

RESOLUTION NO. 97-17189

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 264 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. 264" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting on Rimrock Road from the west side of Wisconsin Street to Ryniker Drive; 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 within the boundaries of the District, will be especially benefitted 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 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 twenty four (24) 150-watt high pressure sodium luminaires mounted at a height of 30 feet. All luminaires will be mounted on steel poles served by underground wiring. The City of Billings, Montana shall own said lighting units.

SECTION 5: That the City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$3.46 per 150 watt unit per, in accordance with the rate schedule SL-1 approved by the Montana Public Service

Commission. That the Montana Power Company shall provide energy to the lighting fixtures. That the City of Billings shall provide 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 \$2,693.95; 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 area bears to the assessable area 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 \$0.004074861 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. 264 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 10th day of March, 1997, 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. 264 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. 264. Said notice is to be published and mailed on the same date.

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Passed by the City Council and APPROVED this 27th day of January, 1997.



CITY OF BILLINGS

By Charles F. Tooley  
Charles F. Tooley, MAYOR

ATTEST:

By Marita Herold  
Marita Herold, CMC City Clerk

## EXHIBIT C

### PROPOSED SILMD 264

#### DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the southwestern corner of Lot 1A, Block 16, College Park Subdivision, 3rd Filing;  
thence N 00° 07' 00" W along the west line of said Lot 1A, Block 16, a distance of 170.22 feet to the northwest corner of said Lot 1A, Block 16;  
thence northeasterly across Rimrock Road to the southwest corner of Lot 1, Rimview Subdivision;  
thence N 00° 04' 00" W along the west line of said Lot 1, a distance of 150 feet to the northwest corner of said Lot 1;  
thence N 00° 04' 00" W a distance of 15 feet;  
thence S 89° 50' 00" E a distance of 75 feet to a point on the east boundary line of Rimview Subdivision;  
thence southeasterly across the alley to the northwest corner of Lot 1, Colonial Subdivision;  
thence east along the north boundary line of said Lot 1 a distance of 105.50 feet to the northeast corner of said Lot 1;  
thence northeasterly across Glenwood Lane to the northwest corner of Lot 2A, Davenport Subdivision;  
thence east along the north boundary line of said Lot 2A a distance of 80.00 feet to the northwest corner of tract 2, C/S 2041;  
thence east along the north boundary line of said Tract 2 a distance of 70.00 feet to the northwest corner of said tract 2;  
thence northeasterly across Nye Lane to the southwest corner of Lot 1, McMullen Subdivision;  
thence east along the south boundary of McMullen Subdivision a distance of 300 feet to the southeast corner of said Lot 1;  
thence southeasterly across Upper Highwood Drive to the northwest corner of Lot 3, Ronan Subdivision;  
thence S 89° 50' 00" E a distance of 240 feet to the northeast corner of Lot 1, Ronan Subdivision;  
thence southeasterly across Ronan Drive to the northwest corner of Lot 1, Heath Subdivision;  
thence S 89° 50' 00" E a distance of 103.59 feet to the northeast corner of Lot 2, Heath Subdivision;  
thence northeasterly across the alley to the northwest corner of C/S 55;  
thence east along the north boundary line of said C/S 55 a distance of 110.00 feet to the northwest corner of said C/S 55;  
thence northeasterly to the southwest corner of Lot 11, McLuskie Subdivision;  
thence S 89° 44' 00" E along the south boundary of McLuskie Subdivision a distance of 307.50 feet to the southeast corner of Lot 1, McLuskie Subdivision;  
thence south along the east boundary of said Lot 1, McLuskie Subdivision to the northwest corner of Lot 2, Block 1, Mackin Subdivision;  
thence S 89° 44' 00" E a distance of 96.0 feet to the northeast corner of said Lot 2, Mackin Subdivision;  
thence north along the west boundary of Lot 2, Mullen Subdivision to the northwest corner of said Lot 2;  
thence east a distance of 96.0 feet to the northeast corner of said Lot 2, Mullen Subdivision;  
thence south along the east boundary of said Lot 2, Mullen Subdivision to the northwest corner of Lot 9, Salsbury Subdivision;  
thence S 89° 44' 00" E a distance of 192.0 feet to the northwest corner of Lot 2, Comstock Tracts;

thence S 89° 34' 00" E a distance of 125.0 feet to the northeast corner of Lot 1, Comstock Tracts;  
thence northeasterly across Chapman Lane to the northwest corner of Tract 2A, C/S 428;  
thence S 89° 20' 00" E a distance of 70.0 feet to the northeast corner of said Tract 2A;  
thence east to a point on the west boundary of Lot 1, Ryniker Subdivision;  
thence south along the west boundary of said Lot 1 a distance of 9.5 feet;  
thence easterly to a point on the east boundary of Lot 2, Ryniker Subdivision located 133.0 feet north of the southeast corner of said Lot 2;  
thence south along the boundary of said Lot 2 to the southeast corner of said Lot 2;  
thence southeasterly across Rimrock Road to the mid point on the north boundary of Lot 3, Mountview Subdivision;  
thence south to the south boundary of said Lot 3;  
thence N 89° 50' 00" W to the southeast corner of Lot 1, Block 1, Mountview Subdivision, Second Amended;  
thence N 89° 59' 00" W along the south boundary of Block 1, Mountview Subdivision, Second Amended to the southeast corner of Lot 1, Block 1, Melbraaten Subdivision;  
thence N 89° 50' 00" W along the south boundary of Block 1, Melbraaten Subdivision to the southeast corner of Lot 1, Block 1, Mountview Subdivision, Third Amended;  
thence N 89° 50' 00" W along the south boundary of Block 1, Mountview Subdivision, Third Amended to the southwest corner of Lot 12, Block 1, Mountview Subdivision, Third Amended;  
thence southwesterly across Upper Highwood Drive to the southeast corner of Lot 15A, Bever Subdivision;  
thence N 89° 49' 00" W a distance of 254.85 feet to the southwest corner of Lot 16A, Bever Subdivision;  
thence N 00° 09' 00" W a distance of 60.0 feet to the southeast corner of Lot 17B, Bever Subdivision;  
thence N 89° 49' 00" W a distance of 75.0 feet to the southwest corner of Lot 17B, Bever Subdivision;  
thence N 00° 09' 00" W along the line common to said Lot 17B and Lot 1, Block 1, Glenwood Subdivision to a point equidistant between the northeast and the southeast corners of said Lot 1, Glenwood Subdivision;  
thence westerly to a point on the west boundary of Lot 2, Block 1, Glenwood Subdivision equidistant between the northwest and the southwest corners of said Lot 2, Glenwood Subdivision;  
thence southwesterly across Wisconsin Street to the southeast corner of Lot 1A, Block 16, College Park Subdivision, 3rd Filing;  
thence N 89° 53' 00" W a distance of 62.50 feet to the southwest corner of said Lot 1A, College Park Subdivision, 3rd Filing, the point of beginning.