

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 97-17206, entitled: "A RESOLUTION RELATING TO W.O. 97-02, #1: THE 1997 DEVELOPER-RELATED CURB, GUTTER AND SIDEWALK PROGRAM; ORDERING THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND AMENDING RESOLUTION NO. 97-17201" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on March 24, 1997 and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof:

Regnier, Deisz, Farmer, Creighton, Michunavich, Ohstad, Larson & Ellison

Stone; voted against the same: Mayor Tooley, +
none; abstained from voting thereon: _____

_____ ; or were absent: Davis

WITNESS my hand officially this 24th day of March, 1997.

Marita Herald
Marita Herald, CMC CITY CLERK

RESOLUTION NO. 97-17206

Amended by
97-17208

A RESOLUTION RELATING TO W.O. 97-02, #1: THE 1997 DEVELOPER-RELATED CURB, GUTTER AND SIDEWALK PROGRAM; ORDERING THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL, THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE AND **AMENDING RESOLUTION NO. 97-17201.**

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

Section 1. Passage of Resolution of Intention. This Council, on **January 27, 1997**, adopted Resolution No. **97-17191** (the "Resolution of Intention"), pursuant to which this Council declared its intention to order in certain sidewalks, curb and gutter improvements, designated as W.O. 95-15 (the "Project") of the City, under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of sidewalk, curb and sidewalk, curb and gutter improvement bonds drawn on the Project (the "Bonds"), the creation and administration of the Project, and the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on **March 24, 1997**, this Council conducted a public hearing on the ordering in of the Project and the making of the Improvements.

Section 3. Order. This Council, on March 24, 1997, reconsidered its passage of Resolution No. 97-17201, ordering in the improvements. As part of that reconsideration, improvements along the frontage of the following properties were deleted from the work ordered in under said Resolution No. 97-17201: 400 - 402 Sharron Lane and 2111 - 2113 Lake Elmo Drive (C146-1); 340 Stillwater Lane (C376-1); and, 3170 Solar Boulevard, Units No.s 1 - 8 (A26002 through A26009).

Now then, it is hereby ordered that the following improvements shall continue to be constructed, reconstructed, repaired, or replaced:

See Exhibit "A-1" attached hereto.

Section 4. Affected Properties. All properties which will be required to pay any portion of the costs of the improvements identified herein are listed and the owners of those properties are identified in Exhibit "B-1" attached hereto.

Section 5. Reimbursement Expenditures.

5.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-

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exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **\$322,000** after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

5.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.05. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

Section 6. Property Owner Option to Construct Improvements.
Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the

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date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **24th** day of **March**, 1997.

THE CITY OF BILLINGS:



BY *Charles F. Tooley*
Charles F. Tooley
MAYOR

ATTEST:

BY *Marita Herold*
Marita Herold, CMC CITY CLERK

RE: W.O. 97-02, #1: The 1997 Developer-Related
Curb, Gutter & Sidewalk Program

DEVELOPER RELATED IMPROVEMENTS

EXHIBIT "A-1"

Sidewalk, Drive Approach, Curb & Gutter Program for 1997

A. SIDEWALK

- ▶ 320 South 28th Street
- ▶ 22 Monroe Street
- ▶ 26 Monroe Street
- ▶ 1788 & 1790 Golden Boulevard
- ▶ 2052 Lampman Drive
- ▶ 956 Tate Circle
- ▶ 1640 Primrose Drive
- ▶ 1650 Primrose Drive
- ▶ 1680 Primrose Drive

B. CURB & GUTTER, SIDEWALK, AND DRIVE APPROACHES

- ▶ 2338 Central Avenue
- ▶ 108 Terry Avenue/3705 Montana Avenue
- ▶ 2123 1st Avenue North

- ▶ 3140 Broadwater Avenue
- ▶ 3200 Broadwater Avenue

C. CURB & GUTTER AND SIDEWALK

- ▶ 1630 Primrose Drive

D. DRIVE APPROACHES

- ▶ 231 Emerald Drive

E. ASPHALT APPROACHES

- ▶ 3211 Hesper Road

F. SIDEWALK, CURB & GUTTER, DRIVE APPROACHES AND ASPHALT STREET WIDENING

- ▶ Linda Lane, Lots 2 thru 15
- ▶ 724 Jaque Lane

G. CURB & GUTTER

- ▶ 119 North 33rd Street

I. SIDEWALK, CURB & GUTTER, AND ASPHALT STREET

WIDENING

- ▶ 2532 North Shore Place
- ▶ 2525 North Shore Place
- ▶ 2519 North Shore Place

EXHIBIT B-1

CITY OF BILLINGS
1997 CURB/GUTTER/SIDEWALK PROGRAM
CONTRACT NO. 1 - W. O. 97 -02 (DEV-REL)
Based on Engineer's Estimate

3/24/97

Tax Account: A 573	HANCOCK PROPERTIES	59101	
Name:	500 PETROLEUM BLDG , BILLINGS MT		
Address:	Property Desc: 2123 1ST AV N AV	86	
Legal:	BILLINGS 18 TO 24		ASSESSMENT \$ 12,579.47
Tax Account: A 684	ST LUKES PROTESTANT EPISCOPAL CHRUCH	59101	
Name:	119 N 33RD ST , BILLINGS MT		
Address:	Property Desc: 111 N 33RD ST	97	
Legal:	BILLINGS 19 & 20		ASSESSMENT \$ 1,095.98
Tax Account: A 1111	DUTTON, ERNEST	59102	
Name:	2046 MARIPOSA LN , BILLINGS MT		
Address:	Property Desc: 320 28TH ST S ST	168	
Legal:	BILLINGS 1 TO 4		ASSESSMENT \$ 7,773.61
Tax Account: A12266 1	HAAGENSON, BRUCE	59101	
Name:	2608 NORMAL AVE , BILLINGS MT		
Address:	Property Desc: 231 EMERALD DR	2	
Legal:	O'LEARY SUB		ASSESSMENT \$ 545.10
Tax Account: A14593	PETERSON, RITA A & CYNTHIA M FOX	59101	
Name:	4421 STONE ST , BILLINGS MT		
Address:	Property Desc: 26 MONROE ST	1	
Legal:	STATE REALTY ADD 11 & 12		ASSESSMENT \$ 1,357.58
Tax Account: A14594	DIMICH, DANIEL W JR	59101	
Name:	4028 STATE AVE , BILLINGS MT		
Address:	Property Desc: 22 MONROE ST	1	
Legal:	STATE REALTY ADD 13 & S5' 14		ASSESSMENT \$ 1,269.14
Tax Account: A15885	EASTWOOD, HELEN R & MICHAEL S TRSTE	59106	
Name:	5525 WALTER HAGEN DR, BILLINGS MT		
Address:	Property Desc: 3705 MONTANA AV	9	
Legal:	SUBURBAN SUB E42' OF 1		ASSESSMENT \$ 5,738.48

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Tax Account: A20494	HAYES, DONALD L & JOYCE J				
Name:	1536 LINDA LN	, BILLINGS MT	59102		
Address:	Property Desc: 1536 LINDA LN				
Legal:	LINDA SUB	3	1	ASSESSMENT \$	7,599.88
Tax Account: A20495	LITTLER CONSTRUCTION INC				
Name:	1044 MILES AVE	, BILLINGS MT	59102		
Address:	Property Desc: 1528 LINDA LN				
Legal:	LINDA SUB	4	1	ASSESSMENT \$	7,599.88
Tax Account: A20496	LITTLER CONSTRUCTION INC				
Name:	1044 MILES AVE	, BILLINGS MT	59102		
Address:	Property Desc: 1520 LINDA LN				
Legal:	LINDA SUB	5	1	ASSESSMENT \$	7,599.88
Tax Account: A20497	LITTLER CONSTRUCTION INC				
Name:	1044 MILES AVE	, BILLINGS MT	59102		
Address:	Property Desc: 1514 LINDA LN				
Legal:	LINDA SUB	6	1	ASSESSMENT \$	8,844.13
Tax Account: A20498	LITTLER CONSTRUCTION INC				
Name:	1044 MILES AVE	, BILLINGS MT	59102		
Address:	Property Desc: 1508 LINDA LN				
Legal:	LINDA SUB	7	1	ASSESSMENT \$	3,668.05
Tax Account: A20499	LITTLER CONSTRUCTION INC				
Name:	1044 MILES AVE	, BILLINGS MT	59102		
Address:	Property Desc: 1504 LINDA LN				
Legal:	LINDA SUB	8	1	ASSESSMENT \$	5,027.24
Tax Account: A20500	LITTLER CONSTRUCTION INC				
Name:	1044 MILES AVE	, BILLINGS MT	59102		
Address:	Property Desc: 1503 LINDA LN				
Legal:	LINDA SUB	9	1	ASSESSMENT \$	5,027.24

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Tax Account:	A20503				
Name:	SEIDEL, LEAH-TRUSTEE				
Address:	1519 LINDA LN	, BILLINGS MT	59105		
Property Desc:	1519 LINDA LN			1	
Legal:	LINDA SUB				ASSESSMENT \$ 5,696.89
Tax Account:	A20504				
Name:	STRECKER, DAVID K & KATHLEEN				
Address:	1527 LINDA LN	, BILLINGS MT	59102		
Property Desc:	1527 LINDA LN			1	
Legal:	LINDA SUB				ASSESSMENT \$ 5,696.89
Tax Account:	A20505				
Name:	YODER, DELMER A & RUTH				
Address:	1535 LINDA LN	, BILLINGS MT	59105		
Property Desc:	1535 LINDA LN			1	
Legal:	LINDA SUB				ASSESSMENT \$ 7,599.88
Tax Account:	A20506				
Name:	BURNS, ROBERT D & RUTH S				
Address:	1637 SAGEBRUSH RD	, BILLINGS MT	59105		
Property Desc:	1543 LINDA LN			1	
Legal:	LINDA SUB				ASSESSMENT \$ 11,154.88
Tax Account:	A21923				
Name:	RESIDENTIAL SUPPORT SERVICES INC				
Address:	1300 AVE C STE 1350,	BILLINGS MT	59102		
Property Desc:	2340 CONSTELLATION TR			1	
Legal:	STARDUST ACRES 2ND				ASSESSMENT \$ 5,196.26
Tax Account:	A25505				
Name:	HOMESTEAD HOUSE INC				
Address:	P O BOX 20623	, BILLINGS MT	59104		
Property Desc:	2052 LAMPMAN DR			2	
Legal:	WOODLAND COMMERCE PARK SUB				ASSESSMENT \$ 1,244.25

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Tax Account: A27889	DAVIS, DALE L & MARJORIE			
Name:	175 EMERALD HILLS DR, BILLINGS MT	59101		
Address:	Property Desc: 1630 PRIMROSE DR			
Legal:	FOUHY SUB	1	1	ASSESSMENT \$ 3,110.19
Tax Account: A27890	MAY, JASON D & TERAH L AND			
Name:	1640 PRIMROSE DR, BILLINGS MT	59105		
Address:	Property Desc: 1640 PRIMROSE DR			
Legal:	FOUHY SUB	2	1	ASSESSMENT \$ 1,202.78
Tax Account: A27891				

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Tax Account: A28252									
Name:	PATON, MARGARET								
Address:	1788 GOLDEN BLVD	, BILLINGS MT	59102						
Property Desc:	1788 GOLDEN BLV								
Legal:	WESTMINISTER TWNHMS 1/18 COM INT 1A	4							
						ASSESSMENT \$	1,524.21		
Tax Account: A28253									
Name:	MORRISON, ROY K & ALMA F								
Address:	1790 GOLDEN BLVD	, BILLINGS MT	59105						
Property Desc:	1790 GOLDEN BVD								
Legal:	BRITANNIA SUB AMND	1A	4						
						ASSESSMENT \$	1,524.21		
Tax Account: A28410									
Name:	BROWN, CARY V & JULIE S								
Address:	2532 N SHORE PL	, BILLINGS MT	59105						
Property Desc:	2532 NORTH SHORE PL								
Legal:	NORTH SHORE ESTATES SUB	1	1						
						ASSESSMENT \$	3,963.83		
Tax Account: A28411									
Name:	FRY, DANIEL J & NANCY J								
Address:	2606 N SHORE PL	, BILLINGS MT	59105						
Property Desc:	2606 NORTH SHORE PL								
Legal:	NORTH SHORE ESTATES SUB	2	1						
						ASSESSMENT \$	2,948.28		
Tax Account: A28412									
Name:	HENDERSON, THOMAS J & L DARLENE TRUSTEES								
Address:	2605 N SHORE PL	, BILLINGS MT	59105						
Property Desc:	2605 NORTH SHORE PL								
Legal:	NORTH SHORE ESTATES SUB	3	1						
						ASSESSMENT \$	3,417.54		
Tax Account: A28413									
Name:	HANMAR HOMES								
Address:	730 MAIN ST	, BILLINGS MT	59105						
Property Desc:	2525 NORTH SHORE PL								
Legal:	NORTH SHORE ESTATES SUB	4	1						
						ASSESSMENT \$	3,214.48		
Tax Account: A28414									
Name:	HANMAR HOMES								
Address:	730 MAIN ST	, BILLINGS MT	59105						
Property Desc:	2519 NORTH SHORE PL								
Legal:	NORTH SHORE ESTATES SUB	5	1						
						ASSESSMENT \$	6,126.45		

