

RESOLUTION NO. 9784 * VOIDED *****

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 DISTRICT NO. 1305 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF FOUR 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN WATERTOWER PARK ADDITION

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 District No.1305 to finance the installation of the improvements hereinafter described as authorized by 7-12-4301 MCA.

Section 2. The City Commission has received petitions, attached as Exhibit A, signed by more than the minimum requirement of 60 percent of the owners of the property proposed to be included in the district. The City Commission also intends to conduct a public hearing to consider establishing the District as provided for in State Statute.

Section 3. That the general character of the improvements to be made within or for the benefit of the District is the installation of four 100 Watt HPS semi-cut off street lighting units mounted on 20-foot steel poles with underground wiring.

Section 4. That the number of said Special Improvement Lighting District is hereby designated as Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305 of the City of Great Falls, Montana.

Section 5. That the boundaries of said Special Improvement Lighting District are hereby declared to be as follows:

The land being described lies in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T. 21 N., R. 3 E., P.M.M Cascade County, Montana.

Watertower Park Addition: Beginning at NE corner of Certificate of Survey #3762, and the True Point of Beginning; Thence S $89^{\circ} 25'45''$ E, 406.68'; Thence S $00^{\circ} 47'01''$ W, 683.32 ft.; Thence N $89^{\circ} 14'00''$ W, 406.48 ft.; Thence N $0^{\circ} 46'00''$ E, 681.93' to the True Point of Beginning. Herein described Subdivision contains 6.369 acres.

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

Section 6. 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 and estimated at \$25,000. The total

area for the district to be assessed, or subject to assessment is 216,649 square feet. The estimated annual cost of the improvements per square foot, exclusive of annual interest of 5%, is \$0.007693. 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 \$0.004978 per square foot assessable area.

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

Section 7. That on Tuesday, the 16th day of December 2008, in the City Commission Chambers, in the Civic Center, 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 8. 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 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 notice for publication is attached as Exhibit E and the letter to the property owners is attached as Exhibit F.

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 18th day of November 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 9784 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of November, and approved by the Mayor of said City on the 18th day of November.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

STREET LIGHT PETITION

DATE: March 26, 2008

TO: The City Commissioners
City of Great Falls
Great Falls, Montana

We, the undersigned property owners of Great Falls, respectfully request that a Special Improvement Lighting District be created in the area: **TD Development**

This is for the anticipated installation of: **four (4) 100 Watt HPS Semi-cut off Street Light units mounted on 20 foot steel/fiberglass poles with underground wiring, wherein the actual amount of lights, types and sizes will be determined upon final design.**

The cost of the Special Improvement Lighting District is to be paid for by the property owners within the district being assessed one hundred percent (100%) of the annual costs.

Using current dollars, this will result in an **estimated** annual assessment during the first fifteen (15) years in the newly created area of **\$163.920** for an average lot of 14,875 square feet for the installation and maintenance of the lights. The second fifteen (15) years the costs will be approximately **\$67.40** for a average lot of 14,875 square feet for the maintenance of the lights.

The street lighting system is to be installed, owned and maintained by the City of Great Falls.

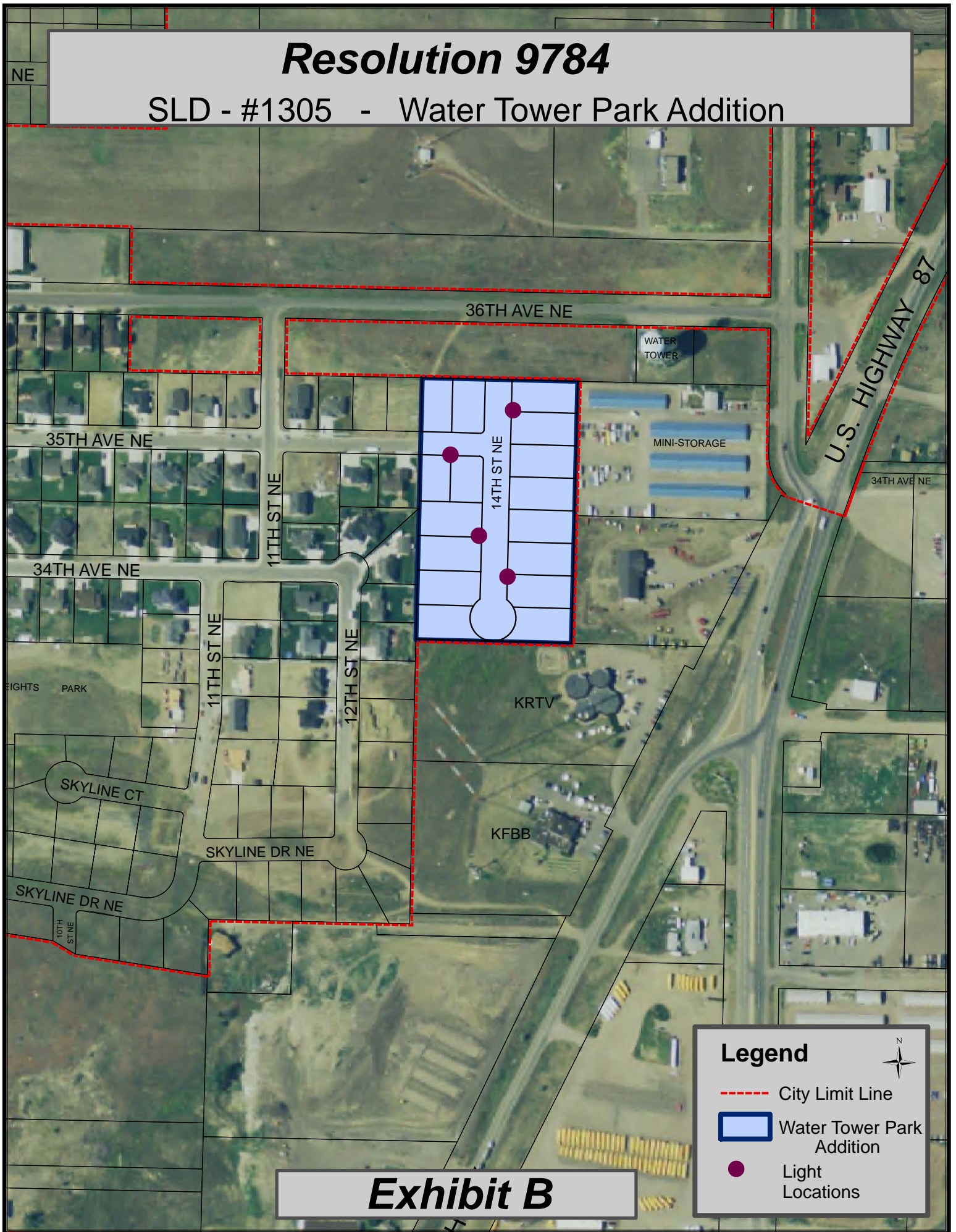
We are the respective owners of the following described city lots abutting upon and which will be benefited by said proposed improvements, and we hereby agree to pay the assessments levied by the City of Great Falls upon the respective properties, to defray the costs of said improvements.

NAME	ADDRESS	LOT	BLOCK
1	<i>Dan Jensen</i>	<i>524 4th Ave. No. #1</i>	
2	<i>Tim Spencer</i>	<i>618 Central</i>	<i>59401</i>
3			
4			
5			
6			
7			
8			
9			
10			



Resolution 9784

SLD - #1305 - Water Tower Park Addition



Legend




-  City Limit Line
-  Water Tower Park Addition
-  Light Locations

Exhibit B

RESOLUTION 9784 EXHIBIT C

**SPECIAL IMPROVEMENT LIGHTING DISTRICT 1305
INSTALLATION COSTS**

Total Construction Costs: \$ 25,000.00
 Improvements: Street Lighting
 Term in Years 15
 1st draw date 7/1/2009
 bill thru date 7/1/2010
 365

Annual Interest Rate 5.00% Daily 0.0137%
 Total Cost per Square Foot: 0.007693 (principal only) (address columns F & G)

Average Lot Size 13,541
 TOTAL AVE ASSESSMENT \$104.17
 TOTAL AVE ANNUAL PRIN \$6.94
 TOTAL AVE 1ST YR INT \$5.21
 TOTAL 1ST YR PAYMENT \$12.15

2608760	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
1		1	1	Water Tower Addition	TD LAND DEVELOPMENT	11,271	86.71	5.78	4.34	10.12
2		1	2	Water Tower Addition	TD LAND DEVELOPMENT	11,982	92.18	6.15	4.61	10.75
3		2	1	Water Tower Addition	TD LAND DEVELOPMENT	9,690	74.54	4.97	3.73	8.70
4		2	2	Water Tower Addition	TD LAND DEVELOPMENT	10,275	79.04	5.27	3.95	9.22
5		2	3	Water Tower Addition	TD LAND DEVELOPMENT	14,850	114.24	7.62	5.71	13.33
6		2	4	Water Tower Addition	TD LAND DEVELOPMENT	14,850	114.24	7.62	5.71	13.33
7		2	5	Water Tower Addition	TD LAND DEVELOPMENT	14,668	112.84	7.52	5.64	13.16
8		2	6	Water Tower Addition	TD LAND DEVELOPMENT	13,451	103.48	6.90	5.17	12.07
9		2	7	Water Tower Addition	TD LAND DEVELOPMENT	14,035	107.97	7.20	5.40	12.60
10		2	8	Water Tower Addition	TD LAND DEVELOPMENT	14,398	110.76	7.38	5.54	12.92
11		2	9	Water Tower Addition	TD LAND DEVELOPMENT	14,581	112.17	7.48	5.61	13.09
12		2	10	Water Tower Addition	TD LAND DEVELOPMENT	14,583	112.19	7.48	5.61	13.09
13		2	11	Water Tower Addition	TD LAND DEVELOPMENT	14,585	112.20	7.48	5.61	13.09
14		2	12	Water Tower Addition	TD LAND DEVELOPMENT	14,587	112.22	7.48	5.61	13.09
15		2	13	Water Tower Addition	TD LAND DEVELOPMENT	14,590	112.24	7.48	5.61	13.09
16		2	14	Water Tower Addition	TD LAND DEVELOPMENT	14,253	109.65	7.31	5.48	12.79
						216,649	\$1,666.67	\$111.11	\$83.33	\$194.44

RESOLUTION 9784 EXHIBIT D

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1305
ANNUAL MAINTENANCE ASSESSMENT

Estimated Cost of Operation
 and Routine Maintenance \$ 1,078.41

Annual Cost per Square Foot: 0.004978

Average
 Average Lot Size Annual Maintenance
 13,541 \$67.40

(address columns F & G)

	2608760					
	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)
						Estimated ANNUAL MAINTENANCE
1		1	1	Water Tower Addition	TD LAND DEVELOPMENT	11271 56.10
2		1	2	Water Tower Addition	TD LAND DEVELOPMENT	11982 59.64
3		2	1	Water Tower Addition	TD LAND DEVELOPMENT	9690 48.23
4		2	2	Water Tower Addition	TD LAND DEVELOPMENT	10275 51.15
5		2	3	Water Tower Addition	TD LAND DEVELOPMENT	14850 73.92
6		2	4	Water Tower Addition	TD LAND DEVELOPMENT	14850 73.92
7		2	5	Water Tower Addition	TD LAND DEVELOPMENT	14668 73.01
8		2	6	Water Tower Addition	TD LAND DEVELOPMENT	13451 66.95
9		2	7	Water Tower Addition	TD LAND DEVELOPMENT	14035 69.86
10		2	8	Water Tower Addition	TD LAND DEVELOPMENT	14398 71.67
11		2	9	Water Tower Addition	TD LAND DEVELOPMENT	14581 72.58
12		2	10	Water Tower Addition	TD LAND DEVELOPMENT	14583 72.59
13		2	11	Water Tower Addition	TD LAND DEVELOPMENT	14585 72.60
14		2	12	Water Tower Addition	TD LAND DEVELOPMENT	14587 72.61
15		2	13	Water Tower Addition	TD LAND DEVELOPMENT	14590 72.62
16		2	14	Water Tower Addition	TD LAND DEVELOPMENT	14253 70.95
						216,649 \$1,078.41

Exhibit E

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 18th day of November, the City Commission of the City of Great Falls, Montana, adopted Resolution 9784, 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 DISTRICT NO. 1305 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF FOUR 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN WATERTOWER PARK ADDITION.

Resolution No. 9784 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.

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. The special assessment for the installation costs of the improvements shall be payable over a term not to exceed fifteen years. The estimated assessment for construction, exclusive of annual interest of 5% will be \$104.17 for an average sized lot of 13,541 square feet; and ongoing maintenance of \$67.40 for an average sized lot of 13,541 square feet.

The City Commission of the City of Great Falls, Montana, will be in session on the 16th day of December, 2008 at 7:00 o'clock p.m., in the Commission Chambers, Civic Center, 2 Park Drive, Great Falls, MT, 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. 1305. Any person or persons, who are owners of any lot or parcel of land within said Special Improvement Lighting District No. 1305, 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: November 21, 2008 and November 28, 2008

Exhibit F

November 19, 2008

Property Owner
123 Anywhere Street
Great Falls, MT 59404

Parcel No.: XXXXXX

INTENT TO CREATE RESOLUTION NO. 9784

Dear Property Owner:

The creation of Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305 is being considered as petitioned by the developer Watertower Park Addition. This petition has started the process to install four 100 Watt HPS semi cut-off street lighting units on 20 foot steel poles with underground wiring within the boundaries of said addition.

If the City Commission adopts the proposed resolution, it would result in an **estimated** annual lighting installation assessment of \$1,666.67, exclusive of annual interest of 5% for a period of 15 years, and an estimated ongoing annual maintenance assessment of \$1,078.41 for your property. The total costs will be split proportionately per square foot to the 16 planned parcels contained within Watertower Park Addition and will appear on the property tax bill beginning with the 2009/2010 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, November 21, 2008 and again Friday, November 28, 2008.

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 to City Clerk, PO Box 5021, Great Falls, MT 59403 or hand-delivered to the City Clerk, Civic Center, 2 Park Drive, Great Falls, MT, 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.

Re: Intent to Create Resolution No. 9784
Page 2

You are invited to attend the public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting No. 1305 on December 16, 2008 at 7:00 o'clock p.m. in the Commission Chambers, Civic Center, 2 Park Drive, Great Falls, MT.

If you have any questions regarding the creation of this district, please call me at 455-8484 or by email at mcappis@greatfallsmt.net.

Sincerely,

Martha Capps
Operations Supervisor
City of Great Falls

Enc: Legal Notice