

## **RESOLUTION NO. 3552**

### **A RESOLUTION LEVYING AN ASSESSMENT FOR FISCAL YEAR 2012-2013 UPON ALL PROPERTY IN BUSINESS IMPROVEMENT DISTRICT NO. 101 AND DETERMINING THE METHOD OF SUCH ASSESSMENT.**

*WHEREAS*, the City of Miles City by Ordinance 1202 established Business Improvement District No. 101;

*AND WHEREAS*, by Resolution 3551, this Council has approved the work plan and budget for FY 2012-2013 for Business Improvement District No. 101;

*AND WHEREAS*, §7-12-1132(4) provides that after approval of such work plan and budget, the City Council shall, by resolution, levy an assessment against all property within the District utilizing one of the methods prescribed in §7-12-1133;

*AND WHEREAS*, upon consideration, the City Council has determined that the benefits derived by each lot or parcel within the District are proportional to the occupancy of "Facility" (as defined in §15-65-101 MCA and the rules and regulations of the Montana Department of Revenue adopted pursuant to §15-65-102) within such District, and that an assessment based upon occupancy per room per night is equitable in proportion to the benefits to be received by each property within the District;

### **NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. There is hereby assessed against all lots and parcels within Business Improvement District No. 101 for Fiscal Year 2012-2013, an amount of \$1.00 per occupied room per night for each Facility (as defined in §15-65-101 MCA and the rules and regulations of the Montana Department of Revenue adopted pursuant to §15-65-102) within the District. The amount of such assessment for each such Facility shall be based upon the occupancy reports provided by each Facility to the Montana Department of Revenue pursuant to §15-65-112, adjusted, if applicable, for any changes in such reported occupancy determined by audit of the Montana Department of Revenue.

2. The City Clerk shall deliver to the City Treasurer a certified copy of this Resolution, to be placed on the tax rolls and collected in the same manner as other taxes.

3. The amounts levied hereunder shall be retroactive to the beginning of the FY 2012-2013 fiscal year on July 1, 2012.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AT A REGULAR MEETING THIS 23RD DAY OF OCTOBER, 2012.**

  
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C.A. Grenz, Mayor

ATTEST:

  
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Rebecca Stanton, City Clerk