

**RESOLUTION NO. 08-18673**

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 304 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING DESIGN, CONSTRUCTION, 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 DESIGN, CONSTRUCTION, ADMINISTRATION, ENERGY AND MAINTENANCE OF SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFOR FOR THE FIRST YEAR, THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ADJACENT 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. 304" hereinafter called the District, and the boundaries of the District are hereby declared to include: All lots, parcels and pieces of land in downtown Billings as shown on the map designated as Attachment A and listed on the property owner list designated as Attachment B both of which are 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 costs and expense of designing and constructing the street lights and 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 designing, constructing, energy and maintenance for street lighting facilities along and upon portions of the streets and avenues within the boundaries of the District consisting of 220 luminaires. All luminaries will be mounted on poles served by underground wiring. The City of Billings, Montana shall own and install said lighting units.

SECTION 5:

That the City of Billings intends to construct the new lighting facilities and sell bonds in the amount of Two Million Four Hundred Fifty Thousand (\$2,450,000) to pay for the design, construction and administration costs of the district. The bonds will be issued in accordance with 7-12-4342 MCA and will be paid off over a period of fifteen (15) years through annual assessments to property owners within the district. Each lot, parcel, or piece of land within the district shall be assessed for that portion of the bond retirement costs which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places. The assessment rate, exclusive of interest charges, is estimated at \$1.39 per square foot of assessable area, with a total estimated cost per tax parcel as show in Exhibit B attached hereto.

SECTION 6:

That the entire cost of maintenance and electrical energy for 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. 304 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 7:

That the City of Billings intends to establish the approximate contract rate for supplying electrical energy and maintenance as follows: \$230 per luminaries unit per year.

The estimate of the cost of energy and maintenance for the District per year, including a 10% administrative fee and a 5% delinquency reserve, is the sum of \$50,600 that the entire cost 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 its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys, and public places. 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 8:

That the 25th day of February, 2008, 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. 304 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."

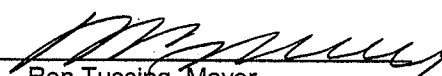
SECTION 9:

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. 304. Said Notice is to be published and mailed on the same date.

Passed by the CITY Council and APPROVED this 11<sup>th</sup> day of February, 2008.



CITY OF BILLINGS

By:   
Ron Tussing, Mayor

ATTEST:

By:   
Cari Martin, City Clerk

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