

RESOLUTION NO. 9786

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. 1303 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF EIGHT 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN BOOTLEGGERS ADDITION PHASE I.

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. 1303 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 eight 100 Watt HPS semi-cut off street lighting units mounted on 20-foot steel 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. 1303 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:

A portion of Certificate of Survey #1138 in NW ¼ SE ¼, Section 25, T 21 N, R 3 E, P.M.M., Cascade County, Montana. Beginning at the SW corner of Lot VI of said C/S #1138, the TRUE POINT of BEGINNING; Thence N 0 45' W, 265.59 ft along the North-South Midsection line; Thence S 89 27'10" E, 189.08 ft; Thence S 0 32'50" W, 4.75 ft; Thence S 89 41'20" E, 901.94 ft to the West right of way of the Street; Thence N 19 23'27" E, 32.81 ft; Thence S 70 36'33" E, 180.00 ft; Thence S 19 23'27" W, 105.01 ft; Thence S 15 18'33" W, 60.00 ft to the South right of way of the 41st Avenue; Thence S 74 41'27" E, 7.63 ft; Thence S 0 36'33" E, 73.00 ft to the North boundary of Northview Add., Thence N 89 41' W, 1225.60 ft to the TRUE POINT of BEGINNING. Containing 7.441 acres in all.

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 annual installation costs are estimated to be \$0.013804 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 \$0.00597611 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 18th day of November 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 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 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 21st day of October 2008.

Dona R. Stebbins, Mayor

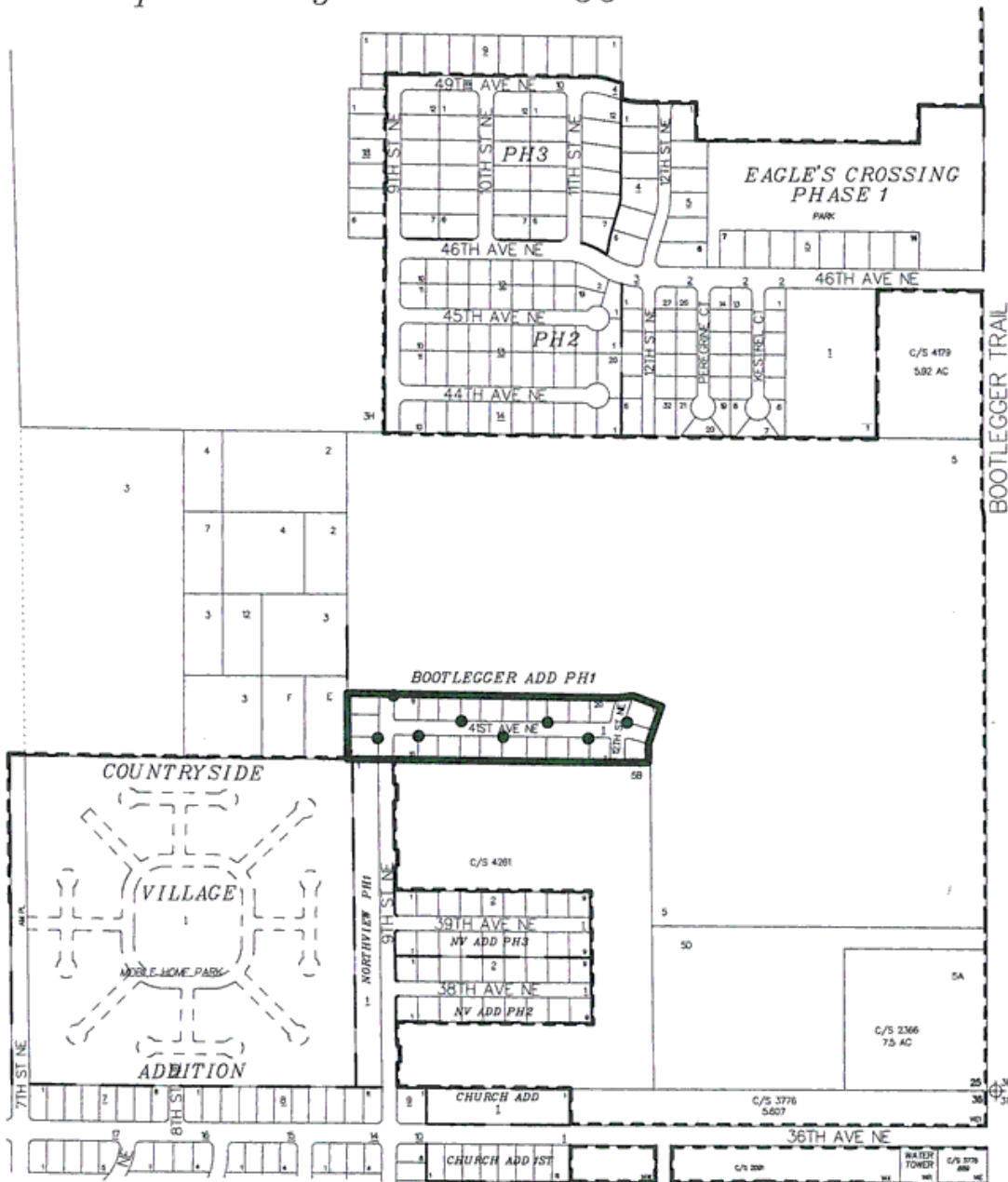
ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Resolution 9786

Proposed Lights Bootlegger Addition PH1



- City Limit Line
- Bootlegger Addition PH1*
- *Proposed Lights*

EXHIBIT A

RESOLUTION 9786 EXHIBIT B

**SPECIAL IMPROVEMENT LIGHTING DISTRICT 1303
INSTALLATION COSTS**

Total Construction Costs: \$ 33,500.00

Improvements: Street Lighting

Term in Years 15

1st draw date 7/1/2009

bill thru date 7/1/2010

365

Annual

Daily

Interest Rate 5.00%

0.0137%

Average Lot Size

Average

Annual Assessment

Total Cost per Square Foot: 0.144465671

(address columns F & G)

9,276

\$156.33

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
2577510	Original Parcel		Bootlegger Addition I	Murphy Real Estate LLC, ETAL	231,889	\$ 33,500.00	2,233.33	1,675.00	3,908.33
Will be split into the following:									
1	1	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,370	1,209.18	80.61	60.46	141.07
2	1	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	1,227.96	81.86	61.40	143.26
3	1	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,300.19	86.68	65.01	151.69
4	1	4	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,155.73	77.05	57.79	134.83
5	1	5	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	1,444.66	96.31	72.23	168.54
6	1	6	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,300.19	86.68	65.01	151.69
7	1	7	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,155.73	77.05	57.79	134.83
8	1	8	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,300.19	86.68	65.01	151.69
9	1	9	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,155.73	77.05	57.79	134.83
10	1	10	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,958	1,438.59	95.91	71.93	167.84
11	2	11	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,889	1,428.62	95.24	71.43	166.67
12	2	12	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,155.73	77.05	57.79	134.83
13	2	13	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,300.19	86.68	65.01	151.69
14	2	14	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,155.73	77.05	57.79	134.83
15	2	15	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,300.19	86.68	65.01	151.69
16	2	16	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	1,444.66	96.31	72.23	168.54
17	2	17	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,155.73	77.05	57.79	134.83
18	2	18	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,300.19	86.68	65.01	151.69
19	2	19	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	1,227.96	81.86	61.40	143.26
20	2	20	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,319	1,346.28	89.75	67.31	157.07
21	3	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,201	1,618.16	107.88	80.91	188.79
22	3	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,352	1,639.97	109.33	82.00	191.33
23	3	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,890	1,573.23	104.88	78.66	183.54
24	5	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	13,046	1,884.70	125.65	94.23	219.88
25	6	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,864	1,280.54	85.37	64.03	149.40
					231,889	\$33,500.00	\$2,233.33	\$1,675.00	\$3,908.33

RESOLUTION 9786

EXHIBIT C

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1303
ANNUAL MAINTENANCE ASSESSMENT

Estimated Cost of Operation
and Routine Maintenance \$ 1,385.79

Annual Cost per Square Foot: \$ 0.00597611

Average
Average Lot Size Annual Maintenance
9,276 \$55.43

(address columns F & G)

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	Estimated ANNUAL MAINTENANCE
2577510	Original Parcel	0	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	231,889	1,385.79
Will be split into the following:						
1	1	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,370	50.02
2	1	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	50.80
3	1	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	53.78
4	1	4	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	47.81
5	1	5	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	59.76
6	1	6	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	53.78
7	1	7	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	47.81
8	1	8	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	53.78
9	1	9	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	47.81
10	1	10	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,958	59.51
11	2	11	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,889	59.10
12	2	12	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	47.81
13	2	13	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	53.78
14	2	14	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	47.81
15	2	15	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	53.78
16	2	16	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	59.76
17	2	17	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	47.81
18	2	18	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	53.78
19	2	19	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	50.80
20	2	20	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,319	55.69
21	3	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,201	66.94
22	3	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,352	67.84
23	3	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,890	65.08
24	5	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	13,046	77.96
25	6	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,864	52.97
					231,889	\$1,385.79

Exhibit D

October 22, 2008

Property Owner
123 Anywhere Street
Great Falls, MT 59404

Parcel No.: XXXXXX

INTENT TO CREATE RESOLUTION NO. 9786

Dear Property Owner:

The creation of Special Improvement Lighting District – City-Owned Residential Lighting No. 1303 is being considered as petitioned by the developer of Bootlegger Addition Phase I. This petition has started the process to install eight 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 \$128.04 for 15 years, and an ongoing annual maintenance assessment of \$55.43 for your property. The total costs will be split proportionately to the 25 planned parcels contained within Bootlegger Addition Phase I 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, October 24, 2008 and again Friday, October 31, 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.

You are invited to attend the public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting No. 1303 on November 18, 2008 at 7:00 o'clock p.m. in the Commission Chambers, Civic Center, 2 Park Drive, Great Falls, MT.

Re: Intent to Create Resolution No. 9786
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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

Exhibit E

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 21st day of October 2008 the City Commission of the City of Great Falls, Montana, adopted Resolution 9786, 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. 1303 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF EIGHT 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN BOOTLEGGERS ADDITION PHASE I.

Resolution No. 9786 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. This will result in an estimated annual assessment during the first fifteen (15) years in the newly created area of \$183.48 for an average lot of 9,276 square feet for the construction, installation, and maintenance of the lights. The on going annual maintenance assessment, including energy and distribution costs is estimated at \$55.43 for an average lot of 9,276 square feet.

The City Commission of the City of Great Falls, Montana, will be in session on the 18th day of November, 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. 1303. Any person or persons, who are owners of any lot or parcel of land within said Special Improvement Lighting District No. 1303, 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: October 24, 2008 and October 31, 2008