

RESOLUTION NO. 04-18176

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 283 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. 283" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land abutting on King Avenue East from South Billings Boulevard to Parkway Lane, as shown on the map designated as Exhibit "A" attached hereto, and as listed in 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 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 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) 250 watt high pressure sodium luminaires and two (2) 200 watt high pressure sodium luminaires. All luminaires will be mounted on steel poles served by underground wiring. The City of Billings, Montana shall own the forty-one (41) 250 watt luminaires and Northwestern Energy Company shall own the two (2) 200 watt high pressure sodium luminaires.

SECTION 5:

That the City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$7.01 per 250 watt unit and \$25.36 per 200 watt unit, per month, in accordance with the rate schedule LS-1 approved by the Montana Public Service Commission. That the Northwestern Energy Company shall provide energy to all of the lights. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment for the luminaires it owns. That the Northwestern Energy Company shall at all times own the light fixtures, poles, cables, and other equipment incidental to the two (2) 200 watt luminaires, and shall provide normal maintenance and repairs to said equipment as part of the monthly rate for these lights.

SECTION 6:

The estimate of the cost of the District per year is the sum of \$9636.56; 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 lineal front footage along King Avenue bears to the assessable lineal front footage 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 \$1.35337721 per lineal foot. Due to the difference in the time the lighting service started and the time assessments can be levied, the first assessment will cover a period of operation of the District greater than one year and is estimated to total \$13,827.21 or approximately \$1.94192023 per lineal foot.

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. 283 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 13th day of September, 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. 283 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".

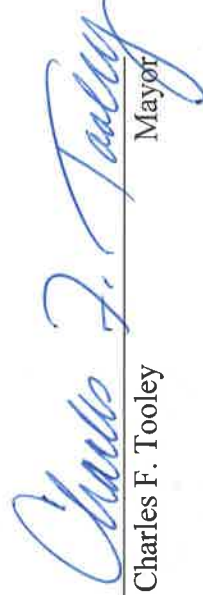
SECTION 9:

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. 283. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 23rd day of August 2004.



CITY OF BILLINGS

By 
Charles F. Tooley
Mayor

ATTEST:

By Susan Shullen

Marita Herold, CMC/AAE

Deputy City Clerk

City Clerk

**EXHIBIT B
SILMD 283 -- OWNERSHIP and ASSESSMENT DATA**

| Tax Code | OWNER | LEGAL DESCRIPTION | MAILING ADDRESS | CITY/ST/ZIP | FRONTAGE |
|----------|--|---|--------------------|---------------------------|----------|
| D01394 | CITY OF BILLINGS | C/S 2783 TR 1 IN SW4 & SE4 SEC 8-1N-26E | PO Box 1178 | Billings MT 59103-1178 | 1,316.60 |
| A14976 | FORSETH, ERIC B & JENNIFER L | W35 FT LT 29 & E35 FT LT 30 BLK 3 STREETER BROS SUB 2nd | 5203 KING AVE E | BILLINGS MT 59101-4606 | 70.00 |
| A14977 | KRUEGER, BENJAMIN & LUZ | W20 FT LT 30 ALL LT 31 BLK 3 STREETER BROTHER SUB 2nd | 166 GARETH WAY | BOZEMAN MT 59718-7584 | 75.00 |
| A14978 | BUNDERSON, JOHN G | LT 32 & E15 FT LT 33 BLK 3 STREETER BROS SUBD 2nd | P.O. BOX 1 | BILLINGS MT 59103-0001 | 70.00 |
| A14979 | YOUNG, PAUL E & VALERIE M | W40 FT LT 33 & E35 FT LT 34 BLK 3 STREETER BROS SUB 2nd | 5215 KING AVE E | BILLINGS MT 59101 | 75.00 |
| A14980 | THORSON, THELMAR R & MARGARET | W20 FT LT 34 & E50 FT LT 35 BLK 3 STREETER BROS SUB 2nd | 5219 KING AVE E | BILLINGS MT 59101-4606 | 70.00 |
| A14981 | SCHLEINING, GERALD L & EVELYN | LT 36 & W5 FT LT 35 BLK 3 STREETER BROTHERS SUB 2nd | 731 ORCHARD LN | BILLINGS MT 59101-5147 | 60.00 |
| A14982 | STEWART, RITCHIE & ANGELA | LT 37 E6 FT LT 38 BLK 3 STREETER BROTHERS SUB 2nd | 5327 KING AVE E | BILLINGS MT 59101-4663 | 61.00 |
| A14983 | MCCARTHY, MICHAEL L & TERRY | W49 FT LT 38 & E12 FT LT 39 BLK 3 STREETER BROS SUB 2nd | 5331 KING AVE E | BILLINGS MT 59101-4663 | 61.00 |
| A14984 | HOOTS, RUTH A | W43 FT LT 39 & E18 FT LT 40 BLK 3 STREETER BROS SUB 2nd | 5335 KING AVE E | BILLINGS MT 59101-4663 | 61.00 |
| A14985 | MULKEY, MICHAEL & DIANA M | W37 FT LT 40 ALL LT 41 BLK 3 STREETER BROTHERS SUB 2nd | 5339 KING AVE E | BILLINGS MT 59101-4663 | 62.50 |
| A14901 | DUKE, CHARLES G & MARGARET N | LT 1 BLK 1 STREETER BROTHERS SUBD 2ND FILING | 51 Nimitz Drive | BILLINGS MT 59101-4626 | 130.00 |
| A14974 | RONGHOLT, TROY D | LT 28 BLK 3 STREETER BROTHERS SUBD 2ND | 50 Nimitz Drive | BILLINGS MT 59101-4659 | 90.00 |
| A14975 | GRIFFIN, MICHAEL E | E20 FT S2 LT 29 BLK 3 STREETER BROTHERS SUB 2nd | 505 PROUD EAGLE LN | LAS VEGAS NV 89144-0908 | 20.00 |
| A31139 | POPELKA ENTERPRISES LLC | L 3, B 1 POPELKA COMMERCE CENTER SUB | PO BOX 50126 | BILLINGS MT 59105-0126 | 619.69 |
| A31141 | POPELKA ENTERPRISES LLC | L 5, B 1 POPELKA COMMERCE CENTER SUB | PO BOX 50126 | BILLINGS MT 59105-0126 | 218.38 |
| A31137 | POPELKA ENTERPRISES LLC | L 1, B 1 POPELKA COMMERCE CENTER SUB | PO BOX 50126 | BILLINGS MT 59105-0126 | 187.16 |
| A31140 | POPELKA ENTERPRISES LLC | L 4, B 1 POPELKA COMMERCE CENTER SUB | PO BOX 50126 | BILLINGS MT 59105-0126 | 242.78 |
| A24750 | CITY OF BILLINGS | L 15A, B 2 SOUTHGATE SUB 1ST LOTS 1-4 & 15 AMENDED | PO BOX 1178 | BILLINGS MT 59103-1178 | 1,264.81 |
| A29253 | FLIPPULA % MOUNTAIN STATES LEASING BLS LLC | L 1 B 1 SOUTHGATE SUB 2ND | 700 BLACKTAIL LOOP | BUTTE MT 59701-7108 | 279.90 |
| A29254 | FLIPPULA % MOUNTAIN STATES LEASING BLS LLC | L 2 B 1 SOUTHGATE SUB 2ND | 700 BLACKTAIL LOOP | BUTTE MT 59701-7108 | 279.90 |
| A29255 | % GMAC COMMERCIAL MTG CORP | L 3 B 1 SOUTHGATE SUB 2ND | 200 WITMER RD | HORSHAM PA 19044-2213 | 715.00 |
| A28977 | REGENCY INNS MANAGEMENT INC | L 3A1 B 1 NUMART SUB AMD LOT 3A | 2600 N LOUISE AVE | SIOUX FALLS SD 57107-0721 | 471.97 |
| A28975 | FLIPPULA, L & DOWDLE, WILLIE M | L 1A B 1 NUMART SUB AMD LOTS 1-3 | 3202 RAMADA DRIVE | BILLINGS MT 59102-0739 | 280.00 |
| A28407 | MCDONALDS CORP (250045) | L 1 B 1 GOLDEN ARCHES SUB | PO BOX 66351 | CHICAGO IL 60666-0351 | 338.69 |

TOTAL KING AVE FRONTAGE (feet): 7,120.38

EXHIBIT "C"
SILMD 283 – BOUNDARY DESCRIPTION

Beginning at the southeast corner of Lot 1, Block 1, Golden Arches Subdivision;

Thence northerly along the west Right-Of-Way line of South Billings Boulevard across the Right-Of-Way of King Avenue East to a point on the south lot line of Lot 1, Block 1 Popelka Commerce Center Subdivision;

Thence easterly along the said Right-Of-Way to the beginning of a curve to the left;

Thence along said curve to a point on the west Right-Of-Way line of South Billings Boulevard;

Thence northerly along said Right-Of-Way of the northeast corner of Lot 1, Block 1 of said subdivision;

Thence westerly to the northwest corner of said lot and block of said subdivision;

Thence northerly to the northeast corner of Lot 5, Block 1 of said subdivision;

Thence westerly along the north property line of said subdivision to the northwest corner of Lot 3, Block 1 of said subdivision;

Thence southerly along the west lot line said lot and block to the southwest corner of said lot and block of said subdivision;

Thence northwesterly to the northeast corner of Lot 1, Block 1 Streeter Brothers Subdivision, Second Filing;

Thence westerly along the north property line of said lot and block across the Right-Of-Way of Nimitz Drive to the northwest corner of Lot 28, Block 3 of said subdivision;

Thence northerly to the northeast corner of Lot 29, Block 3 of said subdivision;

Thence westerly to the northwest corner of Lot 41, Block 3 of said subdivision;

Thence southeasterly to the southeast corner of said lot and block of said subdivision;

Thence southwesterly across the Right-Of-Way of King Avenue East to the beginning of a curve to the left of the northwest corner of Lot 15-A, Block 2 Southgate Subdivision 1st Filing;

Thence along said curve to a point on the east Right-Of-Way of Parkway Lane;

Thence along said Right-Of-Way to the northwest corner of Lot 1-A, Block 2 of said subdivision;

Thence easterly to the northeast corner of Lot 7-A, Block 2 of said subdivision;

Thence easterly across the Right-Of-Way of 12th Street West to a point on the west lot line of Lot 1, Block 1 Southgate Subdivision 2nd Filing;

Thence southerly along the east Right-Of-Way line of 12th Street West to the southwest corner of said lot and block of said subdivision to the beginning of a curve to the left;

Thence along said curve to a point on the north Right-Of-Way of Southgate Drive;

Thence easterly along said Right-Of-Way to the southwest corner of Lot 2A, Block 1 Numart Subdivision;

Thence northerly and easterly and southerly following the boundary line of said Lot 2A to the southwest corner of Lot 1A of said subdivision to a point on the north Right-Of-Way of Southgate Drive, not to include Lot 2A;

Thence along said Right-Of-Way to the beginning of a curve to the left;

Thence easterly across the Right-Of-Way of Southgate Drive to the southwest corner of Lot 1, Block 1 Golden Arches Subdivision;

Thence easterly along said lot and block of said subdivision to the point of beginning.

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