

## **RESOLUTION 9767**

### **A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO.1308, TO INCLUDE PROPERTIES LOCATED WITHIN EAGLES CROSSING PHASE II AND III ADDITION – FIRST PHASE CONSTRUCTION**

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1308, by Resolution 9653 duly passed on July 17, 2007, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements were paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located within Eagles Crossing Phase II and III, First Phase Construction, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of FORTY-SIX THOUSAND ONE HUNDRED FORTY-NINE DOLLARS and 73/100 (\$46,149.73); and,

WHEREAS, the City Commission has and does hereby find, fix and determine that each and every said several lots or parcels of land within said improvement lighting district will be specially benefited by all of the improvements; and,

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9652, Resolution of Intent to Create Special Improvement Lighting District 1308, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1308 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9652, Resolution of Intent to Create Special Improvement Lighting District 1308, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties located within Eagles Crossing Phase II and III, First Phase Construction, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1308, for the sum of FORTY-SIX THOUSAND ONE HUNDRED FORTY-NINE DOLLARS and 73/100, (\$46,149.73) payable with interest over a term not to exceed fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties located within Eagles Crossing, Phase II and III, First Phase Construction, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1308 will appear as assessments for Special Maintenance Lighting Districts and are annually submitted for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1308, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2008 through 2023 and May 31, 2009 through 2023. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30<sup>th</sup> of each year and May 31<sup>st</sup> of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1308 Fund – SILD-1308” for the installation costs referred to in Section 1, and “Special Maintenance Lighting District No. 1308 Fund – SMLD 1308” for the maintenance costs referred to in Section 2, and from which all eligible expenses will be paid.

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

THAT, the City Commission will hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 16, 2008 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk be, and is hereby authorized and directed, to publish twice, with at least 6

days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of installation and maintenance of said Special Improvement Lighting District is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 16<sup>th</sup> day of September, 2008.

\_\_\_\_\_  
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 9767 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16<sup>th</sup> day of September, 2008, and approved by the Mayor of said City on the 16<sup>th</sup> day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16<sup>th</sup> day of September, 2008.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

**RESOLUTION 9767 - EXHIBIT "A"**

**SPECIAL IMPROVEMENT LIGHTING DISTRICT 1308 INSTALLATION COSTS**

Total Construction Costs: \$ 46,149.73  
 Improvements: THIRTEEN (13) - 150 WATT HPS ON 20' STEEL POLES  
 WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING

15 Year Assessment  
 Beginning Nov: 2008  
 Ending May: 2023

Fixed Interest Rate: 5.00%  
 Interest Start Date: 3/28/2008  
 Days thru 6/30/2009: 459

Total Square Footage Cost: 0.102116535

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
740636	12	1	Eagles Crossing Phase II	Eagles Crossing Inc	9,687	989.20	65.95	62.20	128.15
740638	12	2	Eagles Crossing Phase II	Eagles Crossing Inc	10,422	1,064.26	70.95	66.92	137.87
740640	12	3	Eagles Crossing Phase II	Eagles Crossing Inc	8,640	882.29	58.82	55.48	114.30
740642	12	4	Eagles Crossing Phase II	O'Leary Builders Inc.	8,700	888.41	59.23	55.86	115.09
740644	12	5	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740646	12	6	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740648	12	7	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740650	12	8	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740652	12	9	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740654	12	10	Eagles Crossing Phase II	Eagles Crossing Inc	10,234	1,045.06	69.67	65.71	135.38
740656	12	11	Eagles Crossing Phase II	Steven & Michelle Gomb	10,243	1,045.98	69.73	65.77	135.50
740658	12	12	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740660	12	13	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740662	12	14	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740663	12	15	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740664	12	16	Eagles Crossing Phase II	Robert & Cathryn Brunn	8,700	888.41	59.23	55.86	115.09
740666	12	17	Eagles Crossing Phase II	Anthony & Esther Allen	8,700	888.41	59.23	55.86	115.09
740668	12	18	Eagles Crossing Phase II	Jerry & Sheila Lawson	8,700	888.41	59.23	55.86	115.09
740670	12	19	Eagles Crossing Phase II	Eagles Crossing Inc	8,235	840.93	56.06	52.87	108.93
740672	13	1	Eagles Crossing Phase II	Eagles Crossing Inc	11,680	1,192.72	79.51	74.99	154.50
740674	13	2	Eagles Crossing Phase II	Marketing Concepts Inc.	8,758	894.34	59.62	56.23	115.85
740676	13	3	Eagles Crossing Phase II	Gary E. Arno, Jr.	9,570	977.26	65.15	61.45	126.60
740678	13	4	Eagles Crossing Phase II	Montana Pride Builders I	9,570	977.26	65.15	61.45	126.60
740680	13	5	Eagles Crossing Phase II	John D. Dowson, Sr.	9,570	977.26	65.15	61.45	126.60
740682	13	6	Eagles Crossing Phase II	Jaramy Westhoff	9,570	977.26	65.15	61.45	126.60
740684	13	7	Eagles Crossing Phase II	Montana Pride Builders I	9,570	977.26	65.15	61.45	126.60
740686	13	8	Eagles Crossing Phase II	Philip & Elma Ruf	9,570	977.26	65.15	61.45	126.60
740688	13	9	Eagles Crossing Phase II	Freedom Home Group L	9,570	977.26	65.15	61.45	126.60
740690	13	10	Eagles Crossing Phase II	Elizabeth & Eric Buss	11,273	1,151.16	76.74	72.38	149.12
740732	4	7	Eagles Crossing Phase III	Eagles Crossing Inc	15,006	1,532.36	102.16	96.35	198.51
740734	4	8	Eagles Crossing Phase III	Eagles Crossing Inc	15,010	1,532.77	102.18	96.38	198.56

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Total Square Footage Cost: 0.102116535

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
740736	4	9	Eagles Crossing Phase III	Robert & Janet Fairchild	15,008	1,532.56	102.17	96.36	198.53
740738	4	10	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	1,626.10	108.41	102.24	210.65
740740	4	11	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	1,626.10	108.41	102.24	210.65
740742	4	12	Eagles Crossing Phase III	Michael & Donna Raile	16,091	1,643.16	109.54	103.32	212.86
740744	10	1	Eagles Crossing Phase III	Eagles Crossing Inc	14,858	1,517.25	101.15	95.40	196.55
740746	10	2	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740748	10	3	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740750	10	4	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740752	10	5	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740754	10	6	Eagles Crossing Phase III	Geraldine J. Gertson Tr.	14,849	1,516.33	101.09	95.34	196.43
					451,932	\$46,149.73	\$3,076.65	\$2,901.75	\$5,978.40

**RESOLUTION 9767 - EXHIBIT "B"**

**SPECIAL MAINTENANCE LIGHTING DISTRICT 1308 ANNUAL ASSESSMENT**

13 - 150 WATT HPS ON 20' STEEL POLES WITH UNDERGROUND WIRING

\$ 4,009.00

COST OF OPERATION AND ROUTINE MAINTENANCE  
 10% ADMINISTRATION FEE  
 TOTAL ANNUAL COST TO THE DISTRICT =

4,009.00  
 400.90  
\$ 4,409.90

ASSESSMENT BASED ON 12 MONTHS -  
 ANNUAL ASSESSMENT FOR AN AVERAGE  
 11,023 SQ.FT. LOT IS \$67.75

ANNUAL SQUARE FOOT COST =

0.009757884

	PARCEL	BLOCK	LOT	SUB-DIVISION	PROPERTY OWNER	SET UP AREA (SQUARE FEET)	ANNUAL COST
1	740636	12	1	Eagles Crossing Phase II	Eagles Crossing Inc	9,687	94.52
2	740638	12	2	Eagles Crossing Phase II	Eagles Crossing Inc	10,422	101.70
3	740640	12	3	Eagles Crossing Phase II	Eagles Crossing Inc	8,640	84.31
4	740642	12	4	Eagles Crossing Phase II	O'Leary Builders Inc.	8,700	84.89
5	740644	12	5	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
6	740646	12	6	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
7	740648	12	7	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
8	740650	12	8	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
9	740652	12	9	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
10	740654	12	10	Eagles Crossing Phase II	Eagles Crossing Inc	10,234	99.86
11	740656	12	11	Eagles Crossing Phase II	Steven & Michelle Gombar	10,243	99.95
12	740658	12	12	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
13	740660	12	13	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
14	740662	12	14	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
15	740663	12	15	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
16	740664	12	16	Eagles Crossing Phase II	Robert & Cathryn Brunn	8,700	84.89
17	740666	12	17	Eagles Crossing Phase II	Anthony & Esther Allen	8,700	84.89
18	740668	12	18	Eagles Crossing Phase II	Jerry & Sheila Lawson	8,700	84.89
19	740670	12	19	Eagles Crossing Phase II	Eagles Crossing Inc	8,235	80.36
20	740672	13	1	Eagles Crossing Phase II	Eagles Crossing Inc	11,680	113.97
21	740674	13	2	Eagles Crossing Phase II	Marketing Concepts Inc.	8,758	85.46
22	740676	13	3	Eagles Crossing Phase II	Gary E. Arno, Jr.	9,570	93.38
23	740678	13	4	Eagles Crossing Phase II	Montana Pride Builders Inc.	9,570	93.38
24	740680	13	5	Eagles Crossing Phase II	John D. Dowson, Sr.	9,570	93.38
25	740682	13	6	Eagles Crossing Phase II	Jaramy Westhoff	9,570	93.38
26	740684	13	7	Eagles Crossing Phase II	Montana Pride Builders Inc.	9,570	93.38
27	740686	13	8	Eagles Crossing Phase II	Philip & Elma Ruf	9,570	93.38
28	740688	13	9	Eagles Crossing Phase II	Freedom Home Group LLC	9,570	93.38
29	740690	13	10	Eagles Crossing Phase II	Elizabeth & Eric Buss	11,273	110.00
30	740732	4	7	Eagles Crossing Phase III	Eagles Crossing Inc	15,006	146.43
31	740734	4	8	Eagles Crossing Phase III	Eagles Crossing Inc	15,010	146.47

**RESOLUTION 9767 - EXHIBIT "B"**

**SPECIAL MAINTENANCE LIGHTING DISTRICT 1308 ANNUAL ASSESSMENT**

13 - 150 WATT HPS ON 20' STEEL POLES WITH UNDERGROUND WIRING

\$ 4,009.00

COST OF OPERATION AND ROUTINE MAINTENANCE

4,009.00

10% ADMINISTRATION FEE

400.90

TOTAL ANNUAL COST TO THE DISTRICT =

\$ 4,409.90

ASSESSMENT BASED ON 12 MONTHS -

ANNUAL ASSESSMENT FOR AN AVERAGE

11,023 SQ.FT. LOT IS \$67.75

ANNUAL SQUARE FOOT COST =

0.009757884

	PARCEL	BLOCK	LOT	SUB-DIVISION	PROPERTY OWNER	SET UP AREA (SQUARE FEET)	ANNUAL COST
32	740736	4	9	Eagles Crossing Phase III	Robert & Janet Fairchild	15,008	146.45
33	740738	4	10	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	155.38
34	740740	4	11	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	155.38
35	740742	4	12	Eagles Crossing Phase III	Michael & Donna Raile	16,091	157.01
36	740744	10	1	Eagles Crossing Phase III	Eagles Crossing Inc	14,858	144.98
37	740746	10	2	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
38	740748	10	3	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
39	740750	10	4	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
40	740752	10	5	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
41	740754	10	6	Eagles Crossing Phase III	Geraldine J. Gertson Trust	14,849	144.89

451,932

4,409.90

**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN  
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1308**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9767 which pertains to levying and assessing properties within Special Improvement Lighting District No. 1308. The public hearing will be held on September 16, 2008 at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center located at 2 Park Drive South. Copies of Resolution 9767 are available in the City Clerk's office located at 2 Park Drive South, Room 202 or by calling 455-8451.

The lighting district is located within Eagles Crossing Phase II and III, First Phase Construction. The assessment will levy costs related to the installation and annual maintenance of the lighting district.

/s/ Lisa Kunz, City Clerk

Publication Date: August 29, 2008 and September 5, 2008