

RESOLUTION NO. 00-17599

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 STREETScape IMPROVEMENTS ON NORTH BROADWAY BETWEEN MONTANA AVENUE AND 4TH AVENUE NORTH INSTALLED AS PART OF SPECIAL IMPROVEMENT DISTRICT NO. 1346

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

Section 1. Proposed Extended Park Maintenance District; Intention To Create Park Maintenance District. The City proposes to maintain certain park improvements to benefit certain property located in the City of Billings, Montana. The Improvements consist of **streetscape improvements along North Broadway between Montana Avenue and 4th Avenue North installed as part of Special Improvement District No. 1346**, 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 park maintenance district (the "Park Maintenance District") for the purpose of financing the maintenance costs for the park landscaping and other improvements portion of the improvements made in SID No. **1346**. The estimated annual costs for the maintenance of the park 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 Park Maintenance District No. **4013** 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 Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the SID No. **1346** Streetscape 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: **trees, ornamental plantings, lighting, irrigation, intersection bulbs, sidewalk repairs, curb and gutter repairs, storm drainage modifications, colored concrete crosswalks and curb borders, sidewalk furniture, tree grates, and trash receptacles installed as part of Special Improvement District No. 1346.**

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 SID No. **1346** Streetscape Improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the SID No. **1346** Streetscape Improvements, based on the assessable area and frontage methods of assessment described in Section 7-12-4162 through 7-12-4165, M.C.A., as particularly applied and set forth herein.

Section 7. Assessable Area. All properties in the District will be assessed for their proportionate share of the costs of maintaining the SID No. **1346** Streetscape Improvements. The total assessable area of the District to be assessed is **288,750** square feet. The costs of maintaining the Improvements per square foot of assessable area for the first year shall be **\$0.021787** per 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 SID No. **1346** Streetscape 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 SID No. 1346 Streetscape 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 (**September 22, 2000**), 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, September 25, 2000**, at 7:30 p.m., in the Council Chambers, located on the Second Floor of the Police Facility 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 **September 7 and September 14, 2000**, 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 **28th day of August, 2000.**

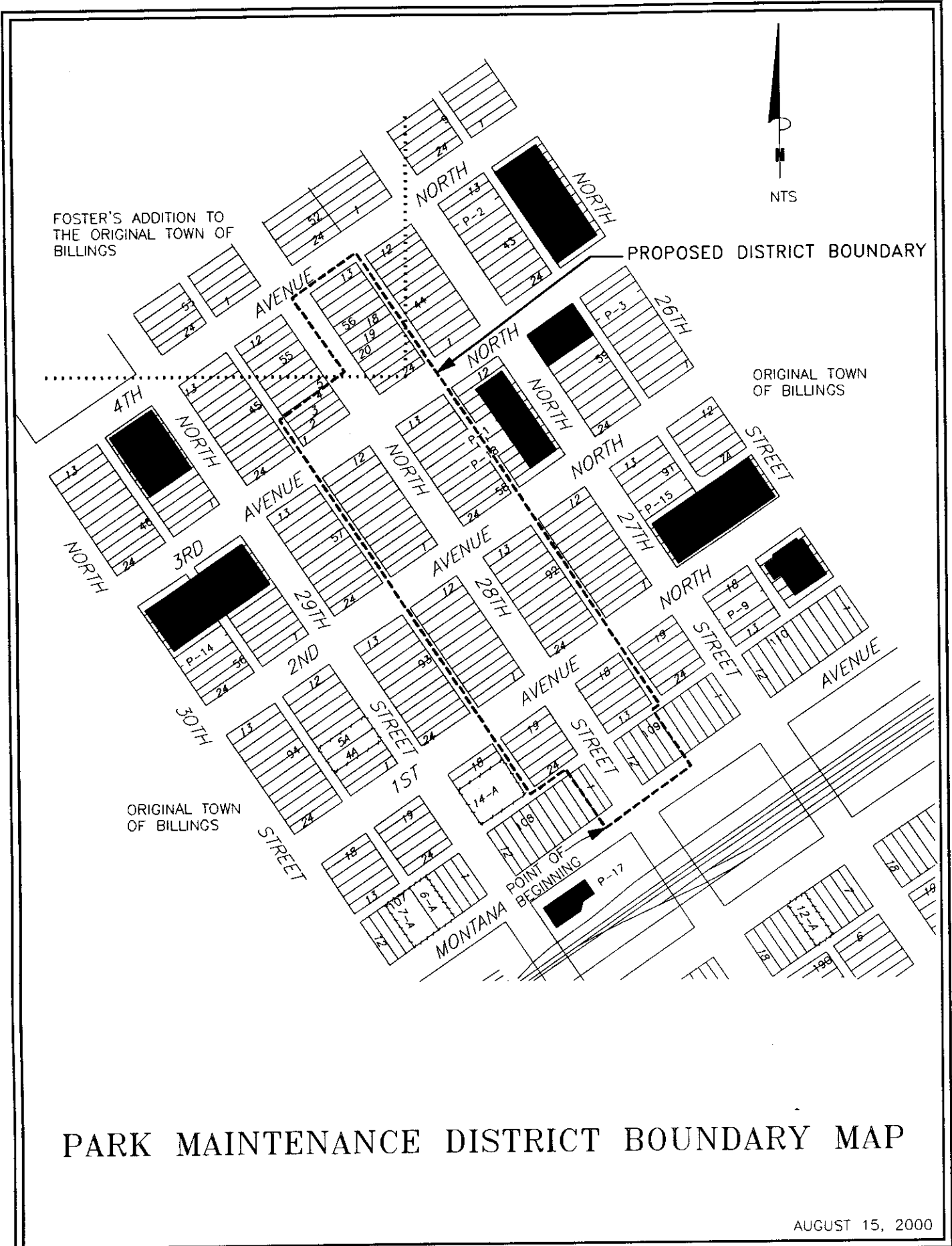


THE CITY OF BILLINGS:

BY Charles F. Tooley
Charles F. Tooley MAYOR

ATTEST:

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



PARK MAINTENANCE DISTRICT BOUNDARY MAP

AUGUST 15, 2000

LEGAL DESCRIPTION
NORTH BROADWAY STREETScape
PARK MAINTENANCE DISTRICT NO. 4013

BEING LOCATED IN YELLOWSTONE COUNTY, MONTANA, IN THE NORTH ½ OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 26 EAST AND IN THE SOUTHEAST ¼ OF SECTION 32 AND THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 26 EAST, PRINCIPAL MERIDIAN OF MONTANA.

Beginning at the southwest corner of Lot 2, Block 108 of the Plat of the Original Town of Billings; thence northwesterly along the westerly line of Lot 2 to the northwest corner of Lot 2, Block 108; thence westerly to the southwest corner of Lot 24, Block 108; thence northwesterly to the northwest corner of Lot 19, Block 108; thence northwesterly to the southwest corner of Lot 1, Block 93; thence northwesterly to the northwest corner of Lot 12, Block 93; thence northwesterly to the southwest corner of Lot 1, Block 57; thence northwesterly to the northwest corner of Lot 12, Block 57; thence northwesterly to the southwest corner Lot 1, Block 45; thence northwesterly to the northwest corner of Lot 4, Block 45; thence northeasterly to the northeast corner of Lot 4, Block 45; thence northerly to the northwest corner of Lot 13, Block 56 of the Plat of Foster's Addition of the Town of Billings; thence northeasterly to the northeast corner of Lot 13, Block 56; thence southeasterly to the southeast corner of Lot 24, Block 44 of the Plat of the Original Town of Billings; thence southeasterly to the northeast corner of Lot 13, Block 58; thence southeasterly to the southeast corner of Lot 24, Block 58; thence southeasterly to the northeast corner of Lot 13, Block 92; thence southeasterly to the southeast corner of Lot 24, Block 92; thence southeasterly to the northeast corner of Lot 18, Block 109; thence southeasterly to the southeast corner of Lot 13, Block 109; thence southerly to the northeast corner of Lot 8, Block 109; thence southeasterly to the southeast corner of Lot 8, Block 109; thence southwesterly to the southwest corner of Lot 12, Block 109; thence southwesterly to the southeast corner of Lot 1, Block 108; thence southwesterly to the southwest corner of Lot 2, Block 108 and the Point of Beginning. Excepting from the above bounded area all public street and alley right-of-ways as shown on the official plats on file in the Yellowstone County Courthouse.

**CITY OF BILLINGS - SPECIAL IMPROVEMENT DISTRICT ASSESSMENT DATA
PART I - OWNERSHIP INFORMATION**

PMD Number: 4013 PMD Description: North Broadway Streetscape

Date: August 15, 2000

TAX CODE NUMBER	OWNER AS OF LAST TAX ROLL MAILING ADDRESS	LEGAL DESCRIPTION (SUBDIVISION / LOT / BLOCK)	ASSESSMENT AREA (SQUARE FEET)
A-258	Peter Yegan, Jr. Family Trust c/o First Bank Corp. Property/Real Estate Tax 601 2nd Avenue South Minneapolis, MN 55402-4303	Lots 13-15, Block 44 of the Original Town of Billings	10,500
A-261	The Connecticut Bank & Trust Co. Trustee c/o First Bank Properties Mngmnt 601 2nd Avenue South Minneapolis, MN 55402	Lots 16-18, 21-24 & the east 77.28 feet of Lots 19-20, Block 44, of the Original Town of Billings and Lots 16-18, Block 56, Foster's Addition	28,364
A-260	Wayne Schile c/o Billie Ruff 2211 Green Terrace Drive Billings, MT 59102-0629	The west 62.72 feet of Lots 19-20, Block 44, of the Original Town of Billings and the west 62.72 feet of Foster's Addition	3,136
A-262	City of Billings c/o Fox Theatre Corp. P.O. Box 1556 Billings, MT 59103-1556	Lots 1-4, Block 45, of the Original Town of Billings	14,000
A-360	Zoot Properties, L.L.C. 1115 North 7th Avenue Bozeman, MT 59715-2507	Lots 1-7, Block 57, of the Original Town of Billings	24,500

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A-362	Patrick C. Cormier Angelina V. Cormier Trustees of the Patrick & Angelina Cormier Living Trust 220 N. Broadway Billings, MT 59101-1935	Lot 8, Block 57, of the Original Town of Billings	3,500
A-363	Patrick C. Cormier Angelina V. Cormier Trustees of the Patrick & Angelina Cormier Living Trust 220 N. Broadway Billings, MT 59101-1935	Lots 9-10, Block 57, of the Original Town of Billings	7,000
A-364	Historic Property Partnership PO Box 80510 Billings, MT 59108-0510	Lots 11-12, Block 57, of the Original Town of Billings	7,000
A-372	Al B. White Cynthia White 1402 E. North Street Billingham, WA 98226-3632	Lots 13-14, Block 58, of the Original Town of Billings	7,000

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A-373	D. Joe Reed Deborah M. Reed 1518 East C Street Casper, WY 82601-2129	Lots 15-16, Block 58, of the Original Town of Billings	7,000
A-374	Yvonne P. Robson David A. Robson 213 North 28th Street Billings, MT 59101-1936	Lots 17-18, Block 58, of the Original Town of Billings	7,000
A-375	Alan D. Nicholson P.O. Box 472 Helena, MT 59624-0472	Lots 19-21 and the north 24.70 feet of Lot 22, Block 58, of the Original Town of Billings	13,958
A-376	Zoot Properties, LLC 1115 N. 7th Avenue Bozeman, MT 59715-2507	Lots 23-24 and the south 0.3 feet of Lot 22, Block 58, of the Original Town of Billings	7,042
A-635	Lou Taubert Real Estate, Inc. 125 East 2nd Street Casper, WY 82601-2501	Lots 13-14, Block 92, of the Original Town of Billings	7,000

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A-636	Welborn Land & Livestock Co. 8845 Warbler Street Missoula, MT 59808-1000	Lots 15-16, Block 92, of the Original Town of Billings	7,000
A-636A	Catherine G. Foster 1119 North 31st Street Billings, MT 59101	Lots 17-18 and the north 9 inches of Lot 19, Block 92, of the Original Town of Billings	7,105
A-637	Myles J. Thomas Wayne P. Hansen Melvin P. Hoiness P.O. Box 2529 Billings, MT 59103	The south 24 feet 3 inches of Lot 19, and all of Lot 20, Block 92, of the Original Town of Billings	6,895
A-638	Yurko Properties, L.L.C. 2121 Iris Lane Billings, MT 59102-2242	Lots 21-22, Block 92, of the Original Town of Billings	7,000
A-639	Original Town Investors of Billings c/o H. Russell Lowe 1241 Alder Avenue Laurel, MT 59044	Lots 23-24, Block 92, of the Original Town of Billings	7,000

**CITY OF BILLINGS - SPECIAL IMPROVEMENT DISTRICT ASSESSMENT DATA
PART I - OWNERSHIP INFORMATION**

PMD Number: 4013

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TAX CODE NUMBER	OWNER AS OF LAST TAX ROLL MAILING ADDRESS	LEGAL DESCRIPTION (SUBDIVISION / LOT / BLOCK)	ASSESSMENT AREA (SQUARE FEET)
A-640	Phase One Equities General Partnership II, Theodore G. Houston, The William W. Bokman Trust U/A Dated 4/23/93 333 Montezuma Santa Fe, NM 87501 c/o Michael W. Delaney Ileana Indreland (?d/b/a Delany & Company, Inc. 101 East Main Street Bozeman, MT 59715	Lots 1-4, Block 93, of the Original Town of Billings	14,000
A-641	Joe Alweis Realty Co. c/o Jasons 114 North 28th Street Billings, MT 59101-2042	Lot 5, and a fraction of Lot 6 being the 25 feet on the east line and the south 24.78 feet on the west line, Block 93, of the Original Town of Billings	6,975
A-642	Babcock Building Co. 2812 2nd Avenue North - Apt. 20 Billings, MT 59101-2040	A fraction of Lot 6 and all of Lots 7-12, Block 93, of the Original Town of Billings	21,025

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A-777	City of Billings c/o First Citizens Bank P.O. Box 2508 Billings, MT 59103	Lots 1-2, Block 108, of the Original Town of Billings	6,500
A-787	First Citizens Bank P.O. Box 2508 Billings, MT 59103-2508	Lots 19-22, Block 108, of the Original Town of Billings	14,000
A-788	First Citizens Bank P.O. Box 2508 Billings, MT 59103-2508	Lots 23-24, Block 108, of the Original Town of Billings	7,000
A-794	Alta Northern, L.L.C. P.O. Box 1296 Billings, MT 59103-1296	Lots 8-12, Block 109, of the Original Town of Billings	16,250
A-795	Alta Northern, L.L.C. c/o Northern Hotel P.O. Box 1296 Billings, MT 59103-1296	Lots 13-18, Block 109, of the Original Town of Billings	21,000
Total Assessment Area			288,750

**CITY OF BILLINGS - PARK MAINTENANCE DISTRICT
ESTIMATE OF ANNUAL MAINTENANCE COSTS**

PMD Number: 4013

PMD Description: North Broadway Streetscape

Date: August 15, 2000

BA SUB	ELE	SUB OBJ	ACCOUNT DESCRIPTION	ESTIMATED MAINTENANCE COSTS
452		11	Wages	
		40	Wages (Full-time systems and supervision at \$31.00 per hour for 32 hours per year)	\$992.00
		60	Temporary wages (2 hours x 3 days per week for 24 weeks at \$8.50)	\$1,224.00
			Wages Total	\$2,216.00
			Operations and Supplies, Etc.	
	22	90	Other Operating Supplies	\$175.00
	23	10	Gas, Oil, Grease, Etc.	\$600.00
		20	Motor Vehicle Parts	\$60.00
		30	Mach/Equipment Parts	\$50.00
		90	Tires, Tubes, Etc.	\$30.00
	24	10	Consumable Tools	\$45.00
	34	10	Electricity	\$120.00
		20	Water Service	\$650.00
		40	Natural Gas Expense	\$10.00
		50	Phone, Telegraph Expense	\$10.00
	36	20	Labor - Motor Vehicles	\$175.00
		50	Ground Maintenance	\$50.00
		90	Other Repair/Maintenance	\$50.00
	39	65	Other Service/Finance Charges	\$900.00
		90	Other Contract Services	\$50.00
	54	10	Special Assessments	\$0.00
			Total Operations and Supplies, Etc.	\$2,975.00
			Proposed North 28th Street Streetscape O & M Estimated Total	\$5,191.00
			Capital E/I Reserve	\$900.00
			Contingency Reserve	\$200.00
			Total North 28th Street Streetscape O & M Annual Cost Estimate	\$6,291.00
			Assessment Area of District (Square Feet)	288,750
			First Year Assessment (Per Square Foot)	\$0.021787