

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 328 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF SUPPLYING ELECTRICAL CURRENT THEREFOR; DESIGNATING THE NUMBER OF SAID DISTRICT, DESCRIBING THE BOUNDARIES THEREOF, PROVIDING AN INITIAL ESTIMATE OF COSTS AND EXPENSES AND DESCRIBING THE METHOD OF ASSESSING SUCH COSTS AND EXPENSES

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

Section 1. The City Council of the City has determined that the public interest and convenience require, and it is deemed necessary to create, a Special Improvement Lighting Maintenance District pursuant to Montana Code Annotated, Title 7, Chapter 12, Part 43, for the purpose of supplying electrical current within the proposed district, and assessing the costs and expenses thereof against the lots and parcels of land within the proposed district. The intention of the City Council to create the proposed district, as hereinafter more particularly described, is hereby declared.

Section 2. The proposed Special Improvement Lighting Maintenance District shall be known and designated as "Special Improvement Lighting Maintenance District No. 328 (hereinafter called the "District"), and the boundaries of the District are hereby declared to include the lots and parcels of land [directly abutting North & South 27th Street between Rimrock Road and State Avenue as shown on the map included as Exhibit A attached hereto and as described in Exhibit B attached hereto.

Section 3. The general character to be undertaken within the District is hereby declared to be as follows: (i) supplying electrical current of the street lighting fixtures and facilities, currently consisting of 126 LED luminaries. The **State of Montana** shall own and maintain all such street lighting fixtures and facilities. Notwithstanding anything herein to the contrary, maintenance, for purposes of the District, includes routine maintenance, major maintenance and replacement of obsolete, damaged or worn-out street lighting fixtures and facilities.

Section 4. The City hereby finds, determines and declares that each of the lots and parcels of land within the District will be specially benefited and affected by the street lighting fixtures and facilities within the District, and that all of the lots and parcels of land within the District are hereby declared to be the lots and parcels of land to be assessed for the cost of supplying electrical current within the District, as further described in Section 5 below.

Section 5. The City estimates that the aggregate costs of supplying electrical current therefor are \$12,500 for the first year, which amount includes \$5.24 per unit per month for electrical current. It is expected that such costs and expenses will vary from year to year and will generally increase over time. Each year the City Council shall adopt a resolution estimating such costs and expenses and may adjust annual assessment amounts in accordance with Section 7-12-4332, M.C.A. Such costs and expenses may include amounts for the accumulation of maintenance reserves. [The cost of the original installation of the street lighting fixtures and facilities will be

paid for by the State of Montana and will not be included in the costs and expenses assessed against the lots and parcels of land within the District.]

Section 6. All costs and expenses of supplying electrical current therefor shall be assessed against the lots and parcels of land within the District, as listed in Exhibit C attached hereto in accordance with Section 7-12-4324, M.C.A., with each such lot or parcel of land to be assessed such portion of the aggregate costs and expenses as its frontage bears to the total assessable frontage of the entire District, exclusive of public streets, avenues, alleys and other public places. Estimated assessments for the first year is approximately \$0.580343 per lineal foot of property frontage, as set forth on Exhibit C attached hereto.

Section 7. All monies derived from the collection of the assessments described in Section 6 above shall be paid into a fund to be known as “Special Lighting Maintenance District No. 328 Maintenance Fund.” Amounts in the Special Lighting District No. 328 Maintenance Fund will be used to pay the costs and expenses of supplying electrical current therefor, and for no other purpose.

Section 8. That on the 12th day of October, 2020, at 5:30 o'clock p.m., the City Council intends to create the District and will hear protests against the proposed maintenance, the costs and expenses thereof and the extent and creation of the District to be assessed therefor, at said time and place, by any person, firm or corporation owning property within the District who has filed a written protest with the City Clerk of the City within fifteen (15) days after the date on which the notice of the passage of this Resolution of Intention is first published in the *Yellowstone County News*.

Section 9. That the City Clerk is hereby authorized and directed to publish a copy of the notice of the passage of this Resolution twice in the *Yellowstone County News*, a weekly newspaper published and circulated in the City, and to mail a copy of said notice to every person, firm or corporation owning property within the District. Said notice is to be mailed on the same date as it is first published.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 14th day of September, 2020.

Mayor

Attest: _____
City Clerk

(SEAL)