

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of a resolution entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, CREATING THE CITY OF BILLINGS PARK DISTRICT NUMBER 1 FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE, PURCHASING AND IMPROVEMENT SERVICES FOR CITY-OWNED FACILITIES, LAND AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on December 19, 2011, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at such meeting, the following Council Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 19th day of December, 2011.

Cari Martin, City Clerk

(S E A L)

RESOLUTION NO. 11-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, CREATING THE CITY OF BILLINGS PARK DISTRICT NUMBER 1 FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE, PURCHASING AND IMPROVEMENT SERVICES FOR CITY-OWNED FACILITIES, LAND AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

**CITY OF BILLINGS
Yellowstone County, Montana**

CITY OF BILLINGS PARK DISTRICT NUMBER 1

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

WHEREAS, the City of Billings, Montana (the “City”) is a municipality duly organized and existing under and by virtue of the Constitution and laws of the State of Montana;

WHEREAS, the City Council of the City (the “Council”) is authorized by Montana Code Annotated (“MCA”), Part 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district;

WHEREAS, pursuant to MCA Section 7-11-1007, the Council conducted a public hearing on November 14, 2011, regarding the intent of the City to create a special district in the form of a City-wide park district;

WHEREAS, pursuant to MCA Section 7-11-1007, the City adopted Resolution No. 11-19125 on November 14, 2011, (the “Resolution of Intention”) declaring its intention to create a special district to be known as the “City of Billings Park District Number 1” (the “District”) for the purpose of providing services including but not limited to: (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land; and/or (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein; and/or (4) any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Billings Parks and Recreation Department including but not limited to: public parks and park areas (as described in the Master Parks and Recreation Plan for the Greater Billings Area) recreation facilities, trails, open space (as defined in the City of Billings Urban Area Open Space Plan), urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the City limits and/or are owned by the City (collectively, the “Services and Improvements”);

WHEREAS, pursuant to the Resolution of Intention, the Council declared the estimated costs of the Services and Improvements and declared its intention to finance the costs of the Services and Improvements with assessments against each lot or parcel of land within the District, including the improvements on the lot or parcel, for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the property in the District;

WHEREAS, a copy of the notice of passage of the Resolution of Intention was published in the *Billings Gazette*, a newspaper of general circulation in Yellowstone County, on November 16, 2011, and November 23, 2011, in the form and manner prescribed by MCA Section 7-1-4127;

WHEREAS, a copy of the notice of passage of the Resolution of Intention was mailed to every person, firm, corporation or the agent of such person, firm or corporation having real property with the District listed in his or her name upon the last completed assessment roll for state, City, county and school district taxes, at his or her last-known address, on or before the same day such notice was first published. A copy of the notice of passage of the Resolution of Intention was also mailed to those owners of property where the Montana Department of Revenue has not assigned a taxable value. Such notice conformed to the requirements of MCA Section 7-11-1007(3)(c);

WHEREAS, pursuant to MCA Section 7-11-1008, the City must provide to an owner of property that is liable to be assessed for the improvements in the District within a 30-day period from the date of the first publication of the notice of passage of the Resolution of Intent to make a written protest against the proposed improvements;

WHEREAS, the protests must be in writing, identify the property in the District owned by the protestor, and be delivered to the City Clerk, who shall endorse on the protest the date of receipt;

WHEREAS, _____ protests were filed within the protest period as determined pursuant to MCA Section 7-11-1008. The protests filed represented _____ percent of the total estimated costs of the District and the Services and Improvements to be financed, in accordance with the methods of assessment in the Resolution of Intention;

WHEREAS, a public hearing was held on December 19, 2011, during a regular meeting of the Council; and

WHEREAS, at such hearing the Council considered all such written protests regarding the creation of the District;

NOW, THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

Section 1. Insufficiency of Protests. The Council hereby finds that protests against the creation of the District filed during the protest period are insufficient to prevent the creation of the District.

Section 2. Creation of the District. The District is hereby established and created within the City in accordance with the terms of the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed. A map and description of the boundaries of the District are attached hereto as Exhibits “A” and “B.”

Section 3. Certificate of Establishment. Pursuant to MCA Section 7-11-1013, the City Clerk, or her designee, is hereby authorized to prepare and deliver certified copies of this Resolution to both the Secretary of State of the State of Montana and the Clerk and Recorder of Yellowstone County and to take any and all other actions necessary in order to receive a Certificate of Establishment for the District.

Section 4. Ratifier. All actions not inconsistent with the provisions of this Resolution heretofore taken by the City and its employees with respect to the creation of the District are hereby in all respects ratified, approved and confirmed.

Section 5. Repealer. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and shall have no further force or effect.

Section 6. No Personal Recourse. No recourse shall be had for any claim based on this Resolution against any Council member or the City, nor any officer or employee, past, present or future, of the City or of any successor body as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law or by the enforcement of any assessment or penalty or otherwise.

Section 7. Effective Date. This Resolution shall be in full force and effect from and after its date of adoption.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 19th day of December, 2011.

CITY OF BILLINGS
Yellowstone County, Montana

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk

(S E A L)