

RESOLUTION NO. 9691

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT CITY-OWNED RESIDENTIAL LIGHTING NO. 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF TWELVE (12) 100 WATT HPS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING ALONG DELEA DRIVE TO INCLUDE PROPERTIES LOCATED WITHIN MEADOWLARK ADDITION NO. 5

WHEREAS, the City Commission of the City of Great Falls, is authorized to create special improvement districts embracing any street or streets or public highway therein or portion thereof and property adjacent thereto or property which may be declared by said City Commission to be benefited by the improvements to be made for the purpose of lighting such street or streets or public highway.

WHEREAS, the City Commission of the City of Great Falls, is authorized to require that all or any portion of the cost of installing and maintaining such lighting system be paid by the owners of the property embraced within the boundaries of such special improvement district.

WHEREAS, the City Commission of the City of Great Falls, is authorized to assess and collect the costs for installation and maintenance by special improvement assessment against the property within the district.

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

Section 1. That public interest and convenience requires and it is deemed necessary to create, and the City Commission of the City of Great Falls, Montana, intends to order and create a Special Improvement Lighting District – City Owned Residential Lighting No. 1310 to

finance the installation of the improvements hereinafter described as authorized by 7-12-4301 MCA.

Section 2. That the general character of the improvements to be made within or for the benefit of the District is the installation of twelve (12) 100 Watt HPS street lighting units mounted on 17 foot fiberglass poles with underground wiring.

Section 3. That the number of said Special Improvement Lighting District is hereby designated as Special Improvement Lighting District – City Owned Residential Lighting No. 1310 of the City of Great Falls, Montana.

Section 4. That the boundaries of said Special Improvement Lighting District are hereby declared to be as follows:

Beginning at the intersection of the extended north boundary line of Lot 18, Block 3 of Meadowlark Addition No. 5 and the centerline of Ferguson Drive; thence proceed west along the extended north boundary line of Meadowlark Addition No. 5 to its intersection with the centerline of Flood Road; thence proceed south along the centerline of Flood Road to its intersection with the extended south boundary line of Meadowlark Addition No. 5; thence proceed east along the extended south boundary line of Meadowlark Addition No. 5 to the southeast corner of Lot 1, Block 6 of Meadowlark Addition No. 5; thence proceed north along the east boundary line of Lot 1, Block 6 of Meadowlark Addition No. 5 to the northeast corner of Lot 2, Block 5 of Meadowlark Addition No. 5; thence proceed west along the extended north boundary line of Lot 2, Block 5 of Meadowlark Addition No. 5 to its intersection with the centerline of Ferguson Drive, the point of beginning.

And the lands included in the District are shown on the map attached as Exhibit “A,” and that the legal descriptions of the lots, parcels and tracts of land within the District are shown on Exhibit “B” attached hereto.

Section 5. The City Commission hereby finds and determines that all real estate situated in said district will be especially benefited and affected by such improvement and the property included within the boundaries of said district is hereby declared to be the property assessed for the cost and expense of making said improvements. The installation, utility and administrative costs will be assessed against benefited properties within the District on the following basis pursuant to Section 7-12-4323 MCA:

Each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. The installation costs are estimated to be **\$.019088** per square foot assessable area and the property owners have the right to prepay the assessment as provided by law.

The ongoing annual assessment for the utility and administrative costs is estimated to be \$0.005792 per square foot assessable area.

The assessable area and related costs of construction for each lot or parcel of land is shown on Exhibit "B" and, the assessable area and estimated costs of maintenance for each lot or parcel of land is shown on Exhibit "C" attached hereto.

Section 6. That on Tuesday the 16th day of October, 2007, at the City Commission Chambers in the Civic Center in the City of Great Falls, Montana, at 7:00 o'clock p.m., the Commission will conduct a public hearing on the creation of the Special Improvement Lighting District and pass upon any written protests timely filed against creation of the Special Improvement Lighting District. Within 15 days after the date of the first publication of the notice of passage of this resolution of intention, any property owner liable to be assessed for the cost of the improvements may make written protest against the proposed work or against the extent or creation of the Improvement District.

Section 7. The City Clerk is hereby authorized and directed to publish notice of the adoption of this Resolution twice in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, with at least six (6) days separating each publication.

The Clerk of said City is hereby further directed to mail a copy of said notice to every person, firm or corporation or the agent of such person, firm or corporation having property within the proposed district, at their last known address, upon the date of the first publication of said notice. The letter is attached as Exhibit "D" and the notice is attached as Exhibit "E."

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 18th day of September, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

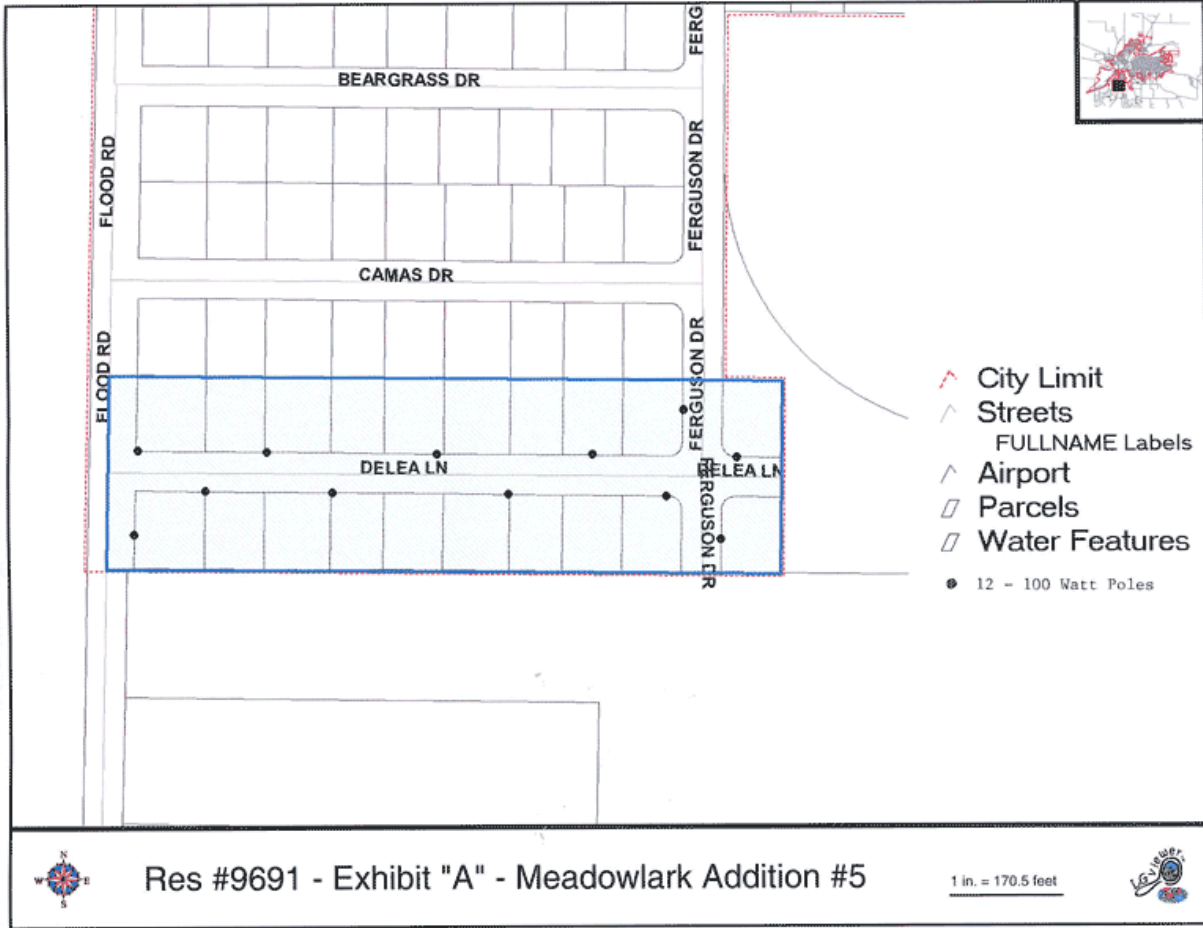
State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9691 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September 2007, and approved by the Mayor of said City on the 18th day of September 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of September 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)



RESOLUTION 9691 - EXHIBIT "B"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1310 INSTALLATION COSTS

Total Construction Costs: \$ 29,500.00

Improvements: **TWELVE (12) 100 WATT HPS UNITS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING**

15 Year Assessment

Beginning Nov: 2009

Ending May: 2024

Variable Interest Rate: 4.85%

Total Square Footage Cost: 0.140538429

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
2184800	Original Parcel		Meadowlark #5	Meadowlark Partners LLP	209,907	\$ 29,500.00	1,966.67	1,430.75	3,397.42
1/1/2008 will be split into the following:									
NA	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	1,678.45	111.90	81.40	193.30
NA	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	1,454.57	96.97	70.55	167.52
NA	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	1,616.19	107.75	78.39	186.13
NA	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	1,292.95	86.20	62.71	148.91
NA	3	14	Meadowlark #5	Meadowlark Partners LLP	10,350	1,454.57	96.97	70.55	167.52
NA	3	15	Meadowlark #5	Meadowlark Partners LLP	11,500	1,616.19	107.75	78.39	186.13
NA	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	1,292.95	86.20	62.71	148.91
NA	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	1,454.57	96.97	70.55	167.52
NA	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	1,442.49	96.17	69.96	166.13
NA	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	1,424.50	94.97	69.09	164.05
NA	4	2	Meadowlark #5	Meadowlark Partners LLP	10,263	1,442.35	96.16	69.95	166.11
NA	4	3	Meadowlark #5	Meadowlark Partners LLP	9,156	1,286.77	85.78	62.41	148.19
NA	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	1,611.98	107.47	78.18	185.65
NA	4	5	Meadowlark #5	Meadowlark Partners LLP	10,356	1,455.42	97.03	70.59	167.62
NA	4	6	Meadowlark #5	Meadowlark Partners LLP	9,231	1,297.31	86.49	62.92	149.41
NA	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	1,626.59	108.44	78.89	187.33
NA	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	1,468.49	97.90	71.22	169.12
NA	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	1,725.25	115.02	83.67	198.69
NA	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	1,441.08	96.07	69.89	165.96
NA	6	1	Meadowlark #5	Meadowlark Partners LLP	10,085	1,417.33	94.49	68.74	163.23
					209,907	\$29,500.00	\$1,966.67	\$1,430.75	\$3,397.42

RESOLUTION 9691 - EXHIBIT "C"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1310 ANNUAL ASSESSMENT

12 - 100 WATT HPS ON 17' FIBERGLASS POLES WITH UNDERGROUND WIRING \$ 1,105.43

COST OF OPERATION AND ROUTINE MAINTENANCE 1,105.43

10% ADMINISTRATION FEE 110.54

TOTAL ANNUAL COST TO THE DISTRICT = \$ 1,215.97

ASSESSMENT BASED ON 12 MONTHS -
ANNUAL ASSESSMENT FOR AN AVERAGE
10,495 SQ.FT. LOT IS \$60.80.

ANNUAL SQUARE FOOT COST = 0.0057929

PETITION SIGNER	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	ANNUAL COST
	2184800	Original Parcel		Meadowlark #5	1/1/2008 will be split into the following - 1	209,907	1,215.97
X	NA	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	69.18
X	NA	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	59.96
X	NA	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	66.62
X	NA	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	53.29
X	NA	3	14	Meadowlark #5	Meadowlark Partners LLP	10,350	59.96
X	NA	3	15	Meadowlark #5	Meadowlark Partners LLP	11,500	66.62
X	NA	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	53.29
X	NA	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	59.96
X	NA	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	59.46
X	NA	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	58.72
X	NA	4	2	Meadowlark #5	Meadowlark Partners LLP	10,263	59.45
X	NA	4	3	Meadowlark #5	Meadowlark Partners LLP	9,156	53.04
X	NA	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	66.44
X	NA	4	5	Meadowlark #5	Meadowlark Partners LLP	10,356	59.99
X	NA	4	6	Meadowlark #5	Meadowlark Partners LLP	9,231	53.47
X	NA	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	67.05
X	NA	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	60.53
X	NA	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	71.11
X	NA	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	59.40
X	NA	6	1	Meadowlark #5	Meadowlark Partners LLP	10,085	58.42

TOTAL: 209,907 \$1,215.97

September 19, 2007

EXHIBIT "D"

Property Owner
123 Anywhere Street
Great Falls, MT 59404

Parcel No.: XXXXXX

INTENT TO CREATE RESOLUTION #9691

Dear Property Owner:

The creation of Special Improvement Lighting District – City Owned Residential Lighting No. 1310 is being considered as petitioned by the developer along DeLea Drive in Meadowlark Addition No. 5. This petition has started the process to install twelve (12) 100 Watt HPS street lighting units on 17 foot fiberglass poles with underground wiring along DeLea Drive.

If the proposed resolution is adopted by the City Commission, it would result in an **estimated** annual lighting maintenance and installation assessment cost of \$XX.XX for your property. This amount will be split proportionately to the 20 parcels contained within Meadowlark Addition No. 5 and will appear on their property tax bill beginning with the 2008/2009 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 Friday, September 21, 2007 and the following Friday, September 28, 2007.

At any time within 15 days after the date of the first publication of the notice of the resolution of intent, any owner of property liable to be assessed for said work may make written protest against the creation of the district. Such notice must be in writing, must list the property address and parcel number if known, must include signatures of all owners of the property, must indicate the resolution number being protested and may be mailed or hand-delivered to the City Clerk, 2 Park Drive, Great Falls, MT 59401 who shall endorse thereon the date of its receipt.

Each protest shall be weighted in proportion to the amount of the assessment to be placed upon the lot or parcel of property. If the City Commission finds that such protests constitute a majority of the total assessments, the resolution will be denied. The City Commission shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive.

You are invited to attend the public hearing for the creation of Special Improvement Lighting District – City Owned Residential Lighting No. 1310 on October 16, 2007 at 7:00 o'clock p.m. in the Commission Chambers in the Civic Center.

Re: Intent to Create Resolution #9691
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If you have any questions regarding the modification of SLD No. 1310, please call me at 455-8477.

Sincerely,

Judy Burg
Taxes & Assessments

Enc: Legal Notice

EXHIBIT “E”

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 18th day of September, 2007, the City Commission of the City of Great Falls, Montana, adopted a Resolution of Intent to Create No. 9691 entitled:

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF TWELVE (12) 100 WATT HPS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING ALONG DELEA DRIVE TO INCLUDE PROPERTIES LOCATED WITHIN MEADOWLARK ADDITION NO. 5

Resolution of Intent to Create No. 9691 is on file in the office of the City Clerk, Lisa Kunz, (406) 455-8541, Civic Center, 2 Park Drive, Great Falls, Montana, to which reference is hereby made for a full description of the boundaries of said district.

That the City Commission of the City of Great Falls, Montana, recognizes a need for a special improvement lighting district for the installation of street lighting. This will result in an estimated annual assessment during the first fifteen (15) years in the newly created area of \$200.34 for an average lot of 10,495 square feet for the construction and installation of the lights. After installation of the street lights there will be an ongoing initial estimated annual maintenance assessment of \$60.80 for an average lot of 10,495 square feet for energy and distribution costs of the lights.

That the City Commission of the City of Great Falls, Montana, will be in session on the 16th day of October, 2007, 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 said Special Improvement Lighting District – City Owned Residential Lighting No. 1310. Any person or persons, who are owners of any lot or parcel of land within said Special Improvement Lighting District No. 1310, 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 special improvement lighting district, shall have the right to appear at said meeting in person or by counsel, and show cause, if any there be, why such special lighting district should not be created.

Publication Dates: September 21, 2007 and September 28, 2007.