

RESOLUTION NO. 00-17617

A RESOLUTION LEVYING A SPECIAL TAX UPON CERTAIN PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE CITY COST AND EXPENSE OF REMOVING DISEASED ELM TREES (OR HAZARDOUS TREES) AS PROVIDED BY BILLINGS, MONTANA CITY CODE SECTION 25-210 AND 25-209.

WHEREAS, Billings, Montana City Code (BMCC) Section 25-210, provides for assessment and collection of City costs and expenses for removal of elm trees that have been infested with Dutch Elm Disease; and

WHEREAS, said code section provides that the City Administrator certify to the taxing authority the outstanding amounts due to the City;

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

1. LEVYING OF SPECIAL TAX. That for the purpose of collecting funds to defray the cost of removal and disposal of elms infested with Dutch Elm Disease, there is hereby levied and assessed a special tax upon the owners and the lots or parcels described in the lien documents attached hereto marked Exhibits "A" through "L".
2. ASSESSMENT AND COLLECTION. Said tax shall be placed upon the assessment rolls and collected in the same manner as other taxes.
3. DISPOSITION OF COLLECTIONS. All monies collected from said taxes shall be paid to the General Fund of the City of Billings.
4. NOTICE OF HEARING. On Tuesday, **October 10, 2000**, at 7:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers, Second Floor of the Police Facility, 220 North 27th Street, Billings, Montana, the City Council will hear objections to the final adoption of this Resolution. The City Clerk is hereby directed to publish notice thereof once, at least five (5) days prior to the hearing, in the Billings Times.
5. CERTIFICATION. The City Clerk is hereby directed upon final passage and approval of this Resolution to certify a copy thereof to the Finance Director of the City of Billings, Montana, who shall certify a copy to the Yellowstone County Clerk and a copy to the Yellowstone County Assessor.
6. EFFECTIVE DATE. This resolution shall be effective upon final adoption.

PASSED PROVISIONALLY by the City Council and APPROVED PROVISIONALLY this **25th** day of **September, 2000.**

APPROVED PROVISIONALLY:
CITY OF BILLINGS

BY: Charles F. Tooley
Charles F. Tooley, MAYOR

ATTEST:

BY: Allen R. Schell-Berg Deputy City Clerk
Marita Herold, CMC/AE CITY CLERK



The foregoing Resolution No. 00-17617 was FINALLY ADOPTED by the City Council and APPROVED this **10th** day of **October, 2000.**

CITY OF BILLINGS:

BY: Charles F. Tooley
Charles F. Tooley, MAYOR

ATTEST:

BY: Allen R. Schell-Berg Deputy City Clerk
Marita Herold, CMC/AE CITY CLERK



LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on June 5, A.D., 1998 and ending on July 20 A.D., 1998, perform certain work and labor on the following described real property:

<u>113 S. 31st Street</u>	<u>Dwayne & Melody Hopkins</u>
<u>Billings, MT 59101</u>	<u>113 S. 31st Street</u>
<u>Lot 019 Block 192 Billings Original Townsite</u>	<u>Billings, MT 59101</u>
<u>Tax Code: A01309</u>	

That said work and labor consisted of the following:

A large dead limb in the boxelder tree, on the west side of the property, along the boulevard, was removed for safety.

and the reasonable value therefore is \$43.75. That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$43.75 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$43.75 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: [Signature]

Subscribed and sworn to before me this 16th day of February 2000.

[Signature]

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana

Residing: Billings, Yellowstone County

my Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on July 9, A.D., 1997 and ending on May 4 A.D., 1998, perform certain work and labor on the following described real property:

<u>401 S. 33rd Street</u>	<u>Beatrice A. Dvarishkis</u>
<u>Billings, MT 59101</u>	<u>401 S. 33rd Street</u>
<u>Lot 013 Block 203 Billings Original Townsite</u>	<u>Billings, MT 59101</u>
<u>Tax Code: A01432</u>	

That said work and labor consisted of the following:

The green ash tree stump on the north side of the property, along the boulevard, was completely removed.

and the reasonable value therefore is \$ 43.75.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-215 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$ 43.75 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: [Signature]

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$43.75 for the stump removal therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: [Signature]

Subscribed and sworn to before me this 16th day of February, 2010.

[Signature]

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana

Residing: Billings, Yellowstone County

My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on May 5, A.D., 1998 and ending on June 9 A.D.,

1998, perform certain work and labor on the following described real property:

<u>406 S. 33rd Street</u>	<u>Mark Elliot Wagner</u>
<u>Billings, MT 59101</u>	<u>402 S. 33rd Street</u>
<u>Lot 011 Block 204 Billings Original Townsite</u>	<u>Billings, MT 59101</u>
<u>Tax Code: A01443</u>	

That said work and labor consisted of the following:

A dead, hazardous silver-leaf poplar on the east side of the property, along the boulevard, was removed for sidewalk and street safety.

and the reasonable value therefore is \$ 156.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$ 156.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: *Laura A. Agar*

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$156.25 for the tree removal therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: *Alice Schneider*

Subscribed and sworn to before me this 16th day of February, 2000.

Alice Schneider

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana
Residing: Billings, Yellowstone County
My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on July 2, A.D., 1997 and ending on August 4 A.D., 1998, perform certain work and labor on the following described real property:

<u>2818 8th Avenue South</u>	<u>Arthur G. Sams</u>
<u>Billings, MT 59101</u>	<u>2818 8 Avenue South</u>
<u>Lot 015 Block 232 Billings Original Townsite</u>	<u>Billings, MT 59101</u>
<u>Tax Code: A01751</u>	

That said work and labor consisted of the following:

Dutch elm diseased American elm tree wood was removed from the property and all the bark was removed from the remaining stump.

and the reasonable value therefore is \$356.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210, of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$356.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is the Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$356.25 for the wood and bark removal therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: A. Blackwell

Subscribed and sworn to before me this 16th day of February, 2000.

Annie Schneider

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana
Residing: Billings, Yellowstone County
My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on May 29, A.D., 1998 and ending on July 27 A.D., 1998, perform certain work and labor on the following described real property:

<u>809 Custer Avenue</u>	<u>Cathy and George Mason</u>
<u>Billings, MT 59101</u>	<u>809 Custer Avenue</u>
<u>Lot 004 Block 001 Broadwater Subdivision</u>	<u>Billings, MT 59101</u>
<u>Tax Code: A03268</u>	

That said work and labor consisted of the following:

Two elm trees on the south side of the property, along the boulevard, were trimmed up to provide 11' clearance over the sidewalk and 14' clearance over the street.

and the reasonable value therefore is \$81.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210, of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$81.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: *Laura A. Agar*

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is the Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$81.25 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: *A. Shackwell*

Subscribed and sworn to before me this 16th day of February 2000.

Ann Schneider

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana

Residing: Billings, Yellowstone County

My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on July 22, A.D., 1998 and ending on August 28 A.D., 1998, perform certain work and labor on the following described real property:

<u>915 Miles Avenue</u>	<u>Darece C. Loos & Harold High</u>
<u>Billings, MT 59101</u>	<u>619 2nd Avenue South</u>
<u>Lot 007 Block 010 Broadwater Subdivision</u>	<u>Hardin, MT 59034</u>
<u>Tax Code: A03447</u>	

That said work and labor consisted of the following:

The Siberian elm tree on the south side of the property, along the boulevard, was trimmed up out of the street and sidewalk right-of-ways.

and the reasonable value therefore is \$31.18.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$31.18 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: [Signature]

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$31.18 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: [Signature]

Subscribed and sworn to before me this 16th day of February, 2000.

[Signature]

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana

Residing: Billings, Yellowstone County
My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on July 22, A.D., 1998 and ending on August 13 A.D., 1998, perform certain work and labor on the following described real property:

<u>1141 Miles Avenue</u>	<u>Kevin H. and Scott H. Kinne</u>
<u>Billings, MT 59102</u>	<u>1141 Miles Avenue</u>
<u>Lot 018 Block 012 Broadwater Subdivision</u>	<u>Billings, MT 59102</u>
<u>Tax Code: A03496</u>	

That said work and labor consisted of the following:

A dead limb was removed from a green ash tree on the southeast corner of the property that endangered street and sidewalk safety.

and the reasonable value therefore is \$81.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210, of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$81.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is the Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$81.25 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: Dee Schreder

Subscribed and sworn to before me this 16th day of February 2000.

Dee Schreder

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana
Residing: Billings, Yellowstone County
My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on June 10, A.D., 1998 and ending on August 4 A.D., 1998, perform certain work and labor on the following described real property:

1604 Wyoming Avenue Kathleen A. Warren
Billings, MT 59102 1604 Wyoming Avenue
Lot 14 Block 004 Burg Subdivision Billings, MT 59102
Tax Code: A03774

That said work and labor consisted of the following:

The American elm tree on the northeast corner of the property was trimmed up to provide 11' clearance over the sidewalk right-of-way.

and the reasonable value therefore is \$ 43.69

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$ 43.69 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: [Signature]

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$43.69 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: [Signature]

Subscribed and sworn to before me this 16th day of February, 2000.

[Signature]

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana
Residing: Billings, Yellowstone County
Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on August 23, A.D., 1999 and ending on February 11 A.D., 2000, perform certain work and labor on the following described real property:

Douglas R. McShane Legal description: College Subdivision 1st Filing
943 Yale Avenue 016 021
Billings, MT 59102
Tax code: A054310

That said work and labor consisted of the following:

Two Norway maple trees, growing on the west side of the property, along Michigan, were trimmed up to provide 14' clearance over the street right-of-way.

and the reasonable value therefore is \$ 56.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Article 25-205 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$ 56.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is City Forester of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$56.25 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: L.A. Agar

Subscribed and sworn to before me this 27th day of July, 2000.

Annie Schreder

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

Expiration Date: 10/1/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on May 14, A.D., 1998 and ending on June 9 A.D., 1998, perform certain work and labor on the following described real property:

<u>112 S. 35th Street</u>	<u>Norma B. Rector</u>
<u>Billings, MT 59102</u>	<u>108 S. 35th Street</u>
<u>Lot 008 Block 015 Highland Addition</u>	<u>Billings, MT 59101</u>
<u>Tax Code: A08749</u>	

That said work and labor consisted of the following:

The elm tree on the east side of the property, along the boulevard, was trimmed up out of the street and sidewalk right-of-ways.

and the reasonable value therefore is \$31.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$31.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$31.25 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: [Signature]

Subscribed and sworn to before me this 16th day of February 2000.

[Signature]

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana

Residing: Billings, Yellowstone County

My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on July 13, A.D., 1998 and ending on September 16 A.D., 1999, perform certain work and labor on the following described real property:

3715 2 nd Avenue South	Floyd Tapson
Billings, MT 59101	3715 2 nd Ave. S.
Lot 022 Block 026 Highland Addition	Billings, MT 59101
Tax Code: A088140	

That said work and labor consisted of the following:

A Dutch elm diseased American elm tree was removed along with the bark on the stump. The tree was located on the north side of the property, south of the garage. and the reasonable value therefore is \$306.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210, of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$306.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is the Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$306.25 for the tree removal therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: R. Blackwell

Subscribed and sworn to before me this 16th day of February, 2000.

Reece Schroeder

NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana
Residing: Billings, Yellowstone County
My Commission Expires 10/01/2001

LIEN

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF BILLINGS, MONTANA, and during a period of time commencing on October 29, A.D., 1998 and ending on April 23 A.D., 1998, perform certain work and labor on the following described real property:

<u>923 N. 31</u>	<u>Darrell D. & Connie R. Shepvalof</u>
<u>Billings, MT 59101</u>	<u>3919 Heritage Drive</u>
<u>Lot 035 Block 008 North Elev. Sub. 1st Filing</u>	<u>Billings, MT 59102</u>
<u>Tax Code: A11646</u>	

That said work and labor consisted of the following:

The silver maple tree on the west side of the property, along the boulevard, was trimmed up out of the street and sidewalk right-of-ways.

and the reasonable value therefore is \$56.25.

That said claim of lien is filed pursuant to Ordinance No. Chapter 25, Section 25-209 through 210 of THE CITY OF BILLINGS, Yellowstone County Montana.

That no part of the amount aforesaid has been paid and \$56.25 is justly due and unpaid on said account after allowing all credits and offsets.

CITY OF BILLINGS

By: Laura A. Agar

STATE OF MONTANA)

:ss

County of Yellowstone)

Laura A. Agar being duly sworn, deposes and says that he/she is Forester/Tree Inspector of THE CITY OF BILLINGS, the person in the foregoing notice of lien and statement of account named; that said statement contains a just and true account of the amount due said \$56.25 for the tree trimming therein described, after allowing all credits and offsets; that said notice and statement contains a correct description of the property to be charged with said lien and that all the facts stated in said notice and statement are true.

CITY OF BILLINGS

By: L. Blackwell

Subscribed and sworn to before me this 16th day of February 2000.

Reenie Schreiber

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana

NOTARY PUBLIC for the State of Montana

Residing: Billings, Yellowstone County

My Commission Expires 10/01/2001