

RESOLUTION NO. 18 -10686

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 324 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR 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 COSTS AND TO DISCONTINUE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 287 OF THE CITY OF BILLINGS, MONTANA.

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 providing energy and maintenance for new street lights for lighting in said district and the intention of said City Council to create such a district more particularly described hereinafter, is declared.

SECTION 2: That said district shall encompass properties in the existing district designated "Special Improvement Lighting Maintenance District No. 287" described in Exhibit "A" attached hereto, and, thus, "Special Improvement Lighting Maintenance District No. 287" shall be discontinued when the new Special Improvement Lighting Maintenance District is energized.

SECTION 3: That said newly created district shall be known and designated as "Special Improvement Lighting Maintenance District No. 324", hereinafter called the District, and the boundaries of the District shall include lots, parcels and pieces of land directly abutting Midland Road between Mallowney Lane and South Billings Boulevard as shown on the map designated as Exhibit "B" and as described in Exhibit "C" attached hereto.

SECTION 4: That the City of Billings, Montana, 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 benefited 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 costs and expenses of obtaining the electrical energy for and maintenance of said street lights.

SECTION 5: That the general character of the improvements to be made for the District is declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of thirty five (35) LED luminaires mounted on steel poles with underground wiring (12 of which are currently in SILMD 287). The City of Billings shall own and install the streetlights and all associated appurtenant structures and materials. The cost of installing the lighting will be paid for by the City and shall not be included in the costs assessed to the properties within the District.

SECTION 6: The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$9.05 per unit, per month, and that NorthWestern Energy 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 7: The estimate of the cost of the District per year, including City administrative costs, is the sum of \$8,000.00; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "D" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its Midland Road frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. The estimated cost of the District per year for property owners is on the basis of approximately \$ 0.810127 per lineal foot of property frontage.

SECTION 8: That the entire cost of the District shall be paid by an annual assessment against the property in the District; that annually, pursuant to § 7-12-4332, MCA, 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. 324 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 9: That on the 12th day of February, 2018, at 6:30 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. 324 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 published in *Yellowstone County News*.

SECTION 10: That the City Clerk is hereby authorized and directed to publish a copy of the Notice of the passage of this Resolution in "Yellowstone County News", 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. 324. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 22nd day of January, 2018.

CITY OF BILLINGS:



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

EXHIBIT A

SILMD 287--Ownership

GEOCODE	Tax Code	Owner Name	Legal Description	Address	City-State-Zip
03092717102040000	C12074	City of Billings	L 4 BLK 1 CEREUJ SUB	PO Box 1178	BILLINGS MT 59103-1178
03092717103100000	A30490	JJRAY LLC	L 1-2 BLK 1 Blgs Operations Center Sub	2646 GRAND AVE STE 1	BILLINGS MT 59102-7113
03092717103300000	A30492	City of Billings	L 3 BLK 1 Blgs Operations Center Sub	PO Box 1178	BILLINGS MT 59103-1178
03092717103400000	A30493	City of Billings	L 4 BLK 1 Blgs Operations Center Sub	PO Box 1178	BILLINGS MT 59103-1178
03092717104100000	A30494	City of Billings	L 1 BLK 2, Blgs Operations Center Sub	PO Box 1178	BILLINGS MT 59103-1178

EXHIBIT C SILMD 324--Ownership

Tax Code	Owner Name	Legal Description	Address	City	State	Zip
3092717204000000	A22946 MOUNTAIN STATES BAKERIES LLC	PINYON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1 - 2	315 NE 10TH AVE	PORTLAND	OR	97232-2712
3092717204000000	KENNEY, STEVEN A &	REGAL 8 SUB, S17, T01 S, R26 E, Lot 1	1215 24TH ST W	BILLINGS	MT	59102-3894
3092717204050000	G6 HOSPITALITY PROPERTY LLC	REGAL 8 SUB, S17, T01 S, R26 E, Lot 2	PO BOX 117508	CARROLLTON	TX	75011-7508
3092717205010000	WAGGONER REAL ESTATE, LLC	REGAL 8 SUB, S17, T01 S, R26 E, Lot 3	PO BOX 1516	BILLINGS	MT	59103-1516
3092717103000000	JIRAY LLC	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, LTS 1-2 (16)	2646 GRAND AVE STE 1	BILLINGS	MT	59102-7113
3092717103000000	CITY OF BILLINGS	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 3, 2.278 AC (04)	PO BOX 1178	BILLINGS	MT	59103-1178
3092717103000000	CITY OF BILLINGS	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 4, 5.774 AC (04)	PO BOX 1178	BILLINGS	MT	59103-1178
3092717104100000	CITY OF BILLINGS	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 2, Lot 1, 11.410 AC (04)	PO BOX 1178	BILLINGS	MT	59103-1178
3092717107010000	FARM TO MARKET ENGINES LLC	FOX-RUN SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, (LESS 5440 SF HWY)	PO BOX 1390	EASTSOUND	WA	98245-1390
3092717204010000	MAGGA LLC	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	4371 RANGEVIEW DR	BILLINGS	MT	59106-4735
3092717204020000	BIG SKY HOTELS LLC	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMIND LT 2	1345 MULLOWNEY LANE	BILLINGS	MT	59101-6361
3092717204030000	KENNEY, STEVEN A &	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B, AMIND L 2	1215 24TH ST W	BILLINGS	MT	59102-3894
3092717202010000	G6 HOSPITALITY PROPERTY LLC	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, N510	4001 INTERNATIONAL PKWY	CARROLLTON	TX	75007-1914
3092717202040000	BECK, PAUL	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMD	PO BOX 2310	RED LODGE	MT	59068-2310
3092717203000000	LYNNE J ZIMMER REVOCABLE TRUST	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B1 - 2B2, AMD 266936 SQ FT (05)	4701 SUNDANCE CIR	SIoux FALLS	SD	57105
3092717203010000	WAGGONER REAL ESTATE, LLC	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	PO BOX 1516	BILLINGS	MT	59103-1516
3092717203040000	TTK DEVELOPMENT LLC	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	PO BOX 51329	BILLINGS	MT	59105-1329
3092717101050000	RADI PROPERTIES LLC	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1A, AMIND LT 1-2	1643 24TH ST W STE 205	BILLINGS	MT	59102-2677
3092717102030000	1111 LLC	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 2, Lot 1	1119 MAGGIE LN	BILLINGS	MT	59101-6348
3092717102040000	CITY OF BILLINGS	CEREUS SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	PO BOX 1178	BILLINGS	MT	59103-1178
3092717109010000	BRUMAR CORPORATION	S17, T01 S, R26 E, C.O.S. 1768, PARCEL 1, (LESS 187 ACRES HWY) & LTS 1-3 BLK 1 CEREUS SUB (10)	PO BOX 2192	BILLINGS	MT	59103-2192
3092717101030000	ELCO ENTERPRISES LLC	S17, T01 S, R26 E, C.O.S. 1430, PARCEL 1A2, AMD TRCT 1-A	740 BLUEGRASS DR W	BILLINGS	MT	59106-4536
3092717101060000	ELCO ENTERPRISES LLC	S17, T01 S, R26 E, C.O.S. 1430 AMD, PARCEL 1, AMD TR 1-A-1	740 BLUEGRASS DR W	BILLINGS	MT	59106-4536
3092717107020000	C & B OPERATIONS LLC	S17, T01 S, R26 E, C.O.S. 1353, PARCEL 1, (LESS 275 AC - HWY) 9.155 ACRES	30965 US HIGHWAY 212	GETTYSBURG	SD	57442-8709
3092717205020000	PROFFUTT LIMITED PARTNERSHIP	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 1	700 SOUTH 7TH ST	FARGO	ND	58103
3092717205030000	LOOMIS FAMILY LIMITED PTNSHP	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 2A-2B, AMD	5179 MIDLAND RD	BILLINGS	MT	59101-6340
3092717201010000	5500 MIDLAND HOLDINGS LLC	S17, T01 S, R26 E, C.O.S. 1091, PARCEL 4 & 5, (LESS 2130 SQ FT HWY) APPROX 13.66 ACRES	1275 W GRANADA BLVD STE 3B	ORMOND BEACH	FL	32174-8105
3092717203050000	LOCAL UNION 532 BUILDING CORP	S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2A, AMINDTR 2	PO BOX 80005	BILLINGS	MT	59108-0005
3092717203060000	WAGGONER REAL ESTATE, LLC	S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2B, AMINDTR 2	PO BOX 1516	BILLINGS	MT	59103-1516

**Exhibit D
SILMD 324
Midland Road**

TAX_ID	Exist SILMD	OwnerName	Property Address	ShortLegal	Lot Frontage	Est. Annual Assmt. LF
A22946		MOUNTAIN STATES BAKERIES LLC	5150 MIDLAND RD	PINYON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1 - 2	555	\$449.62
A22948		KENNEY, STEVEN A &	MIDLAND RD	REGAL 8 SUB, S17, T01 S, R26 E, Lot 1	106	\$85.87
A22949		G6 HOSPITALITY PROPERTY LLC	5353 MIDLAND RD	REGAL 8 SUB, S17, T01 S, R26 E, Lot 2	172	\$139.34
A22950		WAGGONER REAL ESTATE, LLC		REGAL 8 SUB, S17, T01 S, R26 E, Lot 3	209	\$169.32
A30490	287	JRAY LLC	4819 MIDLAND RD	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, LTS 1-2 (1.6)	462	\$374.28
A30492	287	CITY OF BILLINGS		BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 3, 2.278 AC. (04)	203	\$164.46
A30493	287	CITY OF BILLINGS		BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 1, Lot 4, 5.774 AC (04)	361	\$292.46
A30494	287	CITY OF BILLINGS	4848 MIDLAND RD	BILLINGS OPERATIONS CENTER SUB, S17, T01 S, R26 E, BLOCK 2, Lot 1, 11.410 AC. (04)	1,029	\$833.62
C07318		FARM TO MARKET ENGINES LLC	5151 MIDLAND RD	FOX-RUN SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, (LESS 5440 SF HWY)	350	\$283.54
C07319		MAGGA LLC	5435 MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	302	\$244.66
C07320		BIG SKY HOTELS LLC	5425 MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMND LT 2	289	\$234.13
C07320A		KENNEY, STEVEN A &	MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B, AMND L:2	205	\$166.08
C07322		G6 HOSPITALITY PROPERTY LLC	5400 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, N510'	144	\$116.66
C07323		BECK, PAUL	5364 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMD	210	\$170.13
C07323A		LYNNE J ZIMMER REVOCABLE TRUST	5250 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B1 - 2B2, AMD 266936 SQ.FT (05)	304	\$246.28
C09432		WAGGONER REAL ESTATE, LLC	5220 MIDLAND RD	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	218	\$176.61
C09435		TTK DEVELOPMENT LLC	5160 MIDLAND RD	LANGER-THOMPSON SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	198	\$160.41
C10387		RADI PROPERTIES LLC	1110 MAGGIE LN	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1A, AMND LT 1-2	133	\$107.75
C10389		1111 LLC	1119 MAGGIE LN	MONTEREY SUBD, S17, T01 S, R26 E, BLOCK 2, Lot 1	133	\$107.75
C12074	287	CITY OF BILLINGS		CEREUS SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 4	314	\$254.38
D01880		BRUMAR CORPORATION	4941 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1768, PARCEL 1, (LESS .187 ACRES HWY) & LTS 1-3 BLK 1 CEREUS SUB (10)	624	\$505.52
D01882		ELCO ENTERPRISES LLC	MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1430, PARCEL 1A2, AMND TRCT 1-A	166	\$134.48
D01883		ELCO ENTERPRISES LLC	5044 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1430 AMD, PARCEL 1, AMD TR 1-A-1	166	\$134.48
D01886		C & B OPERATIONS LLC	5121 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1353, PARCEL 1, (LESS .275 AC - HWY) 9.155 ACRES	600	\$486.08
D01887		PROFUTT LIMITED PARTNERSHIP	5221 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 1	336	\$272.20
D01888		LOOMIS FAMILY LIMITED PTNSHP	5179 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1733, PARCEL 2A-2B, AMD	322	\$260.86
D01889		5500 MIDLAND HOLDINGS LLC	5500 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1091, PARCEL 4 & 5, (LESS 2130 SQ FT HWY) APPROX 13.66 ACRES	1564	\$1,267.04
D01892		LOCAL UNION 537 BUILDING CORP	5200 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2A, AMNDR 2	190	\$153.92
D01892A		WAGGONER REAL ESTATE, LLC		S17, T01 S, R26 E, C.O.S. 1700, PARCEL 2B, AMNDR 2	10	\$8.10
						\$8,000.00

Total Assmt. \$ 8,000.00

Total assessment basis
Assessment Rate

9875 Lineal Feet
0.81012658

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C07318		FARM TO MARKET ENGINES LLC	5151 MIDLAND RD	FOX-RUN SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, (LESS 5440 SF HWY)	350	\$283.54
C07319		MAGGA LLC	5435 MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1	302	\$244.66
C07320		BIG SKY HOTELS LLC	5425 MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMND LT 2	289	\$234.13
C07320A		KENNEY, STEVEN A &	MIDLAND RD	VAQUERO SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B, AMND L:2	205	\$166.08
C07322		G6 HOSPITALITY PROPERTY LLC	5400 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 1, N510'	144	\$116.66
C07323		BECK, PAUL	5364 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMD	210	\$170.13
C07323A		LYNNE J ZIMMER REVOCABLE TRUST	5250 MIDLAND RD	YUCCA SUBD, S17, T01 S, R26 E, BLOCK 1, Lot 2B1 - 2B2, AMD 266936 SQ FT (05)	304	\$246.28
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D01883		ELCO ENTERPRISES LLC	5044 MIDLAND RD	S17, T01 S, R26 E, C.O.S. 1430 AMD, PARCEL 1, AMD TR 1-A-1	166	\$134.48
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