

RESOLUTION NO. 3644

A RESOLUTION TO CREATE A SPECIAL IMPROVEMENT DISTRICT NUMBER 211, TO IMPROVE AND PAVE CERTAIN PORTIONS OF ARROWHEAD LANE, INCLUDING CURB AND GUTTER, WITHIN THE SOUTHGATE MEADOWS SUBDIVISION IN MILES CITY, MONTANA.

WHEREAS, on April 23, 2013, the City Council of the City of Miles City has passed Resolution No. 3588, a Resolution of Intent to Create a Special Improvement District Number 211, to Improve and Pave Certain Portions of Arrowhead Lane, Including Curb and Gutter, Within the Southgate Meadows Subdivision in Miles City, Montana.

AND WHEREAS, Resolution 3588 called for a Public Hearing to be held so that landowners within the proposed District may protest the creation of the District or the improvements proposed, said hearing to be held on May 14, 2013 at 7:00P.M. at City Hall in Miles City, Montana, pursuant to MCA § 7-12-4112.

AND WHEREAS, The City Clerk of the City of Miles City, Montana, gave notice of the passage of Resolution 3588 and of the public hearing and opportunity to submit written protests both by publication, and by mailing to all land owners within the proposed District, all as provided by MCA § 7-12-4106. Said notice called for written protests to delivered to City Hall, or to be made in person at the public hearing.

AND WHEREAS, no protests were made, either in writing or in person. A public hearing was held on May 14, 2013 at 7:00P.M. at City Hall in Miles City, Montana, and all who spoke on the matter of the said Special Improvement District Number 211 were proponents of the creation of the District.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Custer County, Montana, as follows:

SECTION 1. That the public convenience and safety requires, and it is deemed necessary to order, establish and create, and the City Council of the City of Miles City, Montana, does hereby declare the creation of Special Improvement District for the improvement of paving certain portions of Arrowhead Lane, including curb and gutter, within the Southgate Meadows Subdivision in Miles City, Montana.

SECTION 2. That this Special Improvement District shall be known and designated as Special Improvement District Number 211 of the City of Miles City, Montana.

SECTION 3. That the subject of this Special Improvement District and the land on which the preparation of surface and placement of curb and gutter shall be applied is located on Arrowhead Lane in the City of Miles City, Montana. The general nature of the improvements shall be as follows: the paving of approximately 775 linear feet, not less than 26 feet wide, asphalt street, built to sound and standard engineering specifications as approved by the City of Miles City, along with curb and gutter, constructed upon the existing gravel roadway adjacent to and running between the parcels of land included in this District.

SECTION 4. The following lots located in the City of Miles City, County of Custer, State of Montana, shall be included in the said District: Block 6 of the Southgate Meadows Subdivision, Lots 10, 14, 15, 16, 17, 18, 33A, 33B, 34A; Block 3 of the Southgate Meadows Subdivision, Lots 12 and 20, along with the lots being developed, with frontage on Arrowhead Lane, which, prior to subdivision, are a part of the following parcel of land, located in Township 7 North, Range 47 East, M.P.M.: Section 2: All that tract of land lying in the E1/2SW1/4 and the W1/2SE1/4 of said section 2 described by the plat and survey filed for record, August 10, 1990, as Document Number 85481 in Envelope Number 264A of the Plat Cabinet in the office of the County Clerk & Recorder in and for Custer County, Montana, as approximated in the attached Exhibit "A." Upon finalization of the subdivision of the foregoing parcel of land, the created parcels shall be assessed in the same manner as the remaining parcels within the District.

SECTION 5. The foregoing real property is deemed to be benefitted by said improvement, and is hereby declared to be a part of the said Special Improvement District Number 211, and is the property to be assessed for the costs and expenses of making the improvements called for herein.

SECTION 6. M&L Enterprises Inc., a Montana Corporation, is the developer of the lots within Southgate Meadows subdivision which have not yet been subdivided, and has requested that ½ of the cost of the paving of a portion of Arrowhead Lane, with curb and gutter, be funded by Special Improvement District Number 211, and M&L Enterprises Inc. has agreed to reimburse the City of Miles City the amount of ½ of the cost of said paving, curb and gutter, with the remaining ½ of the cost of said paving, curb and gutter to be paid by Special Improvement District Number 211.


SECTION 7. The estimated cost of the improvements called for herein, after accounting for the portions of the improvements being paid by M&L Enterprises Inc., is \$55,072.50, or approximately \$35.53 per lineal foot of adjoining, assessable parcels which are included in said Special Improvement District, subject to actual costs as the same may later appear, payment of which is to be spread over a period of not more than twenty (20) years, though the period may be less. The interest rate during the period of repayment shall be the average interest rate payable

on the outstanding bonds or warrants of the Special Improvement District at the time the assessment is levied each fiscal year, plus 1% pursuant to MCA § 7-12-4189.

SECTION 8. The establishment of the precise cost of the improvements, the exact period of repayment, and the interest to be charged during the period of repayment, along with the calculation of the taxable assessment of each parcel of land within the District, shall be established by a Resolution for Tax Levy Upon District Property, and after notice and a hearing thereon, pursuant to MCA § 7-12-4176 through MCA § 7-12-4178.

SECTION 9. The method by which the costs of the improvements will be assessed against the property in the district is the frontage option as set forth in MCA § 7-12-4189.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 24th DAY OF October, 2013.**



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk