

RESOLUTION NO. 4312

A RESOLUTION OF INTENT TO EXTEND THE DURATION OF TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 101 FOR AN ADDITIONAL 10 YEAR TERM, PURSUANT TO TITLE 7, CHAPTER 12, PART 11, MONTANA CODE ANNOTATED.

WHEREAS, the Miles City Tourism Business Improvement District No. 101 was established in 2010, for a 10 year period expiring on May 27, 2020; and

WHEREAS, Montana Code Annotated Sections 7-12-1111 and 7-12-1141 allow for a business improvement district to be extended for additional 10 year periods upon the petition of 60% of the owners of the property proposed to be included in the district; and

WHEREAS, the City of Miles City has received a petition for extension of said Tourism Business Improvement District No. 101 signed by 7 of the 7 property owners (being 100% of the owners) within said district, including the owners of all hotels located within the City of Miles City which have six or more rooms, requesting extension of the duration of said Tourism Business Improvement District No. 101 for an additional 10 year period; and

WHEREAS, the boundaries of said district, which includes all of those hotels which are eligible to be included within said district, are as follows:

1. Miles City Hotel & Suites: Tract A of Certificate of Survey No. 102097 in the SW1/4SW1/4 of Section 2, Township 7 North, Range 47 East.
2. Miles City Hotel: Tract 1 of Certificate of Survey 57595 in the NE1/4 of Section 3, Township 7 North, Range 47 East, less highway.
3. Econo Lodge: Certificate of Survey No. 14268 in Gulf Oil Corp. Tract, less Certificates of Survey No. 76277, 80623, and 106735.
4. Oyo Hotels: A parcel of land in tract 1 of Edwards Tract in Lot 4, Section 2, Township 7 north, Range 47 East MPM more particularly described as: Beginning at a point on the section line, said point being South 0° 12' West a distance of 535.6 feet from the section corner common to Sections 34, 35, 3 and 2; thence South 89° 48 minutes East a distance of 394.95 feet more or less to the north right of the way line of the Interstate Highway; thence North 58° 25' East a distance of 167.28 feet; Thence North 0° 12' East a distance of 166.89 feet; thence North 89° 48' West a distance of 337.15 feet; thence South 0° 12' West a distance of 200 feet; thence North 89° 48' West a distance of 200 feet; thence South 0° 12' West a distance of 55 feet to the point of beginning.
5. Best Western: Lots 1 through 10 in Block 1, Doeden Addition to the City of Miles City.
6. Super 8: A tract of land located in the SW1/4NW1/4, NW1/4SW1/4, of Section 2, Township 7 North, Range 47 East, being more particularly described as follows:

Commencing at the W1/4 of said Section 2, the true point of beginning; thence North 0 degrees 11 minutes 35 seconds East a distance of 22.30 feet to a point; thence South 89 degrees 26 minutes 26 seconds East a distance of 441.37 feet to a point; thence South 0 degrees 02 minutes 00 seconds West a distance of 278.25 feet to a point; thence North 89 degrees 58 minutes 00 seconds East a distance of 260.00 feet to the true point of beginning, according to the plat and survey thereof filed for record as Document No. 49207 in Envelope No. 134 of the plat cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana. LESS That portion thereof deeded to the State of Montana, for the benefit and use of its Department of Transportation.;

7. Sleep Inn & Suites: Lot 5A of the Cremer Minor Subdivision according to Certificate of Survey No. 91759 filed in envelope 285 of the plat cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana; and

WHEREAS, all of the properties in the proposed district have a common purpose of providing overnight stays at lodging facilities; and

WHEREAS, the boundaries of the proposed district encompass all properties in the district with the same identified purpose of providing overnight stays at lodging facilities that are subject to the Montana Lodging Facility Use Tax; and

WHEREAS, the boundaries of the proposed district comply with all applicable zoning regulations; and

WHEREAS, the proposed district does not include areas that are zoned primarily as residential areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana, that it intends to extend the duration of Tourism Business Improvement District No. 101, the boundaries of which shall be as follows:

Tract A of Certificate of Survey No. 102097 in the SW1/4SW1/4 of Section 2, Township 7 North, Range 47 East;

Tract 1 of Certificate of Survey 57595 in the NE1/4 of Section 3, Township 7 North, Range 47 East, less highway;

Certificate of Survey No. 14268 in Gulf Oil Corp. Tract, less Certificates of Survey No. 76277, 80623, and 106735;

A parcel of land in tract 1 of Edwards Tract in Lot 4, Section 2, Township 7 north, Range 47 East MPM more particularly described as: Beginning at a point on the section line, said point being South 0° 12' West a distance of 535.6 feet from the section corner common to Sections 34, 35, 3 and 2; thence South 89° 48 minutes East a distance of 394.95 feet more or less to the north right of the way line of the Interstate Highway; thence North 58° 25' East a distance of 167.28 feet; Thence

North 0° 12' East a distance of 166.89 feet; thence North 89° 48' West a distance of 337.15 feet; thence South 0° 12' West a distance of 200 feet; thence North 89° 48' West a distance of 200 feet; thence South 0° 12' West a distance of 55 feet to the point of beginning;

Lots 1 through 10 in Block 1, Doeden Addition to the City of Miles City;

A tract of land located in the SW1/4NW1/4, NW1/4SW1/4, of Section 2, Township 7 North, Range 47 East, being more particularly described as follows: Commencing at the W1/4 of said Section 2, the true point of beginning; thence North 0 degrees 11 minutes 35 seconds East a distance of 22.30 feet to a point; thence South 89 degrees 26 minutes 26 seconds East a distance of 441.37 feet to a point; thence South 0 degrees 02 minutes 00 seconds West a distance of 278.25 feet to a point; thence North 89 degrees 58 minutes 00 seconds East a distance of 260.00 feet to the true point of beginning, according to the plat and survey thereof filed for record as Document No. 49207 in Envelope No. 134 of the plat cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana. LESS That portion thereof deeded to the State of Montana, for the benefit and use of its Department of Transportation;

Lot 5A of the Cremer Minor Subdivision according to Certificate of Survey No. 91759 filed in envelope 285 of the plat cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana.

BE IT FURTHER RESOLVED that a public hearing shall be held on the 14th day of April, 2020, at 6:00 p.m. in the City Council Chambers at City Hall, 17 South 8th Street, Miles City, Montana.

The City Clerk shall, without delay, cause notice of the passage of this resolution of intention to be published in the Miles City Star, in accordance with Section 7-1-4127 MCA, and, on the same day that the notice is first published, the City Clerk shall mail notice of the passage of this resolution of intention to each owner of real property within the proposed district listed on the last-completed assessment roll for the state, county and school district taxes, at the owner's last known address.

Such notices shall described the general purpose of the district to be to continue to aid in tourism, promotion, and marketing within the district, and shall designate that on the 14th day of April, 2020, at 6:00 p.m. in the City Council Chambers at City Hall, 17 South 8th Street, Miles City, Montana, the City Council will hear and pass upon all protests that may be made against the extension of the duration of the district, and shall state that the description of the boundaries of the district are set forth in this resolution on file in the office of the City Clerk . It shall further state that all protests must be made 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 City Clerk shall endorse upon each protest the date and hour of receipt of such protest.

BE IT FURTHER RESOLVED that, within 30 days after such hearing, the City Council of the City of Miles City shall issue its decision upon such rate increase and file such decision with the City Clerk and shall file a copy of the revised rate schedule as determined subsequent to such hearing, with the Montana public service commission. Such decision shall become final ten (10) days after the date of filing with the City Clerk.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 10TH DAY OF MARCH, 2020.



John Hollowell, Mayor

ATTEST:


Lorrie Pearce, City Clerk