

RESOLUTION NO. 18-10690

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 325 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 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 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, hereinafter more particularly described, is hereby declared.

SECTION 2:

That said district shall be known and designated as "Special Improvement Lighting Maintenance District No. 325" hereinafter called the District, and the boundaries of the District are hereby declared to include lots, parcels and pieces of land directly abutting Central Avenue between the 32nd Street West and Shiloh Road, as shown on the map designated as Exhibit "A" attached hereto, and as described in Exhibit "C" which is 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 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 cost and expense of obtaining the electrical energy for and maintenance of said street lights.

SECTION 4:

That pursuant to MCA 7-12-4327, the City of Billings intends to assess properties outside of, but contiguous to, the city limits of the City of Billings for a portion of the costs of the District.

SECTION 5:

That the general character of the improvements to be made for the District is hereby declared to be as follows: The provision of energy and maintenance for street lighting facilities consisting of forty-one (41) LED luminaires mounted on steel poles with underground wiring. 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 \$6.60 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 \$8,800.00; that the entire cost of said District shall be paid by the owners of the property listed in Exhibit "B" 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 Central Avenue 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 \$0.921498 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 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. 325 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 March, 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. 325 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 the "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 the "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. 325. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 12th day of February, 2018.



CITY OF BILLINGS

By William A. Cole
William A. Cole Mayor

ATTEST:

By Denise R. Bohlman
Denise R. Bohlman City Clerk

SIIMD 325
Exhibit A

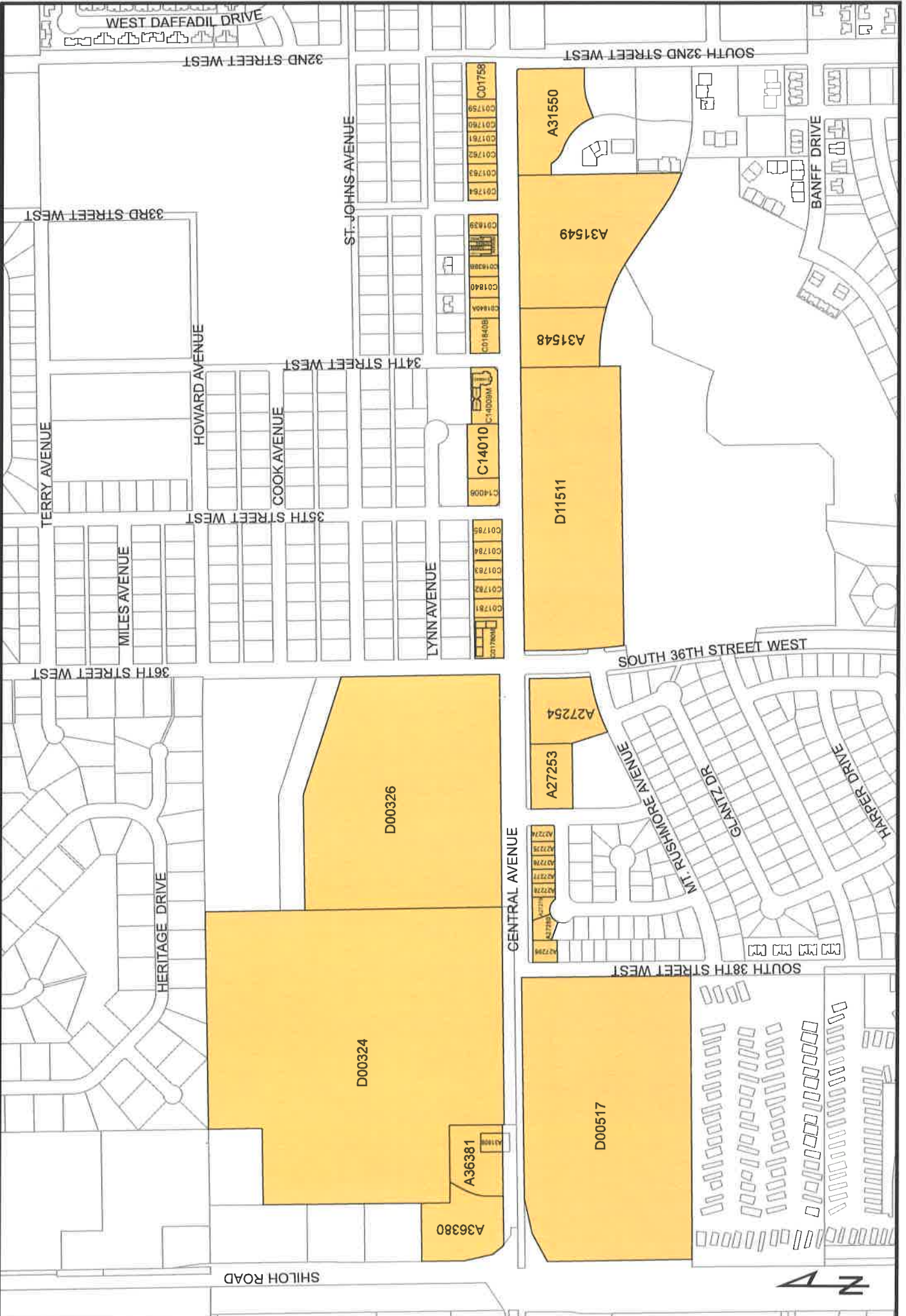


EXHIBIT "C"

SILMD 325 – DISTRICT DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Central Avenue between 32nd Street West and Shiloh Road in Yellowstone County, Montana. All subdivisions and certificates of survey referenced are as on file in the Office of the County Clerk and Recorder, Yellowstone County, Montana.

Lots 1-6, Block 6, Central Acres Subdivision, 4th Filing, as recorded July 27, 1956, under Document Number 567327;

Lots 1, 4, and 5, Block 1, West Central Subdivision, as recorded May 29, 2002, under Document Number 3178104;

Lot 9-A of the Amended Plat of Lots 8 & 9, Block 2, Central Acres Subdivision, 2nd Filing, as recorded October 12, 2007, under Document Number 3441807;

Lots 10-14, Block 2, Central Acres Subdivision, 2nd Filing, as recorded September 4, 1954, under Document Number 532311;

Lots 1-10, Central Acres Subdivision, 1st Filing, as recorded August 26, 1954, under Document Number 528910;

Tract 2A, of the Amended Plat of Certificate of Survey 2547, as recorded December 7, 2007, under Document Number 3447703;

Tract 1, of the Plat of Certificate of Survey 3340, as recorded December 7, 2007, under Document Number 3447704;

Tract 1, of the Plat of Certificate of Survey 3202, as recorded August 12, 2004, under Document Number 3300544;

Tract 1A, of the Amended Plat of Certificate of Survey 787, as recorded July 30, 2004, under Document Number 3298687;

Lots 4 and 5, Shiloh Commons Subdivision, as recorded August 16, 2017, under Document Number 3824058;

Tract 1-B-1A, of the Amended Plat of Certificate of Survey 1492, as recorded May 8, 1986, under Document Number 1392379;

Lots 1-7, and 23, Block 19, Lots 1 and 2, Block 17, Parkland West Subdivision, 2nd Filing, as recorded October 9, 1986, under Document Number 1413418;

Lot 3A of the Amended Plat of Lot 3, Block 10, Parkland West Subdivision, 6th Filing, as recorded August 31, 2005, under Document Number 3346317;

Lots 1 and 2, Parkland West Subdivision, 6th Filing, as recorded April 14, 2004,
under Document Number 3283298;

Exempting there from all lands which are public street, road, or alley rights-of-way.

SILMD 325: Central Avenue: 32nd Street West to Shiloh Road
 Exhibit B: Boundary Description

TaxID	Owner/Name	Physical Address	Legal Description	Lot Frontage	Assessment
A28052	EMERSON, PATRICIA A	3307 CENTRAL AVE	OVERLAND TOWNHOMES, 502, T01 S, R25 E, UNIT 1, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,773
A28053	EMERSON, PATRICIA A	3309 CENTRAL AVE	OVERLAND TOWNHOMES, 502, T01 S, R25 E, UNIT 2, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,773
A28054	EMERSON, PATRICIA A	3311 CENTRAL AVE	OVERLAND TOWNHOMES, 502, T01 S, R25 E, UNIT 3, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,773
A28055	EMERSON, PATRICIA A	3313 CENTRAL AVE	OVERLAND TOWNHOMES, 502, T01 S, R25 E, UNIT 4, 25% COMMON AREA INTEREST, LOC @ LT 2 BLK 6 CENTRAL ACRES SUBD 4TH FILING	23	\$ 20,773
A27253	HOMESTEAD CAPITAL INC	25 S 37TH ST W	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 17, Lot 1	281	\$ 258,689
A27254	HOMESTEAD CAPITAL INC	3611 MOUNT RUSHMORE AVE	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 17, Lot 2	281	\$ 258,677
A27274	JIANGJIA, DEBBY J	3705 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 1	70	\$ 64,500
A27275	JEHMANTRAUT, KENNETH W & NAHETTE	3723 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 2	60	\$ 55,298
A27276	JEHMANTRAUT, ROY N & LINDA M	3725 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 3	60	\$ 55,298
A27277	JAMISON, ZACHERY W & JULIE M	3745 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 4	60	\$ 55,298
A27278	SCHULKE, CODY A & SARAH	3757 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 5	60	\$ 55,298
A27279	WESTERN, MATHIEW S & REBECCA S	3769 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 6	100	\$ 91,125
A27280	LEONARD, RICHARD M	3781 SAN JUAN DR	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 7	86	\$ 79,377
A27296	LARSON, DENNIS & FERRY & SHARON	1315 38TH ST W	PARKLAND WEST SUBD 2ND FILING, S11, T01 S, R25 E, BLOCK 19, Lot 23	95	\$ 87,547
A31548	MICHAEL S EASTWOOD TRUST	3340 CENTRAL AVE	PARKLAND WEST SUBD 6TH FILING, S11, T01 S, R25 E, BLOCK 10, Lot 1	254	\$ 331,799
A31549	CENTRAL CAPITAL LLC	3300 CENTRAL AVE	PARKLAND WEST SUBD 6TH FILING, S11, T01 S, R25 E, BLOCK 10, Lot 2	575	\$ 320,241
A31550	ALTANA FEDERAL CREDIT UNION	3213 CENTRAL AVE	PARKLAND WEST SUBD 6TH FILING, S11, T01 S, R25 E, BLOCK 10, Lot 3A, AMD, 2.651 AC. (05)	463	\$ 426,400
A31608/					
E00035	WBI ENERGY TRANSMISSION INC	CENTRAL AVE	**CENTRALLY ASSESSED** 502, T01 S, R25 E, C.O.S. 787, PARCEL 1A, TR 1A COS 787 AMD	80	\$ 73,772
A35880	GRANT ROAD LLC	27 SHILOH RD	SHILOH COMMONS SUBD, 502, T01 S, R25 E, BLOCK 1, Lot 4	213	\$ 344,873
A35881	IGRANT ROAD LLC	3511 CENTRAL AVE	SHILOH COMMONS SUBD, 502, T01 S, R25 E, BLOCK 1, Lot 5	228	\$ 310,133
D01758	LEO C SCHWEHR BYPASS TRUST & MARWAN, ADAM J	4 32ND ST W	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, BLOCK 1, Lot 1 - 2, 640 FT LT 3	160	\$ 347,444
D01759	LEO C SCHWEHR BYPASS TRUST & MARWAN, ADAM J	3215 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, BLOCK 1, Lot 3, LT 4, W20 FT LT 3	80	\$ 175,172
D01760	LOVE, WAYNE T & LAURA A	3221 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, BLOCK 1, Lot 5	60	\$ 152,429
D01761	MCCOMMAS, LYNDELL WOLF & WOLF, CONNIE M	3225 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, Lot 6	80	\$ 152,429
D01762	ISS ENTERPRISES LLC	3231 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, BLOCK 1, Lot 7, #, E20 FT LT 8	80	\$ 173,172
D01763	GRODTERS, RONALD 1/3 INT & BENT VENTURES LLC	3337 CENTRAL AVE	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, W40 FT LT 8 640 FT LT 9	79	\$ 172,350
D01780A	YELLOWFIN LLC	3 33RD ST W	CENTRAL ACRES SUBD 1ST FILING, 502, T01 S, R25 E, BLOCK 1, Lot 9, LT 10 W20 FT LT 9	34	\$ 30,993
D01780B	YELLOWFIN LLC	CENTRAL AVE	DORN-PENTECOST PROFESSIONAL PLAZA, 502, T01 S, R25 E, UNIT 1, 15% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AMD	34	\$ 30,993
D01780C	DORN PROPERTY AND HOMES LLC	CENTRAL AVE	DORN-PENTECOST PROFESSIONAL PLAZA, 502, T01 S, R25 E, UNIT 2, 15% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AMD	34	\$ 30,993
D01780D	DORN PROPERTY AND HOMES LLC	CENTRAL AVE	DORN-PENTECOST PROFESSIONAL PLAZA, 502, T01 S, R25 E, UNIT 3, 15% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AMD	34	\$ 30,993
D01780E	WOLF, CONNIE M	CENTRAL AVE	DORN-PENTECOST PROFESSIONAL PLAZA, 502, T01 S, R25 E, UNIT 4, 21.5% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AMD	38	\$ 35,000
D01781	STARNOW, LAURIE G	3519 CENTRAL AVE	DORN-PENTECOST PROFESSIONAL PLAZA, 502, T01 S, R25 E, UNIT 5, 21.5% COMMON AREA INTEREST, LOC @ LT 9A BLK 2 CENTRAL ACRES SUB 2ND FIL AMD	82	\$ 75,566
D01782	ALLEN, PAUL G & SHARON L	3515 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, 502, T01 S, R25 E, BLOCK 2, Lot 10	82	\$ 75,566
D01783	NHO BACK FORTY LLC	3513 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, 502, T01 S, R25 E, BLOCK 2, Lot 11	82	\$ 75,566
D01784	NESSAN, RICHARD TRUSTEE	3511 CENTRAL AVE	CENTRAL ACRES SUBD 2ND FILING, 502, T01 S, R25 E, BLOCK 2, Lot 13	82	\$ 75,566
D01785	HERBST, STEVEN & YVONNE	4 35TH ST W	CENTRAL ACRES SUBD 2ND FILING, 502, T01 S, R25 E, BLOCK 2, Lot 14	94	\$ 86,665
D01839	JOVANOVICH, JACOB D	3301 CENTRAL AVE	CENTRAL ACRES SUBD 4TH FILING, 502, T01 S, R25 E, BLOCK 6, Lot 1	90	\$ 81,913
D01840	RONALD A DUTTON LIVING TRUST	3315 CENTRAL AVE	CENTRAL ACRES SUBD 4TH FILING, 502, T01 S, R25 E, BLOCK 6, Lot 3	90	\$ 81,913
D01840A	MORGAN, MICHAEL A	3321 CENTRAL AVE	CENTRAL ACRES SUBD 4TH FILING, 502, T01 S, R25 E, BLOCK 6, Lot 4	89	\$ 81,913
D01840B	NELSON, WALTER	3327 CENTRAL AVE	CENTRAL ACRES SUBD 4TH FILING, 502, T01 S, R25 E, BLOCK 6, Lot 5	89	\$ 81,913
C14006	STORY DISTRIBUTING COMPANY	3433 CENTRAL AVE	CENTRAL ACRES SUBD 4TH FILING, 502, T01 S, R25 E, BLOCK 6, Lot 6	150	\$ 138,272
C14009A	CPC INC	3419 CENTRAL AVE	WEST CENTRAL SUBD, 502, T01 S, R25 E, BLOCK 1, Lot 1	120	\$ 110,388
C14009B	CPC INC	3419 CENTRAL AVE	CENTRAL OFFICE CONDOMINIUMS (15), 502, T01 S, R25 E, UNIT 1, 21.64% COMMON AREA INTEREST, LOC @ LT 4 BLK 1 WEST CENTRAL SUB 1ST FILING	53	\$ 48,666
C14009C	CPC INC	3419 CENTRAL AVE	CENTRAL OFFICE CONDOMINIUMS (15), 502, T01 S, R25 E, UNIT 2, 20.95% COMMON AREA INTEREST, LOC @ LT 4 BLK 1 WEST CENTRAL SUB 1ST FILING	51	\$ 47,111
C14010	CPC INC	3429 CENTRAL AVE	CENTRAL OFFICE CONDOMINIUMS (15), 502, T01 S, R25 E, UNIT 3, 57.42% COMMON AREA INTEREST, LOC @ LT 4 BLK 1 WEST CENTRAL SUB 1ST FILING	140	\$ 129,088
D00324	MONTANA STATE UNIV-BILLINGS	3803 CENTRAL AVE	WEST CENTRAL SUBD, 502, T01 S, R25 E, BLOCK 1, Lot 5	235	\$ 116,278
D00517	EGGERBORT FAMILY LIMITED PARTNERSHIP	3723 CENTRAL AVE	502, T01 S, R25 E, 3340, PARCEL 1, (08)	935	\$ 861,900
D01511	LYNDES, JAY C	3500 CENTRAL AVE	502, T01 S, R25 E, 2547, PARCEL 2A, (08)	1001	\$ 822,225
			511, T01 S, R25 E, C.O.S. 1492, PARCEL 181A, ANVMD LESS HWY (10)	1033	\$ 851,444
			511, T01 S, R25 E, C.O.S. 3002, PARCEL 1, (05)	1222	\$ 1,126,537