

SILMD 301

RESOLUTION NO. 13-_____

A RESOLUTION OF INTENTION TO MODIFY SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 301 OF THE CITY OF BILLINGS, MONTANA, BY ADDING ADDITIONAL LIGHTS AND ADDITIONAL ASSESSED PROPERTIES.

WHEREAS, the City Council of Billings, Montana, has determined that the public interest and convenience to modify Special Improvement Lighting Maintenance District 301 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 modify Special Improvement Lighting Maintenance District 301 by adding additional street lights and assessing additional properties within said district; and it is the intention of said City Council to modify said district, as hereinafter more particularly described.

SECTION 2:

That said district shall continue to be known and designated as "Special Improvement Lighting Maintenance District No. 301" hereinafter called the District, and the boundaries of the District are not being changed from the original district created in 2007, and as shown on Exhibit "A" to City Council Resolution 07-18580.

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. The lots, blocks, pieces and parcels of land listed on the attached list (Exhibit "A") shall be added to and included with the existing properties being assessed for the District.

SECTION 4:

That an additional forty-five (45) 100-watt high-pressure sodium, pendant cone style, black luminaire fixtures mounted on decorative round tapered fiberglass poles and served by underground wiring will be added to the District. NorthWestern Energy shall own and install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

The City of Billings intends to establish the approximate contract rate for installation & operation of this additional lighting as follows: \$4.22 per 100 watt unit, per month for supplying electrical energy; \$1.26 per unit, per month for operation & maintenance; and \$48.18 per unit, per month for installation and ownership costs. The

installation and ownership charges for the existing lights in the District shall remain at \$29.10 per unit. These rates are in accordance with the applicable rate schedules approved by the Montana Public Service Commission. NorthWestern Energy Company shall provide energy to all of the lights and shall at all times own the light fixtures, poles, cables, and other incidental equipment, and shall provide maintenance and repairs to said equipment as part of the monthly rate for these lights.

SECTION 6:

The total estimated cost per year of the expanded District, including City administrative costs, is the sum of \$61,283.00; 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 its assessable area bears to the assessable area of the entire District, exclusive of streets, avenues, alleys and public walkways. The estimated cost of the District per year for property owners is on the basis of approximately \$0.04022851 per square foot of assessable area. 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 \$72,000.00 or approximately \$0.04726354 per square 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. 301 Maintenance Fund," and warrants shall be drawn on said fund for the payment of such costs of maintaining such lights and supplying electrical current therefore.

SECTION 8:

That on the 23rd day of September, 2013, at 6:30 o'clock p.m., at the Council Chambers of the City Hall in said City, the City Council intends to take action to expand Special Improvement Lighting Maintenance District No. 301 and will hear objections and protests against the proposed improvements and the expansion of said District, costs to be assessed, or any matter pertaining thereto, at said time and place, or 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. 301. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 26th day of August 2013.

CITY OF BILLINGS

By _____
Thomas W. Hanel Mayor

ATTEST:

By _____
Cari Martin City Clerk