

RESOLUTION NO. 3729

A RESOLUTION AMENDING SPECIAL IMPROVEMENT DISTRICT NUMBER 211, FOR IMPROVEMENT AND PAVING OF CERTAIN PORTIONS OF ARROWHEAD LANE 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 be 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.

AND WHEREAS, the City Council passed Resolution 3644 creating Special Improvement District Number 211 on October 24, 2013;

AND WHEREAS, the developer of certain lots within Special Improvement District Number 211 has proposed that it complete curb, gutter and gravel work for the portion of Arrowhead Lane which is subject to said district, and that Special Improvement District Number 211 only be used to pay for the paving of said road;

AND WHEREAS, it has been determined by City Staff that the repayment term for the projected cost of the project should not exceed fifteen (15) years;

AND WHEREAS, a public hearing on the amendment to the scope of work to be completed, and other amendments to Special Improvement District Number 211, was duly noticed by publication and mailing, and was held on August 12, 2014 at 7:00P.M. at City Hall in Miles City, Montana.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Custer County, Montana, that Resolution 3644 be amended to read 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 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, constructed upon the existing gravel roadway adjacent to and running between the parcels of land included in this District. Curb, gutter and gravel work are to be completed by the developer, M&L Enterprises, Inc., a Montana Corporation, at the developer's expense, and pursuant to a separate agreement with the City of Miles City.

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. 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 \$90,000.00, or approximately \$58.06 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 fifteen (15) 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 7. 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 8. 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, 12th THIS DAY OF AUGUST, 2014.**



C.A. Grenz, Mayor

ATTEST:



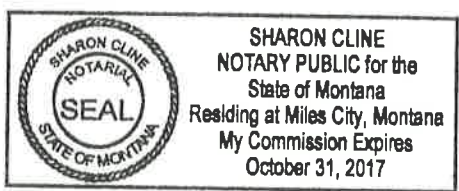
Lorrie Pearce, City Clerk

Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Halvorson, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. Resolution 3729. A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period, August 05 and 12, 2014.

Signed Mary Halvorson
Subscribed and sworn to before me this 14th
day of August, 2014
Sharon Clene



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City at its Regular Council Meeting to be held on Tuesday, August 12th at 7:00 p.m. will consider passage of Resolution No. 3729, which amends Resolution No. 3588 as to the scope of work, repayment term and other details of Resolution 3644 creating SID 211.

RESOLUTION NO. 3729: A RESOLUTION AMENDING SPECIAL IMPROVEMENT DISTRICT NUMBER 211, FOR IMPROVEMENT AND PAVING OF CERTAIN PORTIONS OF ARROWHEAD LANE WITHIN THE SOUTHGATE MEADOWS SUBDIVISION IN MILES CITY, MONTANA

The above Resolution is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that objections to the final adoption of the

Resolution will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana, on Tuesday, August 12th at 7:00 p.m.

For information or questions you may contact the City Clerk at 234-3462.

BY ORDER OF
THE CITY COUNCIL
Lorrie Pearce
City Clerk
(Published August 5, and 12, 2014)
MNAXLP

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* should be 3729 - see copy of notice, attached

CITY OF MILES CITY
Office of Finance & Administration
P.O. Box 910, Miles City, MT 59301
234-3462

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(Publish August 5 and August 12, 2014)