

RESOLUTION 05-18303

**A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE
CITY COUNCIL TO CREATE PARK MAINTENANCE DISTRICT
NO. 4028 FOR THE PURPOSE OF MAINTAINING EXISTING AND
FUTURE PUBLIC AREA IMPROVEMENTS IN *VINTAGE ESTATES*
SUBDIVISION, CITY OF BILLINGS, MONTANA**

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

Section 1. Proposed Park Maintenance District; Intention To Create Park Maintenance District. The City proposes to maintain certain special improvements to benefit certain property located in the City of Billings, Montana. The Improvements consist of landscaping, trails, drainageways, storm water detention facilities, irrigation systems, and other public area improvements that may be identified in the future, 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 special improvement maintenance district (the "Special Improvement Maintenance District") for the purpose of financing the maintenance costs for the hardscaping, landscaping, drainageways, weed control, and other portions of the improvements made with the development of Vintage Estates Subdivision. The estimated annual costs for the maintenance of the special 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 Park Maintenance District No.4028 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 Park Maintenance District and the territory which will benefit and be benefited by the maintenance of the Vintage Estates Subdivision public area 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, trails, trees, irrigation systems, irrigation system water services, storm water detention facilities, and other park equipment and public area improvements installed by the developer, Parks Department and/or as part of a future Special Improvement District.

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 Vintage Estates Subdivision public area improvements, as specified herein. The costs of maintaining the Improvements shall be assessed against the property in the District benefiting from the Vintage Estates Subdivision, Public Area Improvements.

Section 7. Assessable Area. All properties in the District will be assessed for their proportionate share of the costs of maintaining the Vintage Estates Subdivision public area improvements. The total number of assessable units in the District to be assessed for the first year is 112 units. The costs of maintaining the Improvements per lot for the first year shall be \$36.47/lot, as shown in Exhibit "D" (which is hereby incorporated herein and made a part hereof).

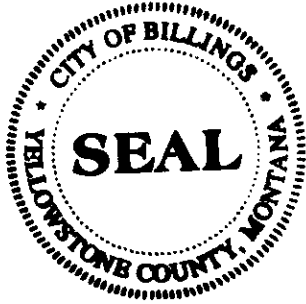
Section 8. Payment of Assessments. The assessments for the costs of maintaining the Vintage Estates Subdivision, Public Area Improvements shall be payable, as prescribed in Section 7-12-4162 through 7-12-4165, M.C.A.

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 District subject to assessment and taxation for the cost and expense of maintaining the Vintage Estates Subdivision public area improvements may make and file with the City Clerk until **5:00 p.m. M.D.T., July 22nd, 2005** on the expiration date of said 15-day period, written protest against the proposed Special Improvement Maintenance District No. 4028, 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 **Monday,**

August 8th, 2005, at 6:30 p.m. M.D.T., in the Council Chambers, located on the Second Floor of the City Hall 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 July 14th and July 21st, 2005, 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.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 11th day of July, 2005.



THE CITY OF BILLINGS:

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

Deputy Mayor in the absence of the Mayor

ATTEST:

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

EXHIBIT "A"

**DISTRICT BOUNDARY MAP
PARK MAINTENANCE DISTRICT NO. 4028
VINTAGE ESTATES SUBDIVISION
PARK MAINTENANCE DISTRICT**

EXHIBIT "B"

BOUNDARY DESCRIPTION

PARK MAINTENANCE DISTRICT NO. 4028

VINTAGE ESTATES SUBDIVISION

A Tract of land situated in the NW $\frac{1}{4}$ of Section 4, T. 1 S., R. 25 E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at a point which is S89°59'46"W, a distance of 149.42 feet from the North quarter corner of Section 4, T.1.S., R. 25 E., P.M.M.; thence from said point of beginning S00°00'53"W a distance of 990.00 feet; thence N89°59'46"E a distance of 8.00 feet; thence S00°00'53"W, a distance of 279.24 feet; thence along a curve to the left with a radius of 400.00 feet a distance of 38.64 feet, S23°22'40"E a distance of 173.48 feet; thence N60°14'05"E a distance of 669.82 feet; thence N42°20'48"E a distance of 173.43 feet; thence N51°48'32"E a distance of 60.83 feet; thence N42°20'48"E a distance of 392.00 feet; thence N76°19'48"E a distance of 208.47 feet; thence N00°19'12"W a distance of 2269.53 feet; thence N89°59'46"E a distance of 1167.86 feet to the point of beginning; Said described tract contain a gross area of 49.853 acres.

EXHIBIT "C"

**OWNERSHIP RECORDS
PARK MAINTENANCE DISTRICT NO. 4028
VINTAGE ESTATES SUBDIVISION
PARK MAINTENANCE DISTRICT**

STATE OF MONTANA

COUNTY OF YELLOWSTONE

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CHECKED THE RECORDS IN MY
OFFICE FROM May 24, 2005 TO June 3, 2005
AND THE LISTED PERSONS ARE THE OWNERS OF RECORD FOR THE LISTED PROPERTY.
SIGNED AND SEALED THIS 8th DAY OF June 2005.

14 NAMES \$ 7.00

TONY NAME

CERT \$ 2.00

CLERK & RECORDER

TOTAL \$ 9.00

2 PAGES

BY Christy H. Jancus
DEPUTY

Ranges: TAX YEAR: (R) 2005 - 2005
 ASSESSOR#: (L) . C01870, C01871,
 C01871A, C01871B, C01872, C01873,
 C01874, C01875, C13160, D00356, D00157
 TAX TYPE: (A)
 LEVY DISTRICT: (A)
 SUB-LEVY DIST: (A)
 SPECIAL DISTRICT: (A)

OPTIONS: SORT ORDER: N # OF COPIES: 1

Assessor#	Owner/Mailing Address	Legal Description	Levy Sub Tax Dist Dist Type Key #1
C01871A	✓ GUSTARSON, VERN 1220 52ND ST W BILLINGS MT 59106-2350	03-0926-04-2-27-02-0000 GAC GRAND ACRES SUBD 1ST FILING LI 17 BLK 1 GRAND ACRES SUB 1ST (97)	D2 RE
C01875	✓ JEPPESEN, BRUCE A 1016 52ND ST W BILLINGS MT 59106-2352	03-0926-04-2-17-01-0000 GAC GRAND ACRES SUBD 1ST FILING LT 1 BLK 9 GRAND ACRES SUBD 1ST FILING	O2 RE
C01870	✓ KENMARK CORP 3970 AVENUE D STE A BILLINGS MT 59102-7534	03-0926-04-2-27-06-0000 GAC GRAND ACRES SUBD 1ST FILING LT 23 BLK 1 GRAND ACRES SUB 1ST FLG (02)	O2 RE
C01870	✓ KNUDSON, MILDRED KENMARK CORPORATION 3970 AVENUE D STE A BILLINGS MT 59102-7534	03-0926-04-2-27-09-0000 GAC GRAND ACRES SUBD 1ST FILING LI 1 BLK 1 GRAND ACRES SUBD 1ST FILING	O2 RE
C01872	✓ KNUDSON, MILDRED & (ETAL) LEWIS, JOHN E S200 LIMITED LIABILITY COMPANY 3970 AVENUE D STE A BILLINGS MT 59102-7534	03-0926-04-2-27-05-0000 GAC GRAND ACRES SUBD 1ST FILING LI 20-22 BLK 1 GRAND ACRES SUBD 1ST FLG (LI 23 NOW AT C13160 2002)	G2 RE
C01873	✓ KRASKE, WILLIAM W PO BOX 21331 BILLINGS MT 59104-3531	03-0926-04-2-24-02-0000 GAC GRAND ACRES SUBD 1ST FILING LT 1 BLK 5 GRAND ACRES SUBD 1ST FILING	O2 RE
C01871B	✓ MELONI, MICHAEL P & MARCIA L 4400 LONA VISTA DR BILLINGS MT 59106-1535	03-0926-04-2-27-03-0000 LIS 10 & 19 BL 1 GRAND ACRES SUB 1ST (97) (OLD C01871A)	O2 RE
C01871	✓ OVEN, JEFFERY JAMES & ELIZABETH ANNE 1206 52ND ST W BILLINGS MT 59106-2350	03-0926-04-2-27-01-0000 GAC GRAND ACRES SUBD 1ST FILING LT 16 BLK 1 GRAND ACRES SUBD 1ST FILING	O2 RE
C01874	✓ TUKA, EUGENE V & PATTI L 1108 52ND ST W BILLINGS MT 59106-2353	03-0926-04-2-24-01-0000 GAC GRAND ACRES SUBD 1ST FILING LI 18 BLK 5 GRAND ACRES SUBD 1ST FILING	O2 RE
D00357	✓ VINTAGE ESIAIES LLC	03-0926-04-2-08-01-0000	O2 RE

Assessor#	Owner/Mailing Address	Legal Description	Levy Sub Tax Dist Dist Type Key #1
	2680 OVERLAND AVE STE F BILLINGS MT 59102-7411	TR 2 COS 1877 IN E2NW	
D00356	X VINTAGE ESTATES LLC 2680 OVERLAND AVE STE F BILLINGS MT 59102-7411	03-0926-04-2-07-01-0000 TR 1 COS 1877 IN E2NW	02 RE

Vintage Estates LLC
2680 Overland Avenue Suite F
Billings, MT 59102-7411

EXHIBIT "D"

**ESTIMATE OF PROBABLE COST
SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 4028
VINTAGE ESTATES SUBDIVISION
PARK MAINTENANCE DISTRICT**

1. The costs to create the maintenance district are estimated to be \$850.
2. The City Parks and Recreation Department estimates the maintenance of the improvements for the first year at \$3,235

The first year's assessment is estimated as follows:

CITY OF BILLINGS - PARK MAINTENANCE DISTRICT NO. 4028 ESTIMATE OF ANNUAL MAINTENANCE COSTS				
PMD Description: Vintage Estates Subdivision Parks				
PMD Number: <u>4028</u>				
Date: <u>6/21/2005</u>				
BA SUB	ELE	SUB OBJ	ACCOUNT DESCRIPTION	ESTIMATED MAINTENANCE COSTS
			Creation documents and Exhibits	\$850.00
			Operations and Supplies	
	34	10	Electricity	\$0.00
		20	City Water	\$0.00
		50	Ground Maintenance	\$500.00
	39	65	Other Service/Finance Charges	\$325.00
		90	Parks Charge for Services	\$650.00
	54	10	Special Assessments	\$410.00
			Total Operations and Supplies, Etc.	\$2,735.00
			Capital E/I Reserve	\$500.00
			Total Vintage Estates Subdivision Park O & M Annual Cost Estimate	\$4,085.00
			Equal Assessment Per Lot	112
			1st year Assessment (Per Lot)	\$36.47321