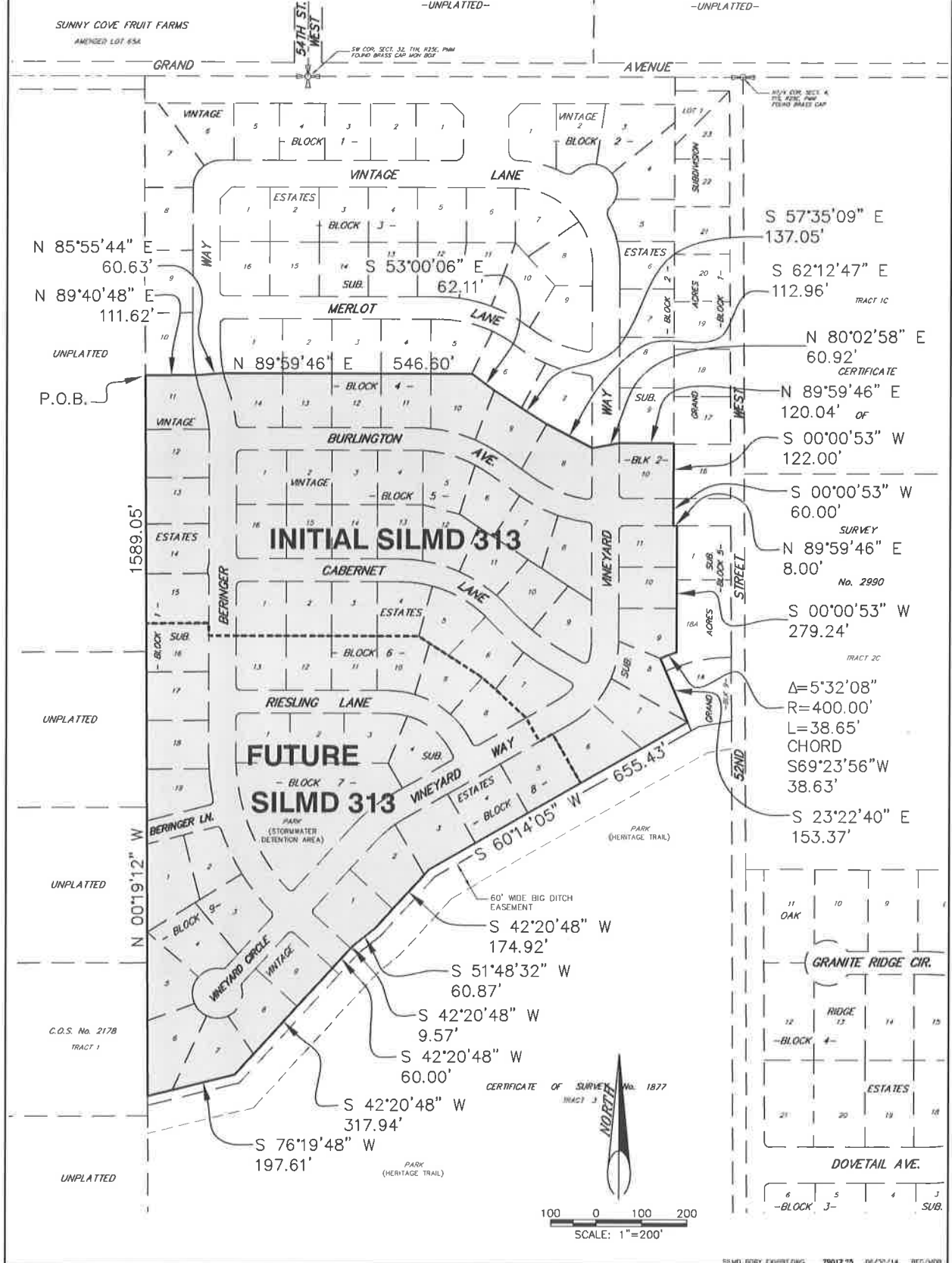


Exhibit B
SILMD 313
Vintage Estates Subdivision

New SILMD--Burlington Ave to south end of subdivision

TAX_ID	BLK_NUM	LOT_NUM	SILMD phase	SUBD	Lot Area
A31989	1	11	Initial	VINTAGE ESTATES SUB	15319
A31990	1	12	Initial	VINTAGE ESTATES SUB	15054
A31991	1	13	Initial	VINTAGE ESTATES SUB	14233
A31992	1	14	Initial	VINTAGE ESTATES SUB	15264
A31993	1	15	Initial	VINTAGE ESTATES SUB	15239
A32007	2	10	Initial	VINTAGE ESTATES SUB	14621
A32031	4	8	Initial	VINTAGE ESTATES SUB	16676
A32032	4	9	Initial	VINTAGE ESTATES SUB	14469
A32033	4	10	Initial	VINTAGE ESTATES SUB	15774
A32034	4	11	Initial	VINTAGE ESTATES SUB	13218
A32035	4	12	Initial	VINTAGE ESTATES SUB	12960
A32036	4	13	Initial	VINTAGE ESTATES SUB	12960
A32037	4	14	Initial	VINTAGE ESTATES SUB	13638
A32038	5	1	Initial	VINTAGE ESTATES SUB	13179
A32039	5	2	Initial	VINTAGE ESTATES SUB	12000
A32040	5	3	Initial	VINTAGE ESTATES SUB	12000
A32041	5	4	Initial	VINTAGE ESTATES SUB	11998
A32042	5	5	Initial	VINTAGE ESTATES SUB	12101
A32043	5	6	Initial	VINTAGE ESTATES SUB	11486
A32044	5	7	Initial	VINTAGE ESTATES SUB	12384
A32045	5	8	Initial	VINTAGE ESTATES SUB	14047
A32046	5	9	Initial	VINTAGE ESTATES SUB	13497
A32047	5	10	Initial	VINTAGE ESTATES SUB	12403
A32048	5	11	Initial	VINTAGE ESTATES SUB	11806
A32049	5	12	Initial	VINTAGE ESTATES SUB	12609
A32050	5	13	Initial	VINTAGE ESTATES SUB	12067
A32051	5	14	Initial	VINTAGE ESTATES SUB	12000
A32052	5	15	Initial	VINTAGE ESTATES SUB	12000
A32053	5	16	Initial	VINTAGE ESTATES SUB	13179
A32054	6	1	Initial	VINTAGE ESTATES SUB	13179
A32055	6	2	Initial	VINTAGE ESTATES SUB	12000
A32056	6	3	Initial	VINTAGE ESTATES SUB	12000
A32057	6	4	Initial	VINTAGE ESTATES SUB	12638
A32058	6	5	Initial	VINTAGE ESTATES SUB	12903
A32059	6	6	Initial	VINTAGE ESTATES SUB	12967
A32060	6	7	Initial	VINTAGE ESTATES SUB	12976
A32077	8	6	Initial	VINTAGE ESTATES SUB	16852
A32078	8	7	Initial	VINTAGE ESTATES SUB	14579
A32079	8	8	Initial	VINTAGE ESTATES SUB	12833
A32080	8	9	Initial	VINTAGE ESTATES SUB	12068
A32081	8	10	Initial	VINTAGE ESTATES SUB	11642

A32082	8	11	Initial	VINTAGE ESTATES SUB	11757
A31994	1	16	Future	VINTAGE ESTATES SUB	14807
A31995	1	17	Future	VINTAGE ESTATES SUB	14744
A31996	1	18	Future	VINTAGE ESTATES SUB	14690
A31997	1	19	Future	VINTAGE ESTATES SUB	13673
A32061	6	8	Future	VINTAGE ESTATES SUB	12710
A32062	6	9	Future	VINTAGE ESTATES SUB	12248
A32063	6	10	Future	VINTAGE ESTATES SUB	12212
A32064	6	11	Future	VINTAGE ESTATES SUB	12000
A32065	6	12	Future	VINTAGE ESTATES SUB	12000
A32066	6	13	Future	VINTAGE ESTATES SUB	13179
A32067	7	1	Future	VINTAGE ESTATES SUB	13066
A32068	7	2	Future	VINTAGE ESTATES SUB	13066
A32069	7	3	Future	VINTAGE ESTATES SUB	13067
A32070	7	4	Future	VINTAGE ESTATES SUB	13049
A32071	7	Park	Future	VINTAGE ESTATES SUB	61216
A32072	8	1	Future	VINTAGE ESTATES SUB	15846
A32073	8	2	Future	VINTAGE ESTATES SUB	15707
A32074	8	3	Future	VINTAGE ESTATES SUB	16620
A32075	8	4	Future	VINTAGE ESTATES SUB	16662
A32076	8	5	Future	VINTAGE ESTATES SUB	16662
A32083	9	1	Future	VINTAGE ESTATES SUB	17439
A32084	9	2	Future	VINTAGE ESTATES SUB	12113
A32085	9	3	Future	VINTAGE ESTATES SUB	15328
A32086	9	4	Future	VINTAGE ESTATES SUB	16555
A32087	9	5	Future	VINTAGE ESTATES SUB	13671
A32088	9	6	Future	VINTAGE ESTATES SUB	16608
A32089	9	7	Future	VINTAGE ESTATES SUB	15846
A32090	9	8	Future	VINTAGE ESTATES SUB	14116
A32091	9	9	Future	VINTAGE ESTATES SUB	14,178
Total					1,019,653

Assessed Area by Phase:

Initial	556,575
Future	463,078
Total	<u>1,019,653</u> ok

EXHIBIT C

SPECIAL IMPROVEMENT LIGHT MAINTENANCE DISTRICT #313 BOUNDARY DESCRIPTION

A tract of land situated in the NW1/4 of Section 4, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, being more particularly described as follows, to-wit:

Beginning at a point on the west line of Vintage Estates Subdivision, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3329141, said point also being the northwest corner of Lot 11, Block 1 of said Vintage Estates Subdivision; thence, from said Point of Beginning, N 89°40'48" E along the north line of said Lot 11, a distance of 111.62 feet to the northeast corner of said Lot 11, said corner also being on the west right-of-way line of Beringer Way; thence, crossing said Beringer Way, N 85°55'44" E a distance of 60.63 feet to a point on the east right-of-way line of said Beringer Way, said point also being the northwest corner of Lot 14, Block 4 of said Vintage Estates Subdivision; thence N 89°59'46" E along the north lines of said Lot 14 and Lots 13, 12, 11, and 10 of said Block 4, a distance of 546.60 feet to the northernmost corner of said Lot 10; thence S 53°00'06" E along then northeasterly line of said Lot 10, a distance of 62.11 feet to the northeast corner of said Lot 10, said corner also being the northwest corner of Lot 9 of said Block 4; thence S 57°35'09" E along the northeasterly line of said Lot 9, a distance of 137.05 feet to the northeast corner of said Lot 9, said corner also being the northwest corner of Lot 8 of said Block 4; thence S 62°12'47" E along the northeasterly line of said Lot 8, a distance of 112.96 feet to the northeast corner of said Lot 8, said corner also being on the west right-of-way line of Vineyard Way; thence, crossing said Vineyard Way, N 80°02'58" E a distance of 60.92 feet to a point on the east right-of-way line of said Vineyard Way, said point also being the northwest corner of Lot 10, Block 2 of said Vintage Estates Subdivision; thence N 89°59'46" E along the north line of said Lot 10, a distance of 120.04 feet to the northeast corner of said Lot 10; thence S 00°00'53" W along the east line of said Lot 10, a distance of 122.00 feet to the southeast corner of said Lot 10, said corner also being on the north right-of-way line of Burlington Avenue; thence, crossing said Burlington Avenue, S 00°00'53" W a distance of 60.00 feet to a point on the south right-of-way line of said Burlington Avenue; thence N 89°59'46" E along said south right-of-way line, a distance of 8.00 feet to a point being the northeast corner of Lot 11, Block 8 of said Vintage Estates Subdivision; thence S 00°00'53" W along the east lines of said Lot 11 and Lots 10 and 9, a distance of 279.24 feet to the southeast corner of said Lot 9; thence along the south line of said Lot 9, following a non-tangent curve to the left with a central angle of 5°32'08", a radius of 400.00 feet, and a length of 38.65 feet (chord bears S 69°23'56" W a distance of 38.63 feet) to a point being the northeast corner of Lot 8 of said Block 8; thence S 23°22'40" E along the east line of said Lot 8, a distance of 153.37 feet to the southeast corner of said Lot 8, said corner also being a point on the northwesterly line of the Heritage Trail parkland; thence along said Heritage Trail the following courses and distances:

S 60°14'05" W a distance of 655.43 feet;

S 42°20'48" W a distance of 174.92 feet;
S 51°48'32" W a distance of 60.87 feet;
S 42°20'48" W a distance of 9.57 feet to the southwest corner of Lot 1 of said Block 8, said corner also being on the easterly right-of-way line of Beringer Way; thence, crossing said Beringer Way, S 42°20'48" W a distance of 60.00 feet to a point on the westerly right-of-way line of said Beringer Way, said point also being on the northwesterly line of said Heritage Trail; thence, continuing along said Heritage Trail, the following courses and distances:

S 42°20'48" W a distance of 317.94 feet;
S 76°19'48" W a distance of 197.61 feet to a point being the southwest corner of Lot 6 of Block 9 of said Vintage Estates Subdivision, said corner also being on the west line of said Vintage Estates Subdivision; thence N 00°19'12" W along said west line, a distance of 1589.05 feet to said Point of Beginning;

Said described tract having an area of 30.454 acres; said described tract also being as shown on attached Exhibit B.