

RESOLUTION NO. 9404 -- DENIED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, CREATING A SPECIAL IMPROVEMENT MAINTENANCE DISTRICT "PHASE-IN BOULEVARD" NO. 1301

WHEREAS, pursuant to MCA 7-12-4104, the City Commission of the City of Great Falls, duly and regularly passed and adopted Resolution No. 9394 on the 18th day of May, 2004, which Resolution of Intent to Create Special Improvement Maintenance District "Phase-In Boulevard" No. 1301 is now on file in the office of the City Clerk and to which reference is hereby made; and

WHEREAS, pursuant to MCA 7-12-4102 and 7-12-4179, 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;

WHEREAS, a City-wide tree planting and maintenance district is needed 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;

WHEREAS, 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;

WHEREAS, the City Commission caused notice of the passage of the Resolution of Intention to be published in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, in the manner and form and during the period as required by law and also caused the City Clerk on the 20th day of May, 2004, that being four days prior to the first publication of the notice, to mail to each person, firm or corporation, or a known agent thereof, having property within the intended area of the District, to the last known address of such person, firm or corporation or agent, a notice of the passage of the Resolution of Intention; and

WHEREAS, the City Commission having this day met in regular session, at the time and place fixed and mentioned in the Resolution of Intention and in said notices for a public hearing, and the passing upon protests, against the Intention of Creation of the District, and against the making of the improvements proposed therein; and the Commission having fully heard and considered all of such protests and other testimony.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1 The City Commission does hereby find and determine that the protests and each of them made against the intention of creation of the District and against the making of the proposed improvements be and the same are hereby declared insufficient.

Section 2 There is hereby created a Special Improvement Maintenance District to be known and designated as Special Improvement Maintenance District "Phase-In Boulevard" No. 1301 of the City of Great Falls, Montana, and the improvements described in the Resolution of Intention are hereby ordered to be made.

Section 3 The boundaries of the District shall be the same as described in the Resolution of Intention to which reference is hereby made for a particular description thereof.

Section 4 The City Commission hereby makes reference to the Resolution of Intention for further particulars, including the method of assessing the costs of the improvements against benefited properties and a listing of properties within the district.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of June, 2004.

Randall H. Gray, Mayor

ATTEST:

Carolyn 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 Horst, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9404 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 15th day of June 2004, and approved by the Mayor of said City on the 15th day of June 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of June 2004.

Carolyn Horst, Deputy City Clerk

(SEAL OF CITY)