

RESOLUTION NO. 18 - \_\_\_\_\_

A RESOLUTION CREATING **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 324** OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF PROVIDING ENERGY AND MAINTENANCE FOR STREET LIGHTS, 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 COSTS AND TO DISCONTINUE **SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 287** OF THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City Council of the City of Billings, Montana, on the 22nd day of January, 2018, passed Resolution 18-10686, a Resolution of Intention to Create a Special Improvement Lighting Maintenance District designated as No. 324 and to discontinue Special Improvement Lighting Maintenance District No. 287, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the creation of said district, and the protests are overruled and denied.

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

SECTION 1:

That the City Council of the City of Billings, Montana does hereby create a District, to be known and designated as Special Improvement Lighting Maintenance District No. 324,

hereinafter called the District, for the purpose of securing and providing energy and maintenance for new street lights for lighting said District.

#### SECTION 2:

That the boundaries of the District are as set forth in Resolution of Intention No. 18-10686, hereinafter called the Resolution, on file in the office of the City Clerk of Billings, Montana, and by this reference is incorporated herein and made a part hereof.

#### SECTION 3:

That the City Council hereby finds and determines that each property described within the Resolution of Intent, is especially benefited and affected by said improvements, and each of the properties are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

#### SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

#### SECTION 5:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$8.51 per unit, per month, and that NorthWestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

#### SECTION 6:

The estimate of the cost of the District per year, including City administrative costs, is the sum of \$8,000; that the entire cost of said District shall be paid by the owners of the

property depicted in Exhibit "A" attached hereto, with each lot, parcel or piece of land within the District to be assessed for that portion of the whole cost which its Midland Road frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. The estimated cost of the District per year for property owners is on the basis of approximately \$0.81012658 per lineal foot of property frontage.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as the "Special Improvement Lighting Maintenance District No. 324 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefore.

SECTION 8:

That upon completion and energization of the District, Special Improvement Lighting Maintenance District No. 287 shall be discontinued.

SECTION 9:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

PASSED by the City Council and APPROVED this 12th day of February, 2018.

CITY OF BILLINGS

By \_\_\_\_\_  
William A. Cole Mayor

ATTEST:

By \_\_\_\_\_  
Denise R. Bohlman City Clerk

