

**RESOLUTION 20-10917**

**A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 329 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF MAINTAINING THE STREET LIGHTING FIXTURES AND FACILITIES WITHIN THE DISTRICT AND SUPPLYING ELECTRICAL CURRENT THEREFOR; DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, GENERALLY DESCRIBING THE MAINTENANCE TO BE UNDERTAKEN, PROVIDING AN INITIAL ESTIMATE OF COSTS AND EXPENSES AND DESCRIBING THE METHOD OF ASSESSING SUCH COSTS AND EXPENSES; AND, IN THE EVENT THE DISTRICT IS CREATED, AMENDING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 263 OF THE CITY OF BILLINGS, MONTANA**

BE IT RESOLVED by the City Council of the City of Billings, Montana (the "City"), as follows:

Section 1. The City Council of the City has determined that the public interest and convenience require, and it is deemed necessary to create, a Special Improvement Lighting Maintenance District pursuant to Montana Code Annotated, Title 7, Chapter 12, Part 43, for the purpose of maintaining the street lighting fixtures and facilities within the proposed district, supplying electrical current therefor, and assessing the costs and expenses thereof against the lots and parcels of land within the proposed district. The intention of the City Council to create the proposed district, as hereinafter more particularly described, is hereby declared.

Section 2. The proposed Special Improvement Lighting Maintenance District shall be known and designated as "Special Improvement Lighting Maintenance District No. 329 (hereinafter called the "District"), and the boundaries of the District are hereby declared to include the lots and parcels of land directly abutting Hallowell Lane between King Avenue East and State Avenue, as shown on the map included as Exhibit A attached hereto and as described in Exhibit B attached hereto.

The District includes certain lots and parcels of land within existing Special Improvement Lighting Maintenance Districts designated as "Special Improvement Lighting Maintenance District No. 263" (hereinafter called the "Existing District"), as described in Exhibit C attached hereto. If the District is created, the Existing District shall be amended to remove said parcel as of the first fiscal year in which assessments are levied with respect to the District.

Section 3. The general character of the maintenance to be undertaken within the District is hereby declared to be as follows: (i) maintenance of the street lighting fixtures

and facilities, currently consisting of 36 LED luminaires mounted on steel poles, underground wiring and associated appurtenances and equipment, and (ii) supplying electrical current therefor. The City shall own all such street lighting fixtures and facilities. Notwithstanding anything herein to the contrary, maintenance, for purposes of the District, includes routine maintenance, major maintenance and replacement of obsolete, damaged or worn-out street lighting fixtures and facilities.

Section 4. The City hereby finds, determines and declares that each of the lots and parcels of land within the District will be specially benefited and affected by the street lighting fixtures and facilities within the District, and that all of the lots and parcels of land within the District are hereby declared to be the lots and parcels of land to be assessed for the costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor, as further described in Section 5 below.

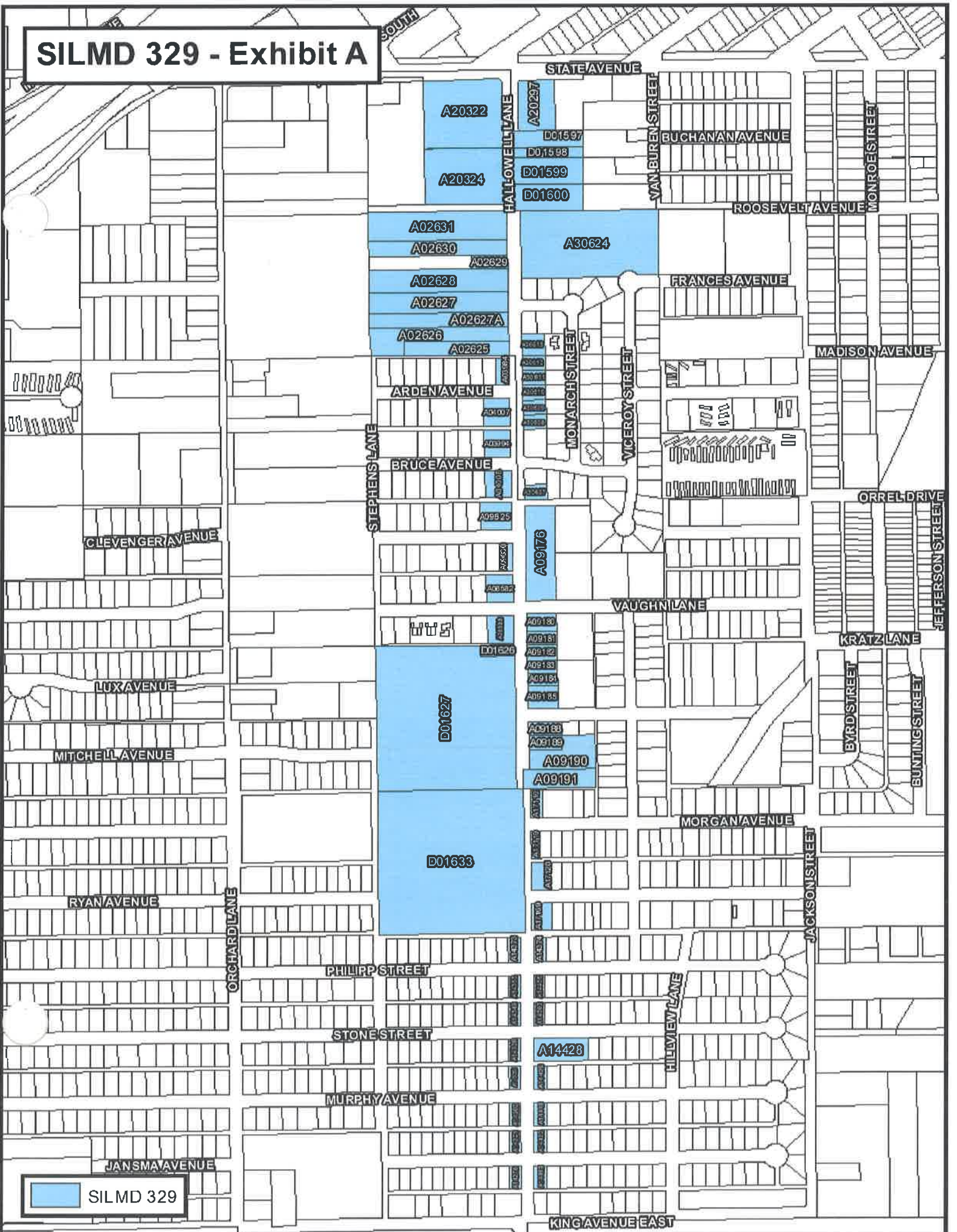
Section 5. The City estimates that the aggregate costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor are \$5,826.62 for the first year, which amount includes \$2.45 per unit per month for electrical current. It is expected that such costs and expenses will vary from year to year and will generally increase over time. Each year the City Council shall adopt a resolution estimating such costs and expenses and may adjust annual assessment amounts in accordance with Section 7-12-4332, M.C.A. Such costs and expenses may include amounts for the accumulation of maintenance reserves. The cost of the original installation of the street lighting fixtures and facilities will be paid for by the City and will not be included in the costs and expenses assessed against the lots and parcels of land within the District.

Section 6. All costs and expenses of maintaining the street lighting fixtures and facilities within the District and supplying electrical current therefor shall be assessed against the lots and parcels of land within the District, as listed in Exhibit D attached hereto in accordance with Section 7-12-4324, M.C.A., with each such lot or parcel of land to be assessed such portion of the aggregate costs and expenses as its lineal frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. Estimated assessments for the first year is approximately \$0.699390 per lineal foot of property frontage, as set forth on Exhibit D attached hereto.

Section 7. All monies derived from the collection of the assessments described in Section 6 above shall be paid into a fund to be known as "Special Lighting Maintenance District No. 329 Maintenance Fund." Amounts in the Special Lighting District No. 329 Maintenance Fund will be used to pay the costs and expenses of maintaining the street lighting fixtures and facilities and supplying electrical current therefor, and for no other purpose.

Section 8. That on the 11th day of January 2021, at 5:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to create the District and will hear protests against the proposed maintenance, the costs and expenses

# SILMD 329 - Exhibit A



 SILMD 329

## EXHIBIT "B"

### SILMD 329 – DISTRICT DESCRIPTION

A Special Improvement Lighting Maintenance District encompassing the following parcels of land abutting both sides of Hallowell Lane between King Avenue East and State Avenue 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.

Lot 16, Block 10, Lots 1 & 12, Block 9, Lots 1 & 12, Block 8, Lots 1 & 12, Block 7, Lot 1, Block 6, Southwest Park Subdivision, 2<sup>nd</sup> Filing, as recorded August 27, 1963, under Document Number 713317;

Lot 17, Block 6, Lots 17-18, Block 3, Lot 16, Block 2, Treasure Valley Subdivision, as recorded June 05, 1954, under Document Number 524964;

Tract 2, Certificate of Survey 360, as recorded November 11, 1950, under Document Number 471080;

Lots 4, 5, 12, 13 & 20, Homecroft Acres Subdivision, as recorded September 6, 1907, under Document Number 8239;

Lots 2-7, Block 1, Lot 1, Block 2, Lot 2, Block 4, Chrysalis Acres Subdivision, as recorded March 3, 2003, under Document Number 3220635;

Unplatted parcels situated in the NE1/4 Section 9, Township 1 South, Range 26 East, wholly surrounded to the west by T.O. Rickman Industrial Subdivision, Amended, as recorded January 27, 1984 under Document Number 1294680, to the north by Tract 2, Certificate of Survey 1930, as recorded September 4, 1979 under Document Number 1140616, to the east by Amended Tract B of Certificate of Survey Number 154, as recorded October 9, 1979 under Document Number 1144409 and Fairview Subdivision, as recorded May 27, 1914 under Document Number 52839, to the south by Chrysalis Acres Subdivision, as recorded March 20, 2003 under Document Number 3220635;

Tracts 1 & 2, Certificate of Survey 1930, as recorded September 4, 1979, under Document Number 1140616;

Lot 1A, Conitz Subdivision, as recorded February 28, 1996, under Document Number 1818380;

Lots 1A1 & 3A1, Block 1, T.O. Rickman Industrial Subdivision Amended, as recorded January 27, 1984, under Document Number 1294680;

Lots 1-10, Balcher Acres, as recorded November 22, 1946, under Document Number 420510;

Lot 1, Block 1, Lots 1 & 20, Block 2, Lot 1, Block 3, Byrnes-Stephens Subdivision, as recorded August 21, 1951, under Document Number 481005;

Lot 1, Block 1, Lot 1, Block 2, Kissee Subdivision, as recorded May 29, 1956, under Document Number 564232;

Lot 1, Block 1, Lot 1, Block 2, Hayes Subdivision, as recorded April 17, 1959, under Document Number 619995;

Unplatted parcels situated in Section 9, Township 1 South, Range 26 East, more particularly described as follows; the NE1/4, NW1/4, SE1/4 and the SE1/4, NW1/4, SE1/4 of Section 9, Township 1 South, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana;

Lot 6, Block 5, Lots 6 & 7, Block 4, Lots 6 & 7, Block 3, Lots 6 & 7, Block 2, Lot 7, Block 1, Southwest Park Subdivision, as recorded October 9, 1961, under Document Number 670442;

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

# EXHIBIT C

TAX_ID	OwnerName	ShortLegalDescription
D01597	SMITH, DAN L & BARBARA L	S09, T01 S, R26 E, C.O.S. 1930, PARCEL 1

# EXHIBIT D

TAX_ID	OwnerName	ShortLegalDescription	Frontage	Assessment Estimate
A02625	NETTERBERG, CHARLES JR	BALCHER ACRES, 509, T01 S, R26 E, Lot 1, E475 FT LT 1	66 \$	46,16
A02626	BAUER PROPERTIES LLC	BALCHER ACRES, 509, T01 S, R26 E, Lot 2, & W154.8 FT LT 1	66 \$	46,16
A02627	SCHUELER, JEFFREY A & SHAUNA C	BALCHER ACRES, 509, T01 S, R26 E, Lot 4, & S27' LT 5 1.346 AC (02)	93 \$	65,04
A02627A	BAUER PROPERTIES LLC	BALCHER ACRES, 509, T01 S, R26 E, Lot 3, 0.956 AC (02)	66 \$	46,16
A02628	PERRY, DALTON A	BALCHER ACRES, 509, T01 S, R26 E, Lot 5, N39' LT 5-6	105 \$	73,44
A02629	MCGEE, TORRENCE K & HEATHER D	509, T01 S, R26 E, C.O.S. 480, PARCEL A	61 \$	42,66
A02630	TIFTON, GARY C &	BALCHER ACRES, 509, T01 S, R26 E, Lot 8, LT 8 & N5 FT LT 7 (LESS COS 480)	71 \$	49,66
A02631	ROMERO, GILBERT JR	BALCHER ACRES, 509, T01 S, R26 E, Lot 9 - 10	132 \$	92,32
A03984	ELIARD, ADAM C & RACHEL M	BYRNES-STEPHENS, 509, T01 S, R26 E, BLOCK 1, Lot 1	125 \$	87,42
A03994	PASQUARELLO, ROBERT & KAMELLE	BYRNES-STEPHENS, 509, T01 S, R26 E, BLOCK 2, Lot 1 - 2	125 \$	87,42
A04007	RICHAU, KEVIN	BYRNES-STEPHENS, 509, T01 S, R26 E, BLOCK 2, Lot 19 - 20	125 \$	87,42
A04008	NORDAHL, ALICE F	BYRNES-STEPHENS, 509, T01 S, R26 E, BLOCK 3, Lot 1 - 2	126 \$	88,12
A08582	BIRKLE, KAREN	HAYES SUBD, 509, T01 S, R26 E, BLOCK 1, Lot 1 - 2	125 \$	87,42
A08588	BIRKLE, KAREN	HAYES SUBD, 509, T01 S, R26 E, BLOCK 2, Lot 1 - 2	126 \$	88,12
A09176	EASTMAN, RICK A &	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 4 - 5	435 \$	304,23
A09180	DYORAK, RICK	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 12, N82.5'	83 \$	58,05
A09181	ROMERO, NEIL E	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 12, N60 FT S135 FT LT 12	60 \$	41,96
A09182	ROMERO, GUY C & KIRK R & NEIL E & LLOYD	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 12, S75'	75 \$	52,45
A09183	ACHTEN, WAYNE &	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 13, N56'	56 \$	39,17
A09184	SMITH, MICHAEL L &	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 13, S56' N112'	56 \$	39,17
A09185	HIRT, DONNA	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 13, S105.5'	106 \$	74,14
A09188	CHARLES R DANHOE TRUST	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 19 - 20, W15.29' N62.5' LT 19 & N62.5' LT 20	63 \$	44,06
A09189	SANNES, RONALD R JR	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 19 - 20, N67.5' S155' W15.29' LT 19 N67.5' S155' LT 20	68 \$	47,56
A09190	O'REILLY, LYVE W & BARBARA F	HOMECROFT ACRES, 509, T01 S, R26 E, Lot 19 - 20, N67.5' E150' S155' LT 19 & S87.5' LT 19-20	88 \$	61,55
A09191	NAVA, ROBIN LEE & JESSICA ALDORA	509, T01 S, R26 E, C.O.S. 360, PARCEL 2, (LESS 30 FT STREET)	85 \$	59,45
A09625	EISELEIN, KIMBERLY A	KISSEE SUBD, 509, T01 S, R26 E, BLOCK 1, Lot 1 - 2, & E21' LT 3	125 \$	87,42
A09630	FISHER, SHANNON J	KISSEE SUBD, 509, T01 S, R26 E, BLOCK 2, Lot 1	125 \$	87,42
A14278	WEBER, JAMES A & ROBIN K	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 1, Lot 7, LESS W50 FT	104 \$	72,74
A14301	ENZEBACHERN, DOMINICK	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 2, Lot 6, LESS W50 FT	104 \$	72,74
A14302	MARTIN, AARON J & DOLORES	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 2, Lot 7, LESS W50 FT	104 \$	72,74
A14325	JONES, ANGELA L	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 3, Lot 6, E54'	108 \$	75,53
A14326	HOLT, KAREN N	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 3, Lot 7, LESS W50'	104 \$	72,74
A14349	BONNER, REUBEN & MURIEL	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 004, LT 6 LESS W50 FT BLK 4 SOUTHWEST PARK SUBD 1ST FILING	104 \$	72,74
A14350	TURNER, JAMES D &	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 4, Lot 7, LESS W50 FT	104 \$	72,74
A14373	REYNOLDS, RICHARD	SOUTHWEST PARK SUBD 1ST FILING, 509, T01 S, R26 E, BLOCK 5, Lot 6, LESS W50 FT	115 \$	80,43
A14374	BALL, NATALIE Y	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 6, Lot 1, LESS E55 FT	115 \$	80,43
A14382	OAKLAND, BRIANA M	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 7, Lot 1, LESS E50 FT BLK 7	104 \$	72,74
A14405	NICHOLSON, PATRICK T	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 7, Lot 12, LESS E50 FT	104 \$	72,74
A14406	LUCK, WICKI L &	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 8, Lot 1, LESS E40 FT	108 \$	75,53
A14428	CHURCH OF GOD PROPHECY, THE	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 8, Lot 11 - 12, W50' LT 10 & ALL LT 11-12 BLK 8 SOUTHWEST PARK SUBD 2ND FILING	104 \$	72,74
A14430	REIMERS, RUSSELL D & ROBERTA K	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 9, Lot 1, LESS E40 FT	104 \$	72,74
A14449	CUMMINS, GERALD E	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 9, Lot 12, LESS E40 FT	104 \$	72,74
A14463	BARNARD, PETER E	SOUTHWEST PARK SUBD 2ND FILING, 509, T01 S, R26 E, BLOCK 10, Lot 16, W60 FT	104 \$	72,74
A17110	BIBLER, HEIDI J	TREASURE VALLEY SUBD, 509, T01 S, R26 E, BLOCK 2, Lot 16, & W2 LT 15	126 \$	88,12
A17119	SHEARIN, SHANNON	TREASURE VALLEY SUBD, 509, T01 S, R26 E, BLOCK 3, Lot 17	125 \$	87,42
A17120	LAUFURG, RONALD G	TREASURE VALLEY SUBD, 509, T01 S, R26 E, BLOCK 3, Lot 18 - 20	125 \$	87,42
A17169	MAIER, BETTY A	TREASURE VALLEY SUBD, 509, T01 S, R26 E, BLOCK 6, Lot 15 - 17	125 \$	87,42
A20297	FD GROUP 9 LLC	CONITZ SUBD, 509, T01 S, R26 E, Lot 1A, AMIND LT 1 (97)	229 \$	160,16
A20322	REALCO LLC	RICKMAN, T O INDUSTRIAL SUBD, 509, T01 S, R26 E, BLOCK 1, Lot 1A1, AMIND	315 \$	220,31



# EXHIBIT D

TAX_ID	OwnerName	ShortLegalDescription	Frontage	Assessment Estimate
A20324	MILLIS, BOBBY R	RICKMAN, T O INDUSTRIAL SUBD, S09, T01 S, R26 E, BLOCK 1, Lot 3A1, AMND	259	\$ 181,114
A30608	CARLSON, RUSSELL C JR & REBECCA	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 2, 7,035 SF (04)	67	\$ 46,86
A30609	KING, MICHAEL &	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 3, 7,035 SF (04)	67	\$ 46,86
A30610	GENTRY, KEVIN TYLER & COURTNEY LEE	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 4, 7035 SF (04)	67	\$ 46,86
A30611	TIDWELL, CHANFV R &	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 5, 7035 SF (04)	67	\$ 46,86
A30612	PETRE, CONNIE J	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 6, 7035 SF (04)	67	\$ 46,86
A30613	ELCO ENTERPRISES LLC	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 7, 10,413 SF (04)	99	\$ 69,24
A30624	BILLINGS ELEMENTARY SCHOOL DIST #2	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 2, Lot 1, 4,42 AC (04)	313	\$ 218,91
A30657	BOWMAN, RHANNON	CHRYSALIS ACRES SUB, S09, T01 S, R26 E, BLOCK 4, Lot 2, 7022 SF (04)	67	\$ 46,86
D01597	SMITH, DAN L & BARBARA L	S09, T01 S, R26 E, C.O.S., 1930, PARCEL 1	76	\$ 53,15
D01598	TURLEY, DARREN J &	S09, T01 S, R26 E, C.O.S., 1930, PARCEL 2	50	\$ 34,97
D01599	HENDERSON, EDWARD T &	S09, T01 S, R26 E, 1 AC IN W2 LOT 2 IN NE4	122	\$ 85,33
D01600	METZGER, STEVEN W	S09, T01 S, R26 E, S 1 ACRE OF W2 LT 2 IN NE4	122	\$ 85,33
D01626	ROMAIN, MONTE R	S09, T01 S, R26 E, 50 X 150 FT IN NE CORNER OF LT 3 IN SE4	50	\$ 34,97
D01627	CITY OF BILLINGS	S09, T01 S, R26 E, LOT 3 OR NENWSE4 LESS 50 X 150FT IN NE CORNER	601	\$ 420,33
D01633	CITY OF BILLINGS	S09, T01 S, R26 E, LOT 6 OR SENWSE	661	\$ 462,30
			<b>8331</b>	<b>\$ 5,826,62</b>

Price Per Lineal Foot 0.699390



thereof and the extent and creation of the District to be assessed therefor, at said time and place, by any person, firm or corporation owning property within the District who has filed a written protest with the City Clerk of the City within fifteen (15) days after the date on which the notice of the passage of this Resolution of Intention is first published in the Yellowstone County News.

Section 9. That the City Clerk is hereby authorized and directed to publish a copy of the notice of the passage of this Resolution twice in the Yellowstone County News, a weekly newspaper published and circulated in the City, and to mail a copy of said notice to every person, firm or corporation owning property within the District. Said notice is to be mailed on the same date as it is first published.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 14th day of December 2020.

CITY OF BILLINGS



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

ATTEST:

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