

RESOLUTION NO. 99- 17444

*Repealing 99-17436*

**A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE A SPECIAL IMPROVEMENT MAINTENANCE DISTRICT FOR THE PURPOSE OF MAINTAINING THE TREES PLANTED AND LANDSCAPING PLANTERS INSTALLED AS PART OF SPECIAL IMPROVEMENT DISTRICT NO. 1334 AND REPEALING RESOLUTION 99-17436.**

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

**Section 1. Proposed Special Improvement Maintenance District; Intention To Create Special Improvement Maintenance District.** The City proposes to maintain certain local improvements (the "Improvements") to benefit certain property located in the City. The Improvements consist of the **landscaping plants, planters, planter irrigation system, irrigation water services, and street trees installed as part of Special Improvement District No. 1334**, as more particularly described in Section 5. It is the intention of the 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 "SIM District") for the purpose of financing the maintenance costs for the landscaping portion of the improvements made as part of SID No. 1334. The estimated annual costs for the maintenance of the 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 Special Improvement Maintenance District No. 4011 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 special improvement maintenance district and the territory which will benefit and be benefited by the maintenance of SID No. 1334 Landscape 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 plants, planters, planter irrigation systems, irrigation system water services, and street trees installed as part of Special Improvement District No. 1334.**

**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. 1334 Landscape Improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the SID No. 1334 Landscape 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. 1334 Landscape Improvements. The total assessable area of the District to be assessed is 536,504 square feet. The costs of maintaining the Improvements per square foot of assessable area for the first year shall be \$0.020130 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. 1334 Landscape 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 District subject to assessment and taxation for the cost and expense of maintaining the SID No. 1334 Landscape 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 (May 6, 1999), 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, May 10, 1999, 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 April 15, 1999 and April 22, 1999, 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.

**Section 11. Repealer.** Resolution 99-17436, adopted by the Billings City Council on March 22, 1999 is hereby declared null and void.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 12<sup>th</sup> day of April \_\_\_\_\_, 1999.

THE CITY OF BILLINGS:



BY:

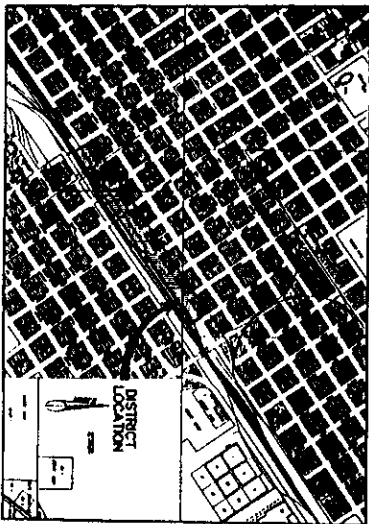
Charles F. Tooley

MAYOR

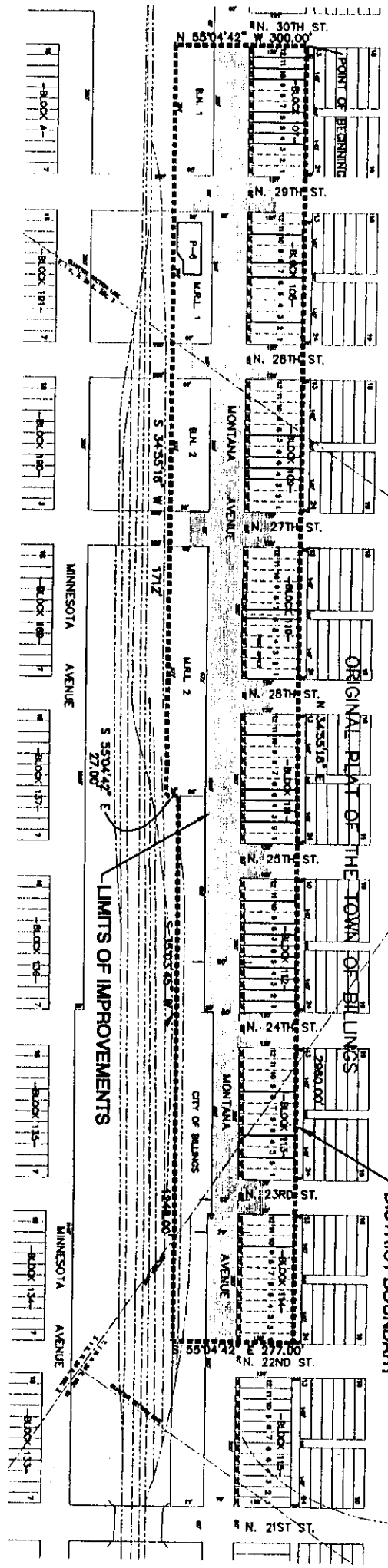
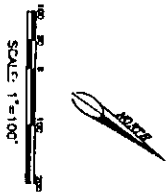
*Charles F. Tooley*

ATTEST:

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



MOBILITY MAP



**ORIGINAL PLAT OF THE TOWN OF BILLINGS**

Block	Lot Area	Tax Code
<b>Block 107</b>	LOT 12, 4, 5 LOT 6 LOT 7, 8, 9 LOT 10, 11, 12 <b>TOTAL</b>	A-0078 A-0078 A-0078 A-0078 <b>A-0078</b>
<b>Block 108</b>	LOT 12, 4, 5 LOT 6 LOT 7, 8, 9 LOT 10, 11, 12 <b>TOTAL</b>	A-0078 A-0078 A-0078 A-0078 <b>A-0078</b>
<b>Block 109</b>	LOT 12, 4, 5 LOT 6 LOT 7, 8, 9 LOT 10, 11, 12 <b>TOTAL</b>	A-0078 A-0078 A-0078 A-0078 <b>A-0078</b>
<b>Block 110</b>	LOT 12, 4, 5, 6, 7, 8, 9, 10, 11, 12 <b>TOTAL</b>	A-0080 A-0080 <b>A-0080</b>

**ORIGINAL PLAT OF THE TOWN OF BILLINGS**

Block	Lot Area	Tax Code
<b>Block 111</b>	LOT 12 LOT 3 LOT 4 LOT 5 LOT 6, 7, 8, 9, 10 LOT 11, 12 <b>TOTAL</b>	A-0084 A-0087 A-0087 A-0087 A-0087 A-0087 <b>A-0087</b>
<b>Block 112</b>	LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7 LOT 8 LOT 9 LOT 10 LOT 11, 12 <b>TOTAL</b>	A-0081 A-0081 A-0081 A-0081 A-0081 A-0081 A-0081 A-0081 A-0081 A-0081 <b>A-0081</b>
<b>Block 113</b>	LOT 12 LOT 3, 4, 5, 6, 7, 8, 9 LOT 10, 11, 12 <b>TOTAL</b>	A-0082 A-0082 A-0082 <b>A-0082</b>
<b>Block 114</b>	LOT 12, 4, 5, 6, 7, 8, 9 LOT 10, 11, 12 <b>TOTAL</b>	A-0083 A-0083 <b>A-0083</b>
<b>Block 1</b>	LOT 1 <b>TOTAL</b>	A-0085 <b>A-0085</b>
<b>Block 2</b>	LOT 1 <b>TOTAL</b>	A-0086 <b>A-0086</b>
<b>Block 3</b>	LOT 1 <b>TOTAL</b>	A-0087 <b>A-0087</b>

DATE	DATE
BY	BY
FOR	FOR
CHECKED	CHECKED
SCALE	SCALE

**EXHIBIT "A"**  
 MONTANA AVENUE STREETSCAPE AND LANDSCAPE MAINTENANCE DISTRICT  
 MONTANA AVENUE - NORTH 22ND STREET TO NORTH 30TH STREET  
 BILLINGS, MONTANA

**ENGINEERING, INC.**  
 CONSULTING ENGINEERS & LAND SURVEYORS  
 1001 N. 24TH ST. SUITE 200  
 BILLINGS, MONTANA 59101-1114



## ENGINEERING, INC.

Consulting Engineers and Land Surveyors

Robert L. Sanderson, P.E., L.S.  
John S. Stewart, P.E.  
Duane K. Loken, P.E.  
Rick D. Leuthold, P.E.  
Dennis D. Randall, P.E., L.S.  
Peter B. Knapp, L.S.

# EXHIBIT B

October 25, 1996  
95106

## DISTRICT BOUNDARY DESCRIPTION

PROPOSED SID NUMBER 1334  
Billings Townsite Historic District Streetscape  
Montana Avenue - North 22nd Street to North 30th Street

To Provide Streetscape Enhancement Improvements along  
Montana Avenue from North 22nd Street to North 30th Street

---

The District Boundary encompasses 536,504 square feet of net assessable area in Blocks 108-115 of the Original Plat of the Town of Billings and portions of Montana Rail Link property. Said district being more particularly described as follows:

Beginning at the point which is the northeast corner of Lot 12, Block 107 of the Original Plat of the Town of Billings; thence, N 34°55'18" E a distance of 2960.00 feet to the northeast corner of Lot 1, Block 114 of the Original Plat of the Town of Billings; thence, S 55°04'42" E a distance of 277.00 feet; thence, S 35°03'45" W a distance of 1248.00 feet; thence, S 55°04'42" E a distance of 27.00 feet; thence, S 34°55'18" W a distance of 1712.00 feet; thence, N 55°04'42" W a distance of 300.00 feet to the northwest corner of Lot 12, Block 107 of the Original Plat of the Town of Billings, said point being the point of beginning. Said boundary encompassing a net total assessment area of 536,504 square feet.

C29:HstrcDst.Des

Suite 200 Creekside, 1001 South 24th Street West, Billings, Montana 59102  
P. O. Box 81345, Billings, MT 59108-1345

406/656-5255  
FAX 406/656-0967

CITY OF BILLINGS  
SPECIAL IMPROVEMENT DISTRICT ASSESSMENT DATA  
**EXHIBIT C**  
PART III

S.I.D. COSTS:  
XXXXX ESTIMATE PER PRELIMINARY PLANS  
XXXXX ESTIMATE PER BID PRICES  
XXXXX FINAL PER ACTUAL CONSTRUCTION

S.I.D. NUMBER: SID 1334  
COMPLETED BY: RICK LEUTHOLD  
CONSULTING FIRM: ENGINEERING, INC.

TAX I.D. NUMBER	AREA OF ASSESSMENT		REMOVE AND REPLACE 4" CONC.		REMOVE AND REPLACE 1" CONC.		REMOVE AND REPLACE CURB		SAW CUT CONCRETE CURB		CONCRETE SAWCUT		STREET RESTORATION		TOTAL COST				
	14-22	14-22	23	24-38	31-44	31-44	73-88	55	56-62	63-71	72-86	55	56-62	63-71		72-86			
	ESTIMATE PER S.F.	ESTIMATE PER S.F.	CODE	QUANTITY	MEASURE	RATE	CODE	QUANTITY	MEASURE	RATE	CODE	QUANTITY	MEASURE	RATE	CODE	QUANTITY	MEASURE	RATE	
A-00762	9,750.8		8	8	SF	\$5.74	0	0	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$13,572.73
A-00763	3,250.0		8	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00764	3,250.8		0	4	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00765	3,250.8		0	0	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00766	8,750.8		0	0	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$13,572.73
A-00768	3,250.8		0	0	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00769	3,250.8		0	0	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00770	3,250.8		0	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00771	6,500.0		0	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00776	13,000.0		0	0	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00780	4,333.3		0	196	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00781	8,666.7		0	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00782	6,500.0		0	0	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00788	9,750.0		0	77	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00790	3,250.0		0	98	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00791	3,250.0		0	173	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00792	6,500.0		8	0	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00794	18,250.0		0	0	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00800	16,227.3		0	0	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00801A	2,572.7		0	0	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00804	18,200.0		0	148	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00806	6,500.8		0	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00807	3,250.8		0	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00808	3,250.0		0	8	SF	\$5.74	8	8	SF	\$7.18	8	8	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
A-00809	3,250.0		8	8	SF	\$5.74	8	8	SF	\$7.18	0	0	LF	\$28.35	8	8	LF	\$14.85	\$4,524.24
<b>SUBTOTAL:</b>	<b>172,250</b>		<b>634</b>	<b>256</b>		<b>132</b>	<b>4</b>	<b>70</b>		<b>132</b>	<b>3</b>	<b>132</b>		<b>3</b>	<b>251,803.37</b>				

CITY OF BILLINGS SPECIAL IMPROVEMENT DISTRICT ASSESSMENT DATA PART III

TAX I.D. NUMBER	AREA OF ASSESSMENT	REMOVE AND REPLACE 4" CONC.		REMOVE AND REPLACE 6" CONC.		REMOVE AND REPLACE CURB		SAW CUT CONCRETE CURB		CONCRETE SAWCUT		STREET RESTORATION		TOTAL COST
		CODE	RATE	CODE	RATE	CODE	RATE	CODE	RATE	CODE	RATE	CODE	RATE	
6-15	11-22	23	31-40	41-44	45	73-86	83-71	58-82	58-82	58-82	58-82	58-82	58-82	73-86
	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	QUANTITY	
A-00810	14,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$23,519.32
A-00811	6,500.0	0	84	0	0	0	0	0	0	0	0	0	0	\$10,709.68
A-00817	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$4,524.24
A-00819	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$4,852.75
A-00819	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$4,524.24
A-00819A	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$4,524.24
A-00820	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$5,135.79
A-00821	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$9
A-00822	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$5,705.49
A-00823	3,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$5,617.74
A-00824	6,500.0	0	0	0	0	0	0	0	0	0	0	0	0	\$9,048.49
A-00825	8,500.0	0	0	0	0	0	0	0	0	0	0	0	0	\$9,048.49
A-00832	6,500.0	0	0	0	0	0	0	0	0	0	0	0	0	\$10,655.69
A-00832A	6,500.0	0	0	0	0	0	0	0	0	0	0	0	0	\$13,068.49
A-00833	13,000.0	0	0	0	0	0	0	0	0	0	0	0	0	\$18,098.88
A-00834	13,000.0	0	0	0	0	0	0	0	0	0	0	0	0	\$18,098.98
A-00837	29,250.0	0	0	0	0	0	0	0	0	0	0	0	0	\$41,150.20
A-00838	9,750.0	0	0	0	0	0	0	0	0	0	0	0	0	\$15,892.17
BN-1	27,000.0	0	0	0	0	0	0	0	0	0	0	0	0	\$35,574.78
MRL-2	27,000.0	0	0	0	0	0	0	0	0	0	0	0	0	\$37,586.03
MRL-3	27,000.0	0	0	0	0	0	0	0	0	0	0	0	0	\$37,586.03
MRL-4	51,480.0	0	0	0	0	0	0	0	0	0	0	0	0	\$76,358.38
C.O.B.	92,024.0	0	2,112	0	878	0	565	0	2	0	38	0	0	\$177,904.67
SUBTOTAL PAGE2	384,264	4,520	2,112	0	878	0	565	0	2	0	38	0	0	\$177,904.67
TOTAL:	636,604	5,214	2,368	0	1,066	0	1,066	0	25	0	201	0	0	\$ 841,093.26

## EXHIBIT "D"

### ESTIMATE OF PROBABLE COST SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. \_\_\_\_\_

#### MONTANA AVENUE STREETScape AND LANDSCAPE MAINTENANCE DISTRICT

1. The streetscape and landscape improvements to and along Montana Avenue as shown on attached Exhibit "A" will be constructed as a part of SID 1334 and will not be a cost to said district.
2. The costs to create the maintenance district are estimated to be \$500.00.
3. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$10,800.00. The first year's assessment is estimated as follows.

<u>Account Description</u>	<u>Proposed Budget</u>
Salary and Wages:	
Salaries: 10 hrs @ \$29.00/hr.	\$ 290.00
Wages: 75 hrs. @ \$20.00/hr.	1,500.00
Temporary Wages: 485 hrs. @ \$6.65/hr.	<u>3,225.00</u>
Salary and Wages Total	\$ 5,015.00
Operations and Supplies, etc:	
Clothing and uniforms	10.00
Other operating supplies	225.00
Gas, oil, grease, etc.	40.00
Motor vehicle parts	30.00
Machinery/equipment parts	50.00
Tires, tubes, etc.	25.00
Consumable tools	45.00
Electricity	15.00
Water services	675.00
Natural gas expense	10.00
Labor-motor vehicles	50.00
Ground maintenance	250.00
Other repair/maintenance	185.00
Other service/finance charges	875.00
Other contract services	<u>300.00</u>
Operation and Supplies Total	\$ 2,785.00
Capital Reserve	\$ 3,000.00

Montana Avenue Streetscape PMD Total

\$10,800.00

4. Total assessment area is as follows:

Original Plat of the Town of Billings

Lot Area

Block 107	39,000SF
Block 108	39,000SF
Block 109	39,000SF
Block 110	39,000SF
Block 111	39,000SF
Block 112	39,000SF
Block 113	39,000SF
Block 114	39,000SF
B.N. 1	27,000SF
M.R.L. 1	27,000SF
B.N. 2	27,000SF
M.R.L. 2	51,480SF
City of Billings	<u>92,024SF</u>
	536,504SF

5. Estimated annual assessment per lot for the first year:

Cost per square foot of lot area = \$10,800/536,504SF

Assessment rate per square foot of lot = \$00.020130

Cost for typical 3,250 SF lot = (\$00.020130SF)(3,250SF) = \$65.42/yr.