

RESOLUTION NO. 9394

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, DECLARING IT TO BE THE INTENTION OF THE CITY OF GREAT FALLS TO CREATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT “PHASE-IN BOULEVARD” NO. 1301

WHEREAS:

- A. Pursuant to MCA 7-12-4102 the City of Great Falls is authorized to create special improvement and maintenance districts for improvements and maintenance to right-of-ways, public parks and open space lands, and;
- B. That the City Commission of the City of Great Falls, Montana, recognizes a need for a tree planting and maintenance district in order to plant, protect, maintain, preserve and care for public trees on City owned right-of-ways, public parks and open-space land so as to enhance the City of Great Falls’ beauty and environment for the greater benefit of the community, and;
- C. Pursuant to MCA 7-12-4104 the City Commission must pass a resolution of intention before creating any special improvement or maintenance district, and;
- D. It appears to be in the best interest of the City of Great Falls and the inhabitants thereof that the City Commission create a special maintenance district to be known as Special Improvement Maintenance District “Phase-In Boulevard” No. 1301, and;
- E. That the newly created boundaries of said Special Improvement Maintenance District “Phase-In Boulevard” No. 1301 are as shown on the attached Exhibit “D” and are hereby declared to be further defined as follows:

Beginning at the intersection of the extended centerline of 10th Alley South and the centerline of 13th Street South proceed north along the centerline of 13th Street South to the intersection of the centerline of 13th Street South and the centerline of 3rd Avenue South; thence proceed east along the centerline of 3rd Avenue South to the intersection of 3rd Avenue South and the extended east boundary line of Lot 11, Block 405, Great Falls 1st Addition; thence proceed north along the extended east boundary line of Lot 11, Block 405, Great Falls 1st Addition to its intersection with the centerline of 3rd Alley South; thence proceed east along the centerline of 3rd Alley South to its intersection with the centerline of 14th Street South; thence proceed north along the centerline of 14th Street South to its intersection with the centerline of 2nd Avenue South; thence proceed east along the centerline of 2nd Avenue South to its intersection with the extended east boundary line of Lot 11, Block 382, Great Falls Third Addition; thence proceed north along the extended east boundary line of Lot 11, Block 382, Great Falls Third Addition to its intersection with the centerline of 1st Alley South; thence proceed east along the centerline of 1st Alley South to its intersection with the extended east boundary line of Lot 11, Block 350, Great Falls

Third Addition; thence proceed south along the extended east boundary line of Lot 11, Block 350, Great Falls Third Addition to its intersection with the centerline of 1st Avenue South; thence proceed east along the centerline of 1st Avenue South to its intersection with the centerline of 19th Street South; thence proceed south along the centerline of 19th Street South to its intersection with the extended centerline of 2nd Alley South; thence proceed east along the centerline of 2nd Alley South to its intersection with the centerline of 20th Street South; thence proceed south along the centerline of 20th Street South to its intersection with the centerline of 3rd Avenue South; thence proceed east along the centerline of 3rd Avenue South to its intersection with the centerline of 21st Street South; thence proceed north along the centerline of 21st Street South to its intersection with the centerline of 2nd Avenue South; thence proceed east along the centerline of 2nd Avenue South to its intersection with the centerline of 22nd Street South; thence proceed north along the centerline of 22nd Street South to its intersection with the extended centerline of 2nd Alley South; thence proceed east along the centerline of 2nd Alley South to its intersection with the centerline of 23rd Street South; thence proceed north along the centerline of 23rd Street South to its intersection with the centerline of Central Avenue; thence proceed east along the centerline of Central Avenue to its intersection with the centerline of 25th Street South; thence proceed south along the centerline of 25th Street South to its intersection with the extended centerline of 1st Alley South; thence proceed east along the centerline of 1st Alley South to its intersection with the centerline of 28th Street South; thence proceed north along the centerline of 28th Street South to its intersection with the centerline of Central Avenue; thence proceed east along the centerline of Central Avenue to its intersection with the centerline of 34th Street North; thence proceed north along the centerline of 34th Street North to its intersection with the extended centerline of 1st Alley North; thence proceed east along the centerline of 1st Alley North to its intersection with the extended east boundary line of Lot 12, Block 40, Boston and Great Falls Addition; thence proceed south along the extended east boundary line of Lot 12, Block 40, Boston and Great Falls Addition to its intersection the centerline of Central Avenue; thence proceed east along the centerline of Central Avenue to its intersection with the centerline of 35th Street North; thence proceed north along the centerline of 35th Street North to its intersection with the centerline of 1st Avenue North; thence proceed east along the centerline of 1st Avenue North to its intersection with the centerline of 36th Street North; thence proceed north along the centerline of 36th Street North to its intersection with the centerline of 2nd Avenue North; thence proceed east along the centerline of 2nd Avenue North to its intersection with the extended east boundary line of Lot 11, Block 26, Boston and Great Falls Addition; thence proceed north along the east boundary line of Lot 11, Block 26, Boston and Great Falls Addition to its intersection with the centerline of 3rd Alley North; thence proceed west along the centerline of 3rd Alley North to its intersection with the centerline of 36th Street North; thence proceed north along the centerline of 36th Street North to its intersection with the extended centerline of 4th Alley North; thence proceed east along the centerline of 4th Alley North to its intersection with the centerline of 38th Street North; thence proceed south along the centerline of 38th Street North to its intersection with the extended centerline of 10th Alley South; thence proceed west along the centerline of 10th Alley South to its intersection with the centerline of 13th Street South and the point of beginning.

Beginning at the intersection of the centerline of 38th Street North and the extended

centerline of 5th Alley North proceed west along the centerline of 5th Alley North to its intersection with the centerline of 36th Street North; thence proceed north along the centerline of 36th Street North to its intersection with the extended centerline of 6th Alley North; thence proceed west along the centerline of 6th Alley North to its intersection with the centerline of 35th Street North; thence proceed north along the centerline of 35th Street North to its intersection with 6th Avenue North; thence proceed west along the centerline of 6th Avenue North to its intersection with the extended west boundary line of Lot 4, Block 9, Boston and Great Falls Addition; thence proceed south along the west boundary line of Lot 4, Block 9, Boston and Great Falls Addition to its intersection with the centerline of 6th Alley North; thence proceed west along the centerline of 6th Alley North to its intersection with the centerline of 33rd Street North; thence proceed south along the centerline of 33rd Street North to its intersection with the extended centerline of 5th Alley North; thence proceed west along the centerline of 5th Alley North to its intersection with the centerline of 23rd Street North; thence proceed north along the centerline of 23rd Street North to its intersection with the extended centerline of 9th Alley North; thence proceed east along the centerline of 9th Alley North to its intersection with the centerline of 25th Street North; thence proceed north along the centerline of 25th Street North to its intersection with the extended south boundary line of the abandoned railroad right-of-way; thence proceed easterly along the south boundary line of the abandoned railroad right-of-way to its intersection with the centerline of 38th Street North; thence proceed south along the centerline of 38th Street North to its intersection with the extended centerline of 5th Alley North and the point of beginning.

Beginning at the intersection of 10th Alley South and the extended centerline of 3rd Street South proceed north along the centerline of 3rd Street South to its intersection with the extended centerline of 8th Alley South; thence proceed west along the centerline of 8th Alley South to its intersection with the centerline of 2nd Street South; thence proceed north along the centerline of 2nd Street South to its intersection with the centerline of 8th Avenue South; thence proceed east along the centerline of 8th Avenue South to its intersection with the centerline of 3rd Street South; thence proceed north along the centerline of 3rd Street South to its intersection with the centerline of 7th Avenue South; thence proceed west along the centerline of 7th Avenue South to its intersection with the centerline of 2nd Street South; thence proceed north along the centerline of 2nd Street South to its intersection with the extended centerline of 7th Alley South; thence proceed east along the centerline of 7th Alley South to its intersection with the centerline of 3rd Street South; thence proceed north along the centerline of 3rd Street South to its intersection with the extended centerline of 4th Alley South; thence proceed east along the centerline of 4th Alley South to its intersection with the centerline of 4th Street South; thence proceed north along the centerline of 4th Street South to its intersection with the centerline of 3rd Avenue South; thence proceed east along the centerline of 3rd Avenue South to its intersection with the extended east boundary line of Lot 3, Block 420, Great Falls Original Town site; thence proceed south along the east boundary line of Lot 3, Block 420, Great Falls Original Town site to its intersection the centerline of 4th Alley South; thence proceed east along the centerline of 4th Alley South to its intersection with the extended west boundary line of Lot 4, Block 422, Great Falls Original Town site; thence proceed north along the extended west boundary line of Lot 4, Block 422, Great Falls Original Town site to

its intersection with the centerline of 1st Avenue South; thence proceed east along the centerline of 1st Avenue South to its intersection with the centerline of 8th Street South; thence proceed south along the centerline of 8th Street South to its intersection with the extended centerline of 2nd Alley South; thence proceed east along the centerline of 2nd Alley South to its intersection with the centerline of 9th Street South; thence proceed north along the centerline of 9th Street South to its intersection with the extended centerline of 1st Alley South; thence proceed east along the centerline of 1st Alley South to its intersection with the extended west boundary line of Lot 10, Block 320, Great Falls Original Town site; thence proceed north along the extended west boundary line of Lot 10, Block 320, Great Falls Original Town site to its intersection with the centerline of 2nd Alley North; thence proceed west along the centerline of 2nd Alley North to its intersection with the centerline of 9th Street North; thence proceed south along 9th Street North to its intersection with the centerline of 1st Avenue North; thence proceed west along 1st Avenue North to its intersection with the extended west boundary line of Lot 9, Block 304, Great Falls Original Town site; thence proceed north along the west boundary line of Lot 9, Block 304, Great Falls Original Town site to its intersection with the centerline of 2nd Alley North; thence proceed west along the centerline of 2nd Alley North to its intersection with the extended east boundary line of Lot 13, Block 304, Great Falls Original Town site; thence proceed south along the east boundary line of Lot 13, Block 304, Great Falls Original Town site to its intersection with the centerline of 1st Avenue North; thence proceed west along the centerline of 1st Avenue North to its intersection with the extended east boundary line of Lot 3, Block 318, Great Falls Original Town site; thence proceed south along the east boundary line of Lot 3, Block 318, Great Falls Original Town site to its intersection with the centerline of 1st Alley North; thence proceed west along the centerline of 1st Alley North to its intersection with the centerline of 7th Street South; thence proceed north along the centerline of 7th Street South to its intersection with the centerline of 1st Avenue North; thence proceed west along the centerline of 1st Avenue North to its intersection with the extended west boundary line of Lot 9, Block 306, Great Falls Original Town site; thence proceed north along the west boundary line of Lot 9, Block 306, Great Falls Original Town site to its intersection with the centerline of 2nd Alley North; thence proceed west along the centerline of 2nd Alley North to its intersection with the centerline of 2nd Street North; thence proceed south along the centerline of 2nd Street North to its intersection with the centerline of 1st Avenue North; thence proceed west along 1st Avenue North to its intersection with the centerline of Park Drive; thence proceed northeasterly along the centerline of Park Drive to its intersection with the extended centerline of 9th Alley North; thence proceed west along the extended centerline of 9th Alley North to its intersection with the east shoreline of the Missouri River; thence proceed southerly along the east shoreline of the Missouri River to its intersection with the extended centerline of 10th Alley South; thence proceed east along the extended centerline of 10th Alley South to its intersection with the extended centerline of 3rd Street South and the point of beginning.

Beginning at the intersection of the centerline of Central Avenue West and the centerline of 11th Street Southwest proceed east along the centerline of Central Avenue West to its intersection with the east boundary line of the 5th Addition to Great Falls; thence proceed southerly along the east boundary line of 5th Addition to Great Falls to its intersection with the extended centerline of 2nd Alley Southwest;

thence proceed west along the centerline of 2nd Alley Southwest to its intersection with the centerline of 5th Street Southwest; thence proceed north along the centerline of 5th Street Southwest to its intersection with the extended centerline of 1st Alley Southwest; thence proceed west along the centerline of 1st Alley Southwest to its intersection with the centerline of 8th Street Southwest; thence proceed south along the centerline of 8th Street Southwest to its intersection with the centerline of 1st Avenue Southwest; thence proceed west along the centerline of 1st Avenue Southwest to its intersection with the extended west boundary line of Lot 5, Block 578, Fifth Addition to Great Falls; thence proceed south along the west boundary line of Lot 5, Block 578, Fifth Addition to Great Falls to its intersection with the centerline of 2nd Alley Southwest; thence proceed west along the centerline of 2nd Alley Southwest to its intersection with the centerline of 11th Street Southwest; thence proceed north along the centerline of 11th Street Southwest to its intersection with the centerline of Central Avenue West and the point of beginning.

Beginning at the intersection of the centerline of 11th Street Southwest and the centerline of 3rd Alley Southwest proceed south along the centerline of 11th Street Southwest to its intersection with the south boundary line of the 6th Addition to Great Falls; thence proceed southeasterly along the south boundary line of the 6th Addition to Great Falls to its intersection with the extended east centerline of 4th Avenue Southwest; thence proceed west along the centerline of 4th Avenue Southwest to its intersection with the centerline of 6th Street Southwest; thence proceed south along the centerline of 6th Street Southwest to its intersection with the extended centerline of 5th Alley Southwest; thence proceed west along 5th Alley Southwest to its intersection with the centerline of 8th Street Southwest; thence proceed north along the centerline of 8th Street Southwest to its intersection with the centerline of 4th Avenue Southwest; thence proceed west along the centerline of 4th Avenue Southwest to its intersection with the centerline of 9th Street Southwest; thence proceed north along the centerline of 9th Street Southwest to its intersection with the extended centerline of 4th Alley Southwest; thence proceed west along the centerline of 4th Alley Southwest to its intersection with the centerline of 10th Street Southwest; thence proceed north along 10th Street Southwest to its intersection with the extended centerline of 3rd Alley Southwest; thence proceed west along the centerline of 3rd Alley Southwest to its intersection with the centerline of 11th Street Southwest and the point of beginning, and;

- F.** In accordance with MCA 7-12-4162 Assessment of costs. “the city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district. . . assessable area may be less than but may not exceed the actual area of the lot or parcel.”

Assessable area within the “Phase-In Boulevard” District shall be set with a square footage cap of 12,000 square feet for residential property, and a 1 million square feet cap for all other property.

First Year Phase-In: The estimated annual cost of the district initially is \$193,588. This cost will be assessed to each lot or parcel within the City of Great Falls on an area basis as specified in this section. A listing of all parcels included within the new “Phase-In

Boulevard” District No. 1301 is attached as Exhibit “E” and a copy of the notice to be mailed to every person, firm, or corporation having property within the proposed district is attached as Exhibit “F.”

Second Year Phase-In: Will consist of a modification of the boundaries of Special Improvement Maintenance District “Phase-In Boulevard” No. 1301 to include parcels from the General Boulevard Maintenance District and the assessment rate to be set according to the district as a whole, and;

- G. That the general purpose of the district is to plant, protect, maintain, preserve and care for public trees located on City owned right-of-ways, public parks and open space land, and;
- H. That the City Commission of the City of Great Falls shall consider whether to pass a final resolution creating Special Improvement Maintenance District “Phase-In Boulevard” No. 1301 as set forth herein at a meeting to be held on June 15, 2004 at 7:00 p.m., in the City Commission Chambers, 2 Park Drive South, Great Falls, Montana, and at the conclusion of said meeting the City Commission will consider a Resolution to create such district, and;
- I. That the City Clerk is authorized and directed to give notice of this meeting in accordance with MCA 7-12-4104.

PASSED by the Commission of the City of Great Falls, Montana, on this 18th day of May, 2004.

Randall H. Gray, Mayor

ATTEST:

Carolyn Broquist-Horst, Deputy City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Carolyn Broquist-Horst, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9394 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of May 2004, and approved by the Mayor of said City on the 18th day of May 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of May 2004.

(SEAL OF CITY)

Carolyn Broquist-Horst, Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 18th day of May, 2004, the City Commission of the City of Great Falls, Montana, adopted a Resolution of Intent to Create No. 9394 entitled:

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT "PHASE-IN BOULEVARD" NO. 1301

Resolution of Intent to Create No. 9394 is on file in the office of the City Clerk, Peggy J. Bourne, (406) 455-8541, Civic Center, 2 Park Drive, Great Falls, Montana, to which reference is hereby made for a description of the boundaries of said district.

That the City Commission of the City of Great Falls, Montana, will be in session on the 15th day of June, 2004, at 7:00 o'clock p.m., in the Commission Chambers in the Civic Center, at which time and place the City Commission will hear objections to the intent to create of said Maintenance District "Phase-In Boulevard". Any person or persons, who are owners of any lot or parcel of land within said Special Improvement Maintenance District "Phase-In Boulevard" No. 1301, who shall, within 15 days after the first publication of this notice have delivered to the City Clerk of the City of Great Falls, a protest in writing against the proposed creation of said boulevard maintenance district, shall have the right to appear at said meeting in person or by counsel, and show cause, if any there be, why such boulevard maintenance district should not be created.

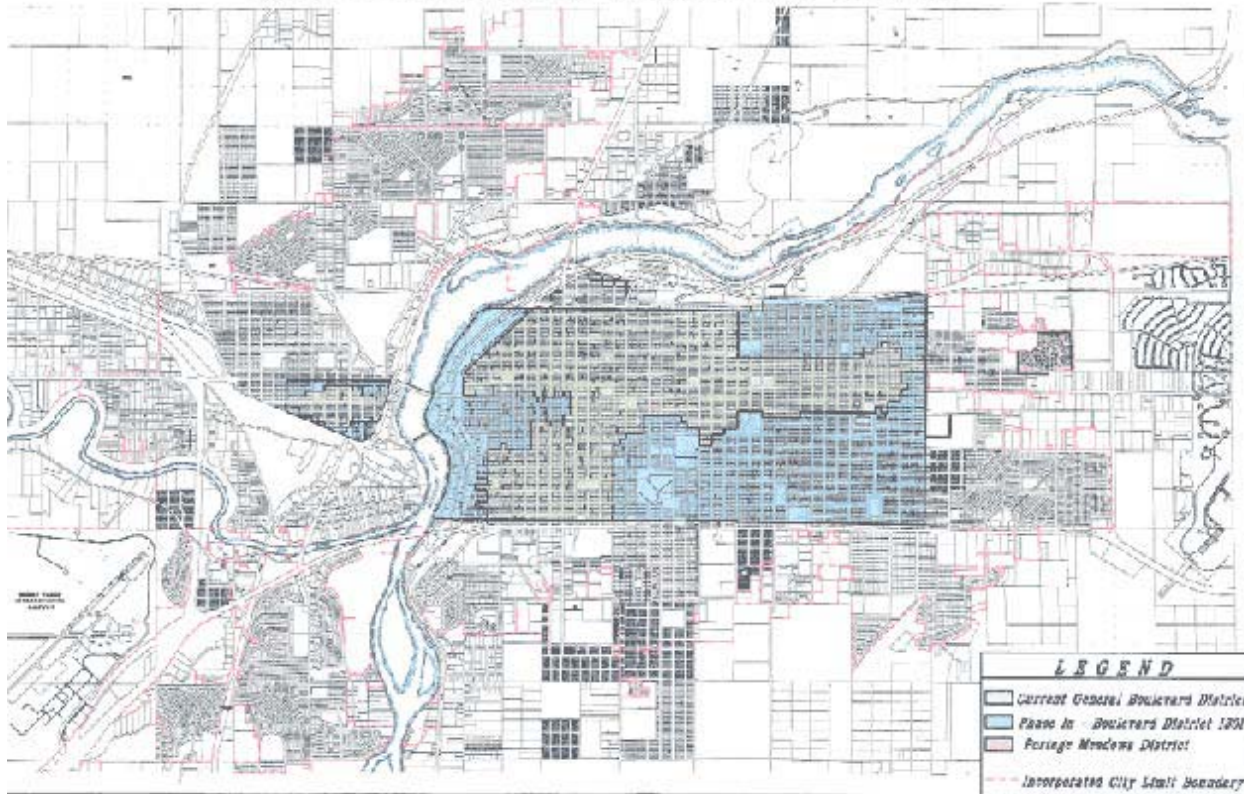
Publication Dates: May 24, 25, 26, 27, & 28, 2004



EXHIBIT 3

PHASE IN - Boulevard District No. 1301 Special Improvement Maintenance District

May 16th, 2004



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EXHIBIT F

May 14, 2004

Property Owner
400 Beaverhead Court
Great Falls, MT 59405

Parcel No.: 1217900

Dear Property Owner:

Today there are approximately 33,000 trees lining our streets and throughout our park system which comprise our public "Community Forest" in Great Falls. A healthy, vigorous Community Forest helps to attract new businesses, tourists, makes neighborhoods safer and more sociable, adds 10% or more to property values, reduces heating and cooling costs and is a wise investment of Community dollars. All of these benefits depend on healthy trees and landscaping. Healthy trees and landscaping requires quality care and quality care depends on us.

In order to provide for a comprehensive method for planting, pruning, maintaining and caring for street trees and other right-of-way landscaping a new City-Wide Tree and Landscaping Program to assess properties is currently being considered.

The **estimated** annual cost to a property owner with an average size lot consisting of 7,500 square feet would result in an annual assessment of \$36.11 in your district. This amount would appear on your property tax assessment bill each year beginning with the 2004/2005 assessment year.

Montana State Law requires sending individual notices of intent to each affected property owner in addition to the publication of the legal notice relating to the creation and assessment of the district. The enclosed notice is scheduled to be published in the *Great Falls Tribune* on Monday, May 24, 2004 through Friday, May 28, 2004.

At any time within 15 days after the date of the first publication of the notice of passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the extent or creation of the district to be assessed. Such notice must be in writing and be delivered to the City Clerk who shall endorse thereon the date of its receipt.

You are invited to attend the public hearing for the City-Wide Tree and Landscaping Program on Tuesday, June 15, 2004 at 7:00 o'clock p.m. in the Commission Chambers in the Civic Center.

If you have any questions regarding this new assessment, please call me at 455-8477.

Sincerely,

Judy Burg
Accounting Technician

Enc.