

RESOLUTION NO. 04-18091

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 286 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. 286" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land in Chrysalis Acres Subdivision Phase One street lighting; 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 along and 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 street lights, electrical energy, 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 nine (9) 70-watt high pressure sodium luminaries mounted at a height of 25 feet. NorthWestern Energy shall own and install said lighting units.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying materials, installation, electrical energy, and maintenance as follows: \$21.71 per 70 watt unit per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That NorthWestern Energy shall provide energy and 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 \$2,749.68; 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 \$0.011179788 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. 286 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 22nd day of March, 2004, 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. 286 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. 286. Said notice is to be published and mailed on the same date.

Passed by the City Council and APPROVED this 23rd day of February, 2004.



CITY OF BILLINGS

By Charles F. Tooley Mayor

ATTEST:

By Marita Herold, CMC/AE City Clerk
Deputy City Clerk

EXHIBIT C

SILMD 286

DISTRICT BOUNDARY DESCRIPTION

BEGINNING at a point which is the northwest corner of Lot 2, Block 2, Chrysalis Acres Subdivision;

thence, from said point of beginning, west a distance of 342.58 feet to the north corner of Lot 6, Block 2, Chrysalis Acres Subdivision;

thence S 25°59'14" E a distance of 114.88 feet to the east corner of said Lot 6, Chrysalis Acres Subdivision;

thence S 64°00'46" W a distance of 31.62 feet to the northeast corner of Lot 7, Block 2, Chrysalis Acres Subdivision;

thence South along the east boundary of Block 2, Chrysalis Acres Subdivision, a distance of 747.15 feet to the southeast corner of Lot 15, Block 2, Chrysalis Acres Subdivision;

thence southerly a distance of 60 feet across the Bruce Avenue right-of-way to the northwest corner of Lot 6, Block 1, Chrysalis Acres Subdivision;

thence South along the east boundary of Lot 6, Block 4, Chrysalis Acres Subdivision, a distance of 98.13 feet to the southeast corner of said Lot 6, Chrysalis Acres Subdivision;

thence N 89°25'20" W along the south boundary of Block 4, a distance of 358.52 feet to the southwest corner of Lot 2, Block 4, Chrysalis Acres Subdivision;

thence North along the west boundary of Block 4, Chrysalis Acres Subdivision, a distance of 131.32 feet to the northwest corner of Lot 1, Block 4, Chrysalis Acres Subdivision;

thence north across the Bruce Avenue right-of-way to the southwest corner of Lot 1, Block 1, Chrysalis Acres Subdivision;

thence North along the west boundary of Block 1, Chrysalis Acres Subdivision, a distance of 647.30 feet to the northwest corner of Lot 8, Block 1, Chrysalis Acres Subdivision;

thence north across the Cecropia Avenue right-of-way to the southwest corner of Lot 2, Block 2, Chrysalis Acres Subdivision;

thence North a distance of 90.00 feet to the northwest corner of said Lot 2, Chrysalis Acres Subdivision, the point of beginning.

EXHIBIT A

Ownership Listing

SILMD 286 Chrysalis Acres

| | Property Owner | Mailing Address |
|------------|--------------------------------------|--------------------------------------|
| Block 1 | | |
| <u>Lot</u> | | |
| 1 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 8 | Koinonia Housing | PO Box 3381 Billings, MT 59103 |
| 9 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 10 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 11 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 12 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 13 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 14 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 15 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 16 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 17 | Jim Koessler | PO Box 282 Billings, MT 59103 |
| Block 2 | | |
| 2 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 3 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 4 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 5 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 6 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 7 | Marvin L. Warren | 3023 MacTavish Billings, MT 59101 |
| 8 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 9 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 10 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 11 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 12 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 13 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 14 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| 15 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |
| Block 4 | | |
| 1 | Tom Koelzer | 2020 Barrett Road Billings, MT 59105 |
| 3 | Tom Koelzer | 2020 Barrett Road Billings, MT 59105 |
| 4 | COP Construction | PO Box 20913 Billings, MT 59104 |
| 5 | Koinonia Housing | PO Box 3381 Billings, MT 59103 |
| 6 | Community Leadership Development Inc | PO Box 3381 Billings, MT 59103 |