

# SILMD 313

RESOLUTION NO. 14-\_\_\_\_\_

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 313 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREETLIGHTS, 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 streetlights 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. 313" hereinafter called the District, and the boundaries of the District are hereby declared to include the lots, parcels and pieces of land within Blocks 1, 2, 4, 5, 6, 7, 8 & 9 of Vintage Estates Subdivision, 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. Heritage Trail Park in Blocks 8 & 9 of the subdivision is specifically excluded from the District. It shall be noted that although the district boundary includes all lots within the subdivision excluding those already in SILMD 299, at this time only those lots which are currently served by public improvements constructed under Private Contracts 642 and 678 will receive an assessment. The remainder of the lots within the subdivision will receive assessments when public street improvements are constructed adjacent to said lots and lighting is installed. The lighting district created with this resolution shall be amended as needed at the time of subsequent development to extend assessments to the additional lots.

## 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 fifteen (15) 43-watt LED acorn style lamps, mounted on twelve (12) foot posts with decorative fluted stems. An additional twelve (12) 43-watt LED lamps mounted on decorative poles will be installed in the future as public street improvements are completed in the subdivision, for a total of twenty-seven (27) lights in the District. Yellowstone Valley Electric Cooperative shall install the streetlights and all associated appurtenant structures and materials.

SECTION 5:

Yellowstone Valley Electric Cooperative shall provide energy to all of the lights. The City of Billings intends to establish the approximate contract rate for supplying electrical energy as follows: \$2.75 per light per month, or approximately \$495 per year for the 15 lights initially being installed. Future energy costs shall be in accordance with the standard rates established by Yellowstone Valley Electric for customers within this service area. That Yellowstone Valley Electric Cooperative shall pay the initial costs of installing the light fixtures, poles, cables, and other equipment incidental to operating the lighting and shall provide normal maintenance and repairs to said equipment as part of the monthly rate for these lights. The installation costs shall be amortized over a period not to exceed 30 years, and at the end of such time all the light fixtures, poles, cables, and other equipment incidental to operating the lighting shall become the property of the City of Billings. The estimated annual cost of routine maintenance and the recovery of capital investment is \$33 per light per month, or approximately \$5,940 per year for the 15 lights initially being installed.

SECTION 6:

The estimated annual cost of the District for the initial fifteen (15) lights, including City administrative costs, is the sum of \$7,376.28. The entire cost shall be paid by the owners of the property within said District listed as part of the initial phase in Exhibit "B," with each lot, parcel or piece of land to be assessed for that portion of the whole cost which its assessable area bears to the total assessable area exclusive of streets, avenues, alleys and Heritage Trail Park. The estimated cost per year for property owners is on the basis of approximately \$0.01325298 per square foot of lot area.

As additional lights are installed the total cost to be assessed and the assessment rate will be determined by the actual installation and energy costs for the lighting, and by the total lot area being assessed. The entire cost shall be paid by the owners of the all property within said District along then improved public streets, with each lot, parcel or piece of land to be assessed for that portion of the whole cost which its assessable area bears to the total assessable area, exclusive of streets, avenues, alleys and Heritage Trail Park.

SECTION 7:

That the entire cost 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 properties 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. 313 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 11th day of August, 2014, 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. 313 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. 313. Said notice is to be published and mailed on the same date.

PASSED by the City Council and APPROVED this 14th day of July, 2014.

CITY OF BILLINGS

By \_\_\_\_\_  
Thomas W. Hanel Mayor

ATTEST:

By \_\_\_\_\_  
Cari Martin City Clerk