

Resolution 9832

A RESOLUTION OF INTENTION TO RE-CREATE A BUSINESS IMPROVEMENT DISTRICT WITHIN THE CITY OF GREAT FALLS, MONTANA

WHEREAS, pursuant to 7-12-1101, et seq., MCA, the City of Great Falls is authorized to create and appoint a board to administer a Business Improvement District; and,

WHEREAS, the Business Improvement District in the City of Great Falls was originally created in May 1989 and re-created July 1999; and

WHEREAS, Section 7-12-1141, MCA specifies that a Business Improvement District shall not be for a period longer than ten (10) years unless the duration of the district is extended in compliance with the provisions for the creation of the district; and

WHEREAS, in accordance with 7-12-1111 (1) MCA, the City of Great Falls has been presented with petitions signed, and on file with the City Clerk, by 72% of the owners which exceeds the statutorily required 60%, of the area of the property to be included in a Business Improvement District. The exterior boundaries of which are shown on the map attached as Exhibit "A" and as described on Exhibit "B" and which by this reference is made a part hereof; and,

WHEREAS, in accordance with 7-12-1102 MCA, the Great Falls City Commission has determined that this purpose promotes the health, safety, prosperity, security and general welfare of the inhabitants of the City of Great Falls and the proposed district, the people of the State of Montana, and provides special benefit to the property located within the boundaries of said district.

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

Section 1. That the Great Falls City Commission intends to re-create and re-establish a Business Improvement District pursuant to Section 7-12-1101, et seq., MCA, for the purposes and with the powers provided for in State Statutes.

Section 2. Said Business Improvement District would have boundaries as shown on the

attached Exhibit "A" and as described on the attached Exhibit "B" which, by this reference, is made a part thereof, provided, however, that all property owned by the United States Federal Government pursuant to federal prohibition on state or local entities imposing assessments on federal government) is specifically excluded from the Business Improvement District and is exempt from its assessments.

Section 3. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Great Falls Tribune a newspaper of general circulation in Cascade County on June 5, 2009 and June 12, 2009, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his or her last-known address, on or before the same day such notice is first published.

Section 4. Any owner of property liable to be assessed may make written protest against the re-creation of the district to be assessed. The protest must be in writing and must be delivered to the City Clerk, not later than 5:00 p.m. of the last day, within 15 days after the date of the first publication of the notice of the resolution of intention. The date and hours of receipt of the protest shall be endorsed thereon.

Section 5. A public hearing shall be held prior to action taken in regards to a Resolution of Creation, at 7:00 p.m. on July 7, 2009, in the City Commission Chambers, Civic Center #2 Park Drive S, Great Falls, Montana.

Section 6. In accordance with 7-12-1114 MCA, the Great Falls City Commission will proceed to hear and pass upon all protests at their regular meeting of July 7, 2009. Its decision shall be final and conclusive. The City Commission may adjourn the hearing from time to time. A protestant shall have the right to withdraw a protest at any time before final action thereon by the City Commission. No further action shall be taken upon the proposed district for 1 year if a written protest against the passage of the proposed resolution is filed by:

- (a) owners of property within the proposed district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of property within the district;
- (b) not less than 50% of the owners of property within the district; or
- (c) owners of property within the proposed district having projected assessments, when aggregated, representing not less than 50% of the total projected assessments for property within the district.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, June 2, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

City of Great Falls Business Improvement District

Point of Beginning

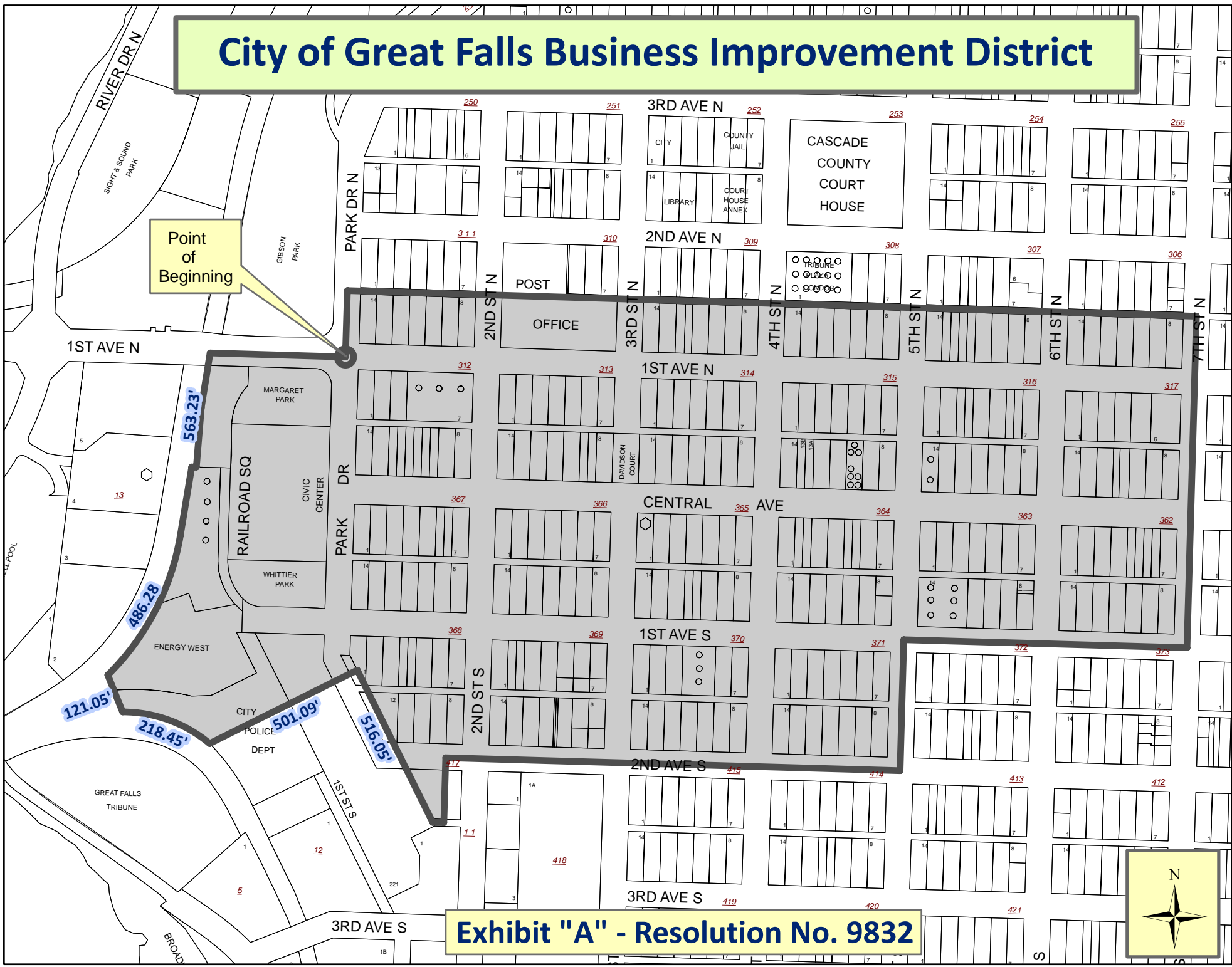


Exhibit "A" - Resolution No. 9832

City of Great Falls
Business Improvement District
Exhibit "B" Resolution No. 9832

Boundary Description

Created by City of Great Falls Mapping Department
(This is not a survey....Generated from Exhibit A of Resolution)

Point of Beginning; Beginning at the intersection of the centerline of Park Dr N and centerline of 1st Ave N;

Thence north to the intersection of the centerline of Park Dr N and the extended centerline of 2nd alley north in Block 311;
Thence east along centerline of 2nd alley north to the intersection of the centerline of 7th St N;
Thence south along centerline of 7th St S to the centerline intersection of 1st Ave S;
Thence west along centerline of 1st Ave S to the centerline intersection of 5th St S;
Thence South along centerline of 5th St S to the centerline intersection of 2nd Ave S;
Thence west along centerline of 2nd Ave S to the extended west boundary line of lot 3, Block 417;
Thence south along the west boundary line of lot 3, Block 417 to the intersection of the centerline of 3rd alley south;
Thence west to the intersection of the extended west boundary of lot 1, Block 417;
Thence northwesterly approximately 516.05 ft. to a point on the west boundary line of lot 1, Block 368;
Thence southwesterly approximately 501.09 ft. to the right of way boundary line of the BNSF Railway;
Thence approximately 218.45 ft. along a curve to the left being the right of way boundary line of the BNSF Railway;
Thence northwesterly approximately 121.05 ft. along the right of way boundary line of the BNSF Railway;
Thence along a curve to the left approximately 486.28 ft. being the right of way boundary of the BNSF Railway;
Thence northerly approximately 563.23 ft along the right of way boundary of the BNSF Railway to the intersection of the centerline of 1st Ave N;
Thence east along the centerline of 1st Ave N to the point of beginning.