

RESOLUTION 14-_____

A RESOLUTION CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROVIDING AND MAINTAINING THE COMMON AREA IMPROVEMENTS AND OTHER PORTIONS OF IMPROVEMENTS MADE IN DOWNTOWN, CITY OF BILLINGS, MONTANA

WHEREAS, a Business Improvement District will provide increased public improvements and maintenance, including but not limited to public sidewalk sweeping, security, public sidewalk winter storm access assistance, litter control, graffiti removal and abatement and other services that are requested by downtown property owners; and

WHEREAS, a Business Improvement District will provide funding for a public purpose, and will promote the health, safety, prosperity, security, and general welfare and will be special benefit to the property within the boundaries of the B.I.D.

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

Section 1. Creation of Business Improvement District (B.I.D.): In accordance with the Resolution of Intent 14-10404, the City Council hereby creates a Business Improvement District (B.I.D.) to provide and maintain certain special improvements and to provide special services to benefit certain property located in the downtown area of the City of Billings, Montana. The purposes of this B.I.D. are: to provide funding for the purposes allowed by Title 7, Chapter 12, Part 11, M.C.A., as amended, using powers that will serve a public use; to promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; and to specially benefit the property within the boundaries of the B.I.D.

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

Section 3. Boundaries 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 as described in Section 1.

Section 5. General Character of the Improvements and Maintenance to be Performed. Section 7-12-1131, M.C.A. sets the general character of the improvements and maintenance, which includes, but is not limited to:

Services provided within the Clean and Safe Zone: public sidewalk sweeping, security, public sidewalk winter storm access assistance 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. Public safety shall be addressed by a supplementary security program that addresses safety and security concerns.

Services provided within the Safe Zone: Public safety shall be addressed by a supplementary security program that addresses safety and security concerns.

Section 6. Appointment of Board of Trustees. Upon adoption of this Resolution, the Mayor, with the approval of the City Council, shall appoint not less than 5 or more than 7 owners of property within the B.I.D. to comprise the Board of Trustees of the District. The members of the Board shall be appointed in compliance with Section 7-12-1121, M.C.A.

Section 7. Powers and Duties of Trustees. The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A. and any other applicable laws, ordinances or regulations. At a time determined by the City Council, the Board of Trustees shall submit to the City Council for approval a work plan and budget for the ensuing fiscal year. The City Council may modify the work plan and budget as it considers necessary and appropriate.

Section 8. Assessments. After approval of the work plan and budget, the governing body shall by resolution annually levy an assessment upon all properties in the District for their proportionate share of the entire cost of maintaining the activities of the B.I.D. in accordance with Section 7-12-1133 M.C.A. The City Council shall use a method which best ensures that the assessment on each lot or parcel is equitable in proportion to the benefits to be received.

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. Effective Date. This Resolution shall become effective on August 22, 2015.

APPROVED by the City Council of the City of Billings, Montana this 24th day of November, 2014.

THE CITY OF BILLINGS:

By: _____
Thomas W. Hanel Mayor

ATTEST:

By: _____
Cari Martin City Clerk

EXHIBIT A



EXHIBIT B

BID No. 0001 boundary is described as follows:

Beginning at the centerline intersection of 6th Avenue North and North 32nd Street; Thence along said 6th Avenue North centerline in a northeasterly direction to the centerline intersection with the alley centerline between North 31st Street and North 30th Street; thence along said alley centerline in a northwesterly direction to the centerline intersection with 12th Avenue North; thence along said 12th Avenue North centerline in a northeasterly direction to the centerline intersection with North 30th Street; thence along said North 30th Street centerline in a northwesterly direction to the centerline intersection with the centerlines of Elevation Avenue and Grandview Boulevard; thence along said Grandview Boulevard centerline in a westerly direction to the centerline intersection with Locust Street; thence along said Locust Street centerline in a northerly direction to the centerline intersection with Poly Drive; thence along said Poly Drive Centerline in an easterly direction to the centerline intersection with North 27th Street;

thence along said North 27th Street centerline in a southeasterly direction to the centerline intersection of 10th Avenue North; thence along said 10th Avenue North centerline in a northeasterly direction to the centerline intersection with North 25th Street; thence along said North 25th Street centerline in a southeasterly direction to the centerline intersection with 9th Avenue North; thence along said 9th Avenue North centerline in a southwesterly direction to the centerline intersection with North 26th Street; thence along said North 26th Street centerline in a southeasterly direction to the centerline intersection with 7th Avenue North; thence along said 7th Avenue North centerline in a northeasterly direction to the centerline intersection with North 25th Street; thence along said North 25th Street centerline in a southeasterly direction to the centerline intersection with 6th Avenue North; thence along said 6th Avenue North centerline in a northeasterly direction to the centerline intersection with North 22nd Street; thence along said North 22nd Street centerline in a northwesterly direction to the centerline intersection with 8th Avenue North; thence along said 8th Avenue North centerline in a northeasterly direction to the centerline intersection with North 19th Street; thence along said North 19th Street centerline in a southeasterly direction to the centerline intersection with 6th Avenue North; thence along said 6th Avenue North centerline in a northeasterly direction to the centerline intersection with North 18th Street; thence along said North 18th Street centerline in a southeasterly direction to a point on the northerly right-of-way line of Burlington Northern – Montana Rail Link spur line; thence along said northerly right-of-way line of Burlington Northern – Montana Rail Link spur line in a southwesterly direction to the centerline intersection with North 20th Street; thence along said North 20th Street centerline in a northwesterly direction to the intersection of the projected southerly alley right-of-way line of the northeasterly/southwesterly alley of Blocks 262 and 263 of Billings Original Town, Recorded September 1, 1884, under Document No. 16312, Records of Yellowstone County; thence along said southerly alley right-of-way line in a southwesterly direction for an approximate distance of 570 feet to the projected alley centerline of the northwesterly/southeasterly alley of said Block 263; thence along said alley centerline in a southeasterly direction to a point on the southerly right-of-way line of Burlington Northern – Montana Rail Link spur line, point also being the alley centerline of Block 14 of said Billings Original Town; thence along said the northerly line of Block 14 in a southwesterly direction to the northwesterly

corner of Lot 13, of said Block 14; thence along the westerly line of said Block 14 to the centerline intersection with 4th Avenue North; thence along said 4th Avenue North Centerline in a northeasterly direction to the intersection of the projected east lot lines of Lots 1A – 12A, Block 38 of Amended Plat of a Portion of Lots 1 through 12, Block 38, Town Of Billings, Recorded November 1, 1973, under Document No. 947494, Records of Yellowstone County; thence along said east lot lines of Lots 1A – 12A in a southeasterly direction to the centerline intersection with 3rd Avenue North; thence along said 3rd Avenue North centerline in a southwesterly direction to the centerline intersection with North 22nd Street; thence along said North 22nd Street centerline in a southeasterly direction to the centerline intersection with 2nd Avenue North; thence along said 2nd Avenue North centerline in a northeasterly direction to the centerline intersection with North 20th Street; thence along said North 20th Street centerline in a southeasterly direction to the centerline intersection with 1st Avenue North; thence along said 1st Avenue North centerline in a northeasterly direction to the northwesterly/southeasterly alley centerline intersection of Block 118 of said Billings Original Town; thence along said alley centerline in a southeasterly direction to the southwesterly/northeasterly alley centerline of said Block 118; thence along said alley centerline in a southwesterly direction through said Block 118 and also Block 117 of said Billings Original Town to the centerline intersection with North 20th Street; thence along said North 20th Street centerline in a southeasterly direction to the centerline intersection with Montana Avenue; thence along said Montana Avenue centerline in a southwesterly direction to a point, said point being perpendicular to the most southeast lot corner of Lot 1, Block 115 of said Billings Original Town; thence along a line, said line being perpendicular to Montana Avenue centerline in a southeasterly direction to the most southeasterly corner represented by Tax Code Parcel D12271; thence along a line, said line being more or less parallel to the centerline of Montana Avenue in a southwesterly direction and encompassing said Tax Code Parcel D12271, and Tax Code Parcels D12017A, I00251A, D12017, and D12018 to the east right-of-way line of South 27th Street; thence along said east right-of-way line in a southeasterly direction to the most northwest lot corner represented by Tax Code Parcel D12514; thence along a line, said line being more or less parallel to the centerline of Minnesota Avenue in a northeasterly direction for an approximate distance of 1720 feet to a point, said point being perpendicular to the centerline of said Minnesota Avenue; thence along a line, said line being perpendicular to Minnesota Avenue in a southeasterly direction to the centerline intersection of Minnesota Avenue; thence along said Minnesota Avenue centerline in a northeasterly direction to the centerline intersection with South 21st Street; thence along said South 21st Street centerline in a southeasterly direction to a point on the east section line of Section 3, Township 1 South, Range 26 East, Yellowstone County Montana, P.M.M., thence along said west section line in a southerly direction to the centerline intersection with 8th Avenue South; thence along said 8th Avenue South centerline in a southwesterly direction to the centerline intersection with South 31st Street; thence along said South 31st Street centerline in a northwesterly direction to the centerline intersection with 6th Avenue South; thence along said 6th Avenue South centerline in a northeasterly direction to the centerline intersection with South 28th Street; thence along said South 28th Street centerline in a northwesterly direction to the centerline intersection with 5th Avenue South; thence along said 5th Avenue South centerline in a northeasterly direction to the alley centerline intersection of Block 183 of said Billings Original Town; thence along said alley centerline in a northwesterly direction through said Block 183 and Block 169 of Billings Original Town to the centerline intersection with 3rd Avenue South; thence along said 3rd Avenue South centerline in a

northeasterly direction to the centerline intersection with South 27th Street; thence along said South 27th Street centerline in a northwesterly direction to the centerline intersection with 2nd Avenue South; thence along said 2nd Avenue South centerline in a southwesterly direction to the centerline intersection with South 33rd Street; thence along said South 33rd Street centerline in a northwesterly direction to a point, said point being on the northerly right-of-way line of 1st Avenue South; thence along said northerly right-of-way line in a northeasterly direction to the southwest corner of Lot 1-A, Block 1 of Amended Plat of Lot 1, Block 1, Barnard Subdivision, Recorded October 27, 2010, under Document No. 3567881, Records of Yellowstone County; thence along the boundary of said Lot 1-A the following course, N 34°36'30" W for a distance of 143.00 feet, N 55°23'30" E for a distance of 277.00 feet, S 34°36'30" E for a distance of 12.00 feet, N 55°23'30" E for a distance of 58.00 feet to a point on the westerly right-of-way line of South 30th Street; thence N 55°23'30" E for a distance of 40.00 feet to the centerline of said South 30th Street; thence along said South 30th Street centerline in a northwesterly direction to the centerline intersection with Minnesota Avenue; thence along said Minnesota Avenue centerline in a northeasterly direction to a point, point being perpendicular to the most southwest lot corner represented by Tax Code Parcel D12019; thence along a line, said line being perpendicular to the centerline of Minnesota Avenue in a northwesterly direction to the most southwest lot corner represented by Tax Code Parcel D12019; thence along a line, said line being more or less parallel to the centerline of Minnesota Avenue in a northeasterly direction to a point, said point being on the west right-of-way line of South 27th Street; thence along said west right-of-way line in a northwesterly direction to the most southeast lot corner represented by Tax Code Parcel A29916; thence along a line, said line being more or less parallel to the centerline of Montana Avenue in a southwesterly direction to the centerline intersection with North 29th Street; thence along said North 29th Street centerline in a northwesterly direction to the centerline intersection with Montana Avenue; thence along said Montana Avenue centerline in a southwesterly direction to the centerline intersection with North 32nd Street; thence along said North 32nd Street centerline in a northwesterly direction to the centerline intersection with 6th Avenue North, said centerline intersection being the Point of Beginning, inclusive of all known tax codes in the expanded area herein.

EXHIBIT C

BID 0001 2014 assessments

Taxcode	Amount
A00001	\$ 150.00
A00004	\$ 29.21
A00005	\$ 75.00
A00006	\$ 75.00
A00007	\$ 150.00
A00008	\$ 75.00
A00009	\$ 75.00
A00010	\$ 150.00
A00011	\$ 126.04
A00016	\$ 188.96
A00041	\$ 126.04
A00042	\$ 176.42
A00042A	\$ 50.57
A00043	\$ 140.55
A00048	\$ 48.61
A00050	\$ 150.00
A00051	\$ 124.08
A00056	\$ 157.41
A00062	\$ 150.00
A00063	\$ 316.97
A00064	\$ 150.00
A00065	\$ 150.00
A00066	\$ 15.68
A00066A	\$ 78.80
A00067	\$ 94.48
A00068A	\$ 150.00
A00069	\$ 62.92
A00070	\$ 75.00
A00071	\$ 150.00
A00072	\$ 150.00
A00073	\$ 150.00
A00073A	\$ 150.00
A00073B	\$ 150.00
A00074	\$ 150.00
A00075	\$ 150.00
A00075B	\$ 150.00
A00196B	\$ 292.86
A00202	\$ 150.00

A00203	\$	75.00
A00204	\$	75.00
A00206	\$	75.00
A00207	\$	150.00
A00208	\$	22.37
A00209	\$	16.81
A00210	\$	16.81
A00211	\$	22.37
A00212	\$	50.00
A00213	\$	50.00
A00214	\$	50.00
A00215	\$	44.61
A00216	\$	89.35
A00217	\$	75.00
A00218	\$	75.00
A00219	\$	75.00
A00222	\$	75.00
A00223	\$	50.00
A00224	\$	50.00
A00225	\$	157.41
A00235	\$	157.41
A00236	\$	50.00
A00241	\$	75.00
A00242	\$	75.00
A00243	\$	150.00
A00244	\$	150.00
A00246	\$	75.00
A00247	\$	150.00
A00251	\$	189.00
A00252	\$	150.00
A00254	\$	150.00
A00255	\$	150.00
A00256	\$	150.00
A00257	\$	150.00
A00258	\$	623.14
A00260	\$	464.57
A00261	\$	1,651.74
A00262	\$	2,301.36
A00263	\$	1,198.70
A00264	\$	4,870.89
A00269	\$	1,073.89
A00270	\$	192.08
A00271	\$	10,813.85
A00273	\$	188.96

A00276	\$	31.56
A00277	\$	75.00
A00278	\$	75.00
A00279	\$	150.00
A00280	\$	150.00
A00282	\$	126.04
A00285	\$	188.96
A00290	\$	78.80
A00292	\$	150.00
A00342	\$	31.56
A00343	\$	47.24
A00344	\$	62.92
A00345	\$	47.24
A00346	\$	188.96
A00347	\$	75.00
A00348	\$	75.00
A00349	\$	108.01
A00351	\$	2,276.29
A00352	\$	4,169.13
A00357	\$	31.56
A00359	\$	150.00
A00360	\$	6,023.77
A00362	\$	284.25
A00363	\$	541.45
A00364	\$	1,872.59
A00365	\$	1,296.19
A00366	\$	3,429.68
A00367	\$	1,158.59
A00367A	\$	245.78
A00367B	\$	236.15
A00367C	\$	481.93
A00368	\$	3,570.91
A00372	\$	2,114.84
A00373	\$	646.79
A00374	\$	625.60
A00375	\$	2,963.18
A00376	\$	1,279.00
A00379	\$	31.56
A00382	\$	188.96
A00383	\$	137.98
A00389	\$	94.48
A00394	\$	75.00
A00395	\$	31.56
A00396	\$	31.56

A00397	\$	31.56
A00398	\$	150.00
A00399	\$	150.00
A00400	\$	150.00
A00401	\$	126.04
A00402	\$	31.56
A00406	\$	150.00
A00407	\$	150.00
A00408	\$	150.00
A00409	\$	150.00
A00410	\$	150.00
A00411	\$	150.00
A00412	\$	31.56
A00413	\$	31.56
A00414	\$	62.92
A00416	\$	50.00
A00417	\$	50.00
A00418	\$	50.00
A00419	\$	30.00
A00420	\$	30.00
A00421	\$	30.00
A00422	\$	150.00
A00423	\$	150.00
A00424	\$	30.00
A00425	\$	30.00
A00426	\$	150.00
A00429	\$	75.00
A00430	\$	75.00
A00431	\$	150.00
A00432	\$	150.00
A00433	\$	75.00
A00434	\$	75.00
A00435	\$	150.00
A00566	\$	188.96
A00566B	\$	150.00
A00567	\$	62.92
A00568	\$	126.04
A00569	\$	75.00
A00570	\$	75.00
A00571	\$	150.00
A00572	\$	150.00
A00573	\$	150.00
A00574	\$	150.00
A00576	\$	150.00

A00577	\$	37.50
A00578	\$	75.00
A00579	\$	150.00
A00580	\$	37.50
A00583	\$	37.50
A00584	\$	37.50
A00585	\$	37.50
A00586	\$	75.00
A00587	\$	75.00
A00588	\$	150.00
A00589	\$	75.00
A00590	\$	75.00
A00591	\$	75.00
A00592	\$	75.00
A00593	\$	75.00
A00594	\$	150.00
A00598	\$	150.00
A00599	\$	150.00
A00600	\$	150.00
A00601	\$	37.50
A00602	\$	37.50
A00603	\$	37.50
A00604	\$	37.50
A00605	\$	150.00
A00606	\$	75.00
A00607	\$	75.00
A00609	\$	150.00
A00610	\$	75.00
A00611	\$	908.68
A00612	\$	412.95
A00613	\$	1,224.74
A00616	\$	424.62
A00617	\$	211.88
A00618	\$	2,674.12
A00620	\$	6,827.80
A00624	\$	9,324.15
A00630	\$	2,850.44
A00630A	\$	412.95
A00631	\$	280.57
A00632	\$	211.88
A00633	\$	416.61
A00634	\$	635.99
A00635	\$	750.70
A00636	\$	875.01

A00637	\$	1,359.68
A00638	\$	585.27
A00639	\$	796.47
A00640A	\$	175.40
A00640B	\$	81.66
A00640C	\$	117.87
A00640D	\$	169.75
A00640E	\$	90.98
A00640F	\$	754.74
A00640H	\$	218.76
A00640I	\$	211.87
A00640J	\$	190.70
A00640K	\$	263.44
A00640L	\$	125.21
A00640N	\$	179.65
A00640O	\$	187.46
A00640P	\$	157.64
A00640Q	\$	146.30
A00640R	\$	132.83
A00640S	\$	165.88
A00640T	\$	132.40
A00640U	\$	107.58
A00640V	\$	161.81
A00641	\$	790.03
A00642A	\$	718.14
A00642B	\$	1,271.14
A00642C	\$	38.10
A00643	\$	1,027.03
A00644	\$	1,014.37
A00645	\$	1,233.75
A00647	\$	1,082.73
A00648	\$	436.44
A00648A	\$	414.97
A00649	\$	548.79
A00650	\$	654.50
A00651	\$	1,418.23
A00652	\$	150.00
A00653	\$	75.00
A00654	\$	75.00
A00655	\$	150.00
A00656	\$	150.00
A00658	\$	150.00
A00659	\$	150.00
A00660	\$	150.00

A00663	\$	31.56
A00664	\$	62.92
A00665	\$	150.00
A00667	\$	126.04
A00671	\$	75.00
A00673	\$	75.00
A00676	\$	31.56
A00677	\$	31.56
A00678	\$	31.56
A00679	\$	150.00
A00740	\$	150.00
A00741	\$	38.03
A00742	\$	64.30
A00744	\$	29.21
A00745	\$	150.00
A00746	\$	150.00
A00747	\$	47.24
A00748	\$	15.68
A00749	\$	150.00
A00753	\$	150.00
A00755	\$	150.00
A00756	\$	43.91
A00757	\$	31.56
A00758	\$	150.00
A00759	\$	150.00
A00760	\$	150.00
A00762	\$	150.00
A00763	\$	601.78
A00765	\$	357.77
A00766	\$	418.58
A00768	\$	544.69
A00769	\$	221.53
A00770	\$	352.24
A00771	\$	252.40
A00773	\$	150.00
A00774	\$	75.00
A00775	\$	761.82
A00776	\$	632.98
A00778	\$	680.85
A00780	\$	847.59
A00781	\$	698.58
A00782	\$	625.44
A00783	\$	693.21
A00786	\$	1,095.16

A00787	\$	3,938.87
A00789	\$	2,518.92
A00792	\$	1,041.16
A00794	\$	893.84
A00795	\$	6,727.88
A00796A	\$	372.94
A00796B	\$	262.89
A00796C	\$	110.65
A00796D	\$	198.41
A00796E	\$	112.04
A00796F	\$	212.14
A00796G	\$	99.31
A00796H	\$	57.31
A00796I	\$	55.52
A00796J	\$	57.71
A00796K	\$	37.61
A00796L	\$	51.94
A00796N	\$	50.75
A00796O	\$	57.31
A00796P	\$	55.52
A00796Q	\$	57.71
A00796R	\$	37.61
A00796S	\$	51.94
A00796T	\$	50.75
A00801A	\$	167.67
A00804	\$	15,324.10
A00806	\$	1,023.91
A00807	\$	345.35
A00808	\$	348.93
A00809	\$	267.52
A00810	\$	1,042.10
A00811	\$	387.38
A00812	\$	316.74
A00813	\$	789.72
A00814	\$	787.78
A00815	\$	1,108.40
A00816	\$	1,556.78
A00817	\$	1,067.46
A00818	\$	337.59
A00820	\$	844.43
A00821	\$	349.46
A00822	\$	366.52
A00823	\$	554.11
A00824	\$	789.22

A00825	\$	350.53
A00826	\$	1,339.29
A00827	\$	277.89
A00828	\$	564.05
A00830	\$	377.33
A00831	\$	377.71
A00832	\$	921.26
A00832A	\$	480.02
A00833	\$	1,042.81
A00834	\$	701.43
A00835	\$	1,287.59
A00836	\$	1,208.41
A00837	\$	150.00
A00838	\$	933.97
A00839	\$	4,168.55
A00840	\$	1,286.04
A00842	\$	87.03
A00843	\$	150.00
A00844	\$	150.00
A00845	\$	75.00
A00846	\$	150.00
A00846A	\$	150.00
A00847	\$	150.00
A00849	\$	75.27
A00851	\$	150.00
A00854	\$	150.00
A00855A	\$	150.00
A00883	\$	188.57
A00884	\$	175.44
A00885	\$	94.48
A00886	\$	175.44
A00886A	\$	94.48
A00887	\$	150.00
A00888	\$	175.44
A00889	\$	150.00
A00891	\$	15.68
A00892	\$	73.12
A00894	\$	150.00
A00895	\$	29.21
A00896	\$	150.00
A00897	\$	62.92
A00900	\$	15.68
A00901	\$	150.00
A00902	\$	75.00

A00908	\$	150.00
A00909	\$	75.00
A00910	\$	75.00
A00911	\$	150.00
A00912	\$	150.00
A00913	\$	75.00
A00914	\$	75.00
A00915	\$	150.00
A00916	\$	150.00
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