

RESOLUTION 14-_____

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING CERTAIN SAFETY SERVICES AND MAINTAINING THE COMMON AREA IMPROVEMENTS AND OTHER PORTIONS OF IMPROVEMENTS MADE IN DOWNTOWN, CITY OF BILLINGS, MONTANA

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

Section 1. Proposed Business Improvement District (B.I.D.); Intention To Create Business Improvement District. The B.I.D. proposes to maintain certain special improvements and safety services to benefit certain property located in the City of Billings, Montana. The purpose of this B.I.D. is to provide funding for the purposes and powers that will serve a public use; will promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; and will be of special benefit to the property within the boundaries of any district created pursuant to the provisions of Montana Code annotated, Title 7, Chapter 12, Part 11, as amended.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as the Business Improvement District No. 0001 of the City of Billings, Montana.

Section 3. Boundaries and Benefit Zones of District. The limits and boundaries of the District are depicted on a map attached as "Exhibit A" hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on "Exhibit B" hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on "Exhibit C" hereto.

Section 4. Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibit "A" are hereby declared to be the Business Improvement District and the territory which will benefit and be benefited by and will be assessed for a portion of the costs of the maintenance and services as described in Section 1.

Section 5. General Character of the Service and Maintenance to be Performed. The general character of the maintenance and service includes public sidewalk sweeping, security and safety services, public sidewalk pedestrian passage management of snow accumulation and graffiti removal and abatement and maintaining other sidewalk furniture, equipment and improvements installed in the public areas NOT including city streets, private property or alleyways.

Section 6. Assessment Methods; Property To Be Assessed. All properties within the District are to be assessed for a portion of the costs of safety services and maintaining the sidewalk Public Area Improvements in Business Improvement District, as specified herein. And, pursuant to 7-12-1133 subsection (f), M.C.A. the District, in the first year, shall

subsection (b); AND \$0.0007020 per dollar of taxable value as prescribed in Section 7-12-1133, subsection (c); AND \$0.02288 per square foot of the building above the first floor as prescribed in Section 7-12-1133, subsection (d), M.C.A. And the assessments to fund the work plan for the Safe Zone Classification, for the first year are to be the total amount derived by one of the following methods: a single \$150 flat rate fee for all residential condominium properties proportionate to the percentage of unit ownership of the whole OR a \$150 flat rate fee divided by the number of taxcodes if the total ownership is less than 33,333 sq. ft. as prescribed in Section 7-12-1133, subsection (c), M.C.A. OR \$0.00249 per square foot of total area of all owned parcels within the classified area is more than 3 Million square feet, OR \$0.00319 per square foot of total area of all owned parcels within the classified area is more than 2 Million square feet and less than 3 Million square feet, OR \$0.00224 per square foot of total area of all owned parcels within the classified area is more than 1.1 Million square feet and less than 2 Million square feet, OR \$0.00450 per square foot of total area of all owned parcels within the classified area is more than 33,333 square feet and less than 1.1 Million square feet as prescribed in Section 7-12-1133, subsection (d), M.C.A.

Section 8. Payment of Assessments. The assessments for the costs of maintaining the services provided by the Business Improvement District shall be payable, as prescribed in Section 7-12-1133 subsection (e), M.C.A.

Section 9. Duration of District. The duration of the B. I. D. shall be for a period of 10 years as prescribed in Section 7-12-1141, M.C.A.

Section 10. Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the proposed District subject to assessment and taxation for the cost and expense of maintaining the Business Improvement District may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period from October 31, 2014 through November 14, 2014, written protest against the proposed Business Improvement District, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Monday, November 24, 2014 at 6:30p.m., in the Council Chambers, located on the Second Floor of the City Hall-Police Department at 220 North 27th Street, in Billings, Montana.

Section 11. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution in the Billings Times, a newspaper of general circulation in the County on Thursday, October 30, 2014, and Thursday, November 6, 2014, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said Notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the proposed district listed in his or her name upon the last completed assessment roll for State, County, and school district taxes, at his last-known address, on or before the same day such notice is first published.

Section 12. Effective Date: This resolution shall become effective on August 22, 2015.

APPROVED by the City Council of the City of Billings, Montana, this 27th of