

RESOLUTION NO. 00- 17569

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 272 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF INSTALLING STREET LIGHTS AND SECURING AND PROVIDING ENERGY AND MAINTENANCE OF NEW 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 of installing new street lights and securing and providing energy and maintenance for new street lights for lighting 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. 272" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land in 5<sup>th</sup> and 6<sup>th</sup> Filings of Forest Park Subdivision; all as listed in Exhibit "A" attached hereto, and as shown on the map designated as 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 along and within the boundaries of the District, will be especially benefited and affected by said improvements, and that all of the property included along the

district is hereby declared to be the property to be assessed for, the cost and expense of obtaining the street lights, electrical energy, and maintenance of said street lights.

SECTION 4:

That the general character of the improvements to be made in the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities along and upon portions of the streets and avenues within the boundaries of the district consisting of seventy eight (78) 100-watt high pressure sodium luminaries mounted at a height of 12 feet. All luminaries will be mounted on poles served by underground wiring. Montana Power Company shall own and install said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying materials, installation, electrical energy, and maintenance as follows: \$25.90 per 100 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That the Montana Power Company shall provide energy and normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 6:

The estimate of the cost of the District per year is the sum of \$27,878.76; 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 frontage bears to the assessable frontage 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 \$.014833096 per square foot per year. Due to the difference in the time the lighting service starts and the time assessments can be levied, the first assessment may cover a period of operation of the District shorter or greater than one year.

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. 272 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefor.

SECTION 8:

That on the 12th day of June, 2000, at 7:30 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. 272 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. 272. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 22nd day of May, 2000.



CITY OF BILLINGS

By Charles F. Tooley  
Charles F. Tooley Mayor

ATTEST:

By Marita Herold  
Marita Herold, CMC/AAE City Clerk

		<b>EXHIBIT "A"</b>			
		Ownership Listing			
		<b>SILMD 272 Forest Park</b>			
Block 3	15				
	16				
	17				
	18				
	19	Lot 19 Block 3	Edward R. and J. Diane Cross		
	20		2440 Eastridge Drive		
	21		Billings, MT 59102		
	22				
	23	Lot 20 Block 3	Donald E. and Marilyn E. Brocopp		
	24		2031 Edgewood Drive		
	25		Billings, MT 59102		
	26				
	27	Lot 21 Block 3	Rodney E. and Faith Schaffer		
	28		1803 Camden		
	29		Billings, MT 59102		
	30A				
	31A	Lot 22 Block 3	Donald E. and Marilyn E. Brocopp		
	32A		2031 Edgewood Drive		
Block 10	3		Billings, MT 59102		
	4				
	5	Lot 23 Block 3	J. Diane Cross		
	6		2440 Eastridge Drive		
	7		Billings, MT 59102		
	8				
	9	Lot 27 Block 3	Edward G. and Evelyn M. Kinzel		
	10		14223 128th Place NE		
	11		Kirkland, WA 98034		
	12				
	13	Remainder	McCall Junkert Development LLC		
	14		1070 South 24th Street West		
	15		Billings, MT 59102		
	16				
	17				
	18A				
	18B				
	18C				
	18D				
	18E				
	18F				
	18G				
	18H				
	19				
	20				

	21							
Block 11	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9A							
	10A							
	11							
	12							
	13							
Block 12	1							
	2							
	3							
	4							
	5							
	6							
Block 13	1							
	2							
	3							
	4A-1							
	5A							
	6A							
	7A							
	8A							
	9A							
	10							
	11							
	12							
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	27							
	28							
	29							

	30							
	31							
	32							
	33							
Block 14	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							



## EXHIBIT C

### PROPOSED SILMD 272

#### DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northwest corner of Lot 1, Block 13, Forest Park Subdivision, Fifth Filing;

thence S 88°52'00" E a distance of 215.03 feet to a point on the west boundary line of Lot 32, Block 3, Forest Park Subdivision, Fifth Filing;

thence N 00°14'00" E a distance of 30.46 feet to the northwest corner of said Lot 32, Block 3, Forest Park Subdivision, Fifth Filing;

thence S 89°46'00" E a distance of 120.00 feet to the northeast corner of said Lot 32, Block 3, Forest Park Subdivision, Fifth Filing;

thence N 00°14'00" E a distance of 160.50 feet to the northwest corner of Lot 26, Block 3, Forest Park Subdivision, Fifth Filing;

thence S 89°46'00" E a distance of 85.00 feet;

thence N 78°09'46" E a distance of 130.23 feet to the northeast corner of Lot 25, Block 3, Forest Park Subdivision, Fifth Filing;

thence N 49°05'00" E a distance of 100.00 feet to the north corner of Lot 24, Block 3, Forest Park Subdivision, Fifth Filing;

thence S 52°25'00" E a distance of 230.78 feet;

thence S 48°17'35" E a distance of 84.43 feet;

thence S 40°26'38" E a distance of 92.49 feet;

thence S 34°33'12" E a distance of 110.97 feet;

thence S 28°07'38" E a distance of 110.97 feet to the southeast corner of Lot 20, Block 3, Forest Park Subdivision, Fifth Filing;

thence N 65°05'08" E a distance of 110.00 feet to the northeast corner of Lot 15, Block 3, Forest Park Subdivision, Fifth Filing;

thence along a curve to the right, having a radius of 1100.0 feet and a distance of 16.15 feet,

thence N 65°55'36" E a distance of 60.00 feet;

thence N 59°24'13" E a distance of 119.09 feet;

thence N 74°23'10" E a distance of 88.71 feet to the northeast corner of Lot 21, Block 10, Forest Park Subdivision, Fifth Filing;



thence N 05°47'30" W a distance of 120.00 feet to the northwest corner of Lot 3, Block 10, Forest Park Subdivision, Fifth Filing;

thence along a curve to the right, having a radius of 380.00 feet and a distance of 166.19 feet,

thence S 70°44'00" E a distance of 74.50 feet;

thence along a curve to the left, having a radius of 630.00 feet and a distance of 283.32 feet,

thence N 83°30'00" E a distance of 56.03 feet;

thence S 06°30'00" E a distance of 10.00 feet;

thence N 83°30'00" E a distance of 164.95 feet;

thence along a curve to the right, having a radius of 20.00 feet and a distance of 31.43 feet,

thence S 06°27'10" E a distance of 258.26 feet;

thence S 44°18'10" W a distance of 1113.87 feet;

thence along a curve to the left, having a radius of 250.00 feet and a distance of 127.71 feet,

thence N 88°55'36" W a distance of 1232.20 feet to the southwest corner of Lot 20, Block 13, Forest Park Subdivision, Sixth Filing;

thence N 00°14'00" E a distance of 1239.25 feet to the northwest corner of Lot 1, Block 13, Forest Park Subdivision, Fifth Filing, the point of beginning.