

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1339

AN ORDINANCE EXTENDING THE DURATION OF BUSINESS IMPROVEMENT DISTRICT 101, PROVIDING FOR A BOARD OF TRUSTEES AND EXECUTIVE DIRECTOR AND THE TERMS THEREOF, PROVIDING FOR THE FUNDING OF THE DISTRICT, PROVIDING FOR THE DURATION OF SUCH EXTENSION OF THE DISTRICT, AND PROVIDING AN EFFECTIVE DATE THEREFORE.

WHEREAS, on April 27, 2020, the City of Miles City created Tourism Business Improvement District No. 101 ("TBID 101") with the passage of Ordinance 1202, which became effective 30 days from said date of passage of Ordinance 1202, for a 10 year term; and

WHEREAS, on March 4, 2020, the City of Miles City received a petition to extend the duration of TBID 101 for an additional 10 year period; and

WHEREAS, on March 10, 2020, the City Council passed a Resolution of Intention to extend the duration of TBID 101; and

WHEREAS, on April 14, 2020, the City Council held a public hearing on said Resolution of Intention to extend the duration of TBID for an additional 10 year period, and no protests were received either in writing or during said hearing; and

WHEREAS, Montana Code Annotated Section 7-12-1141 allows for the extension of a tourism business improvement district for additional 10 year terms upon receipt of a petition signed by the owners of more than 60% of the area of the property owners within the district requesting the same, passage of a resolution of intention to extend the duration of the district, public hearing, and consideration of protests; and

WHEREAS, notice of the passage of such resolution of intention was mailed to all property owners within such proposed district, and published as provided by Montana Code Annotated Section 7-12-1112; and

WHEREAS, the protest period provided for by Montana Code Annotated Section 7-12-1113 has fully expired and no written protests to the creation of such district were delivered to the City of Miles City; and

WHEREAS, the City Council of the City of Miles City has determined that it is in the best interest of the property owners within such district for said TBID to be extended for an additional 10 year term;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. The duration of Tourism Business Improvement District No. 101 is hereby extended for a period of 10 years from the effective date of this ordinance.

Section 2. The boundaries of said district shall be as follows:

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Tract A of Certificate of Survey No. 102097 in the SW1/4SW1/4 of Section 2, Township 7 North, Range 47 East (commonly known as Miles City Hotel & Suites);

Tract 1 of Certificate of Survey 57595 in the NE1/4 of Section 3, Township 7 North, Range 47 East, less highway (Commonly known as Miles City Hotel);

Certificate of Survey No. 14268 in Gulf Oil Corp. Tract, less Certificates of Survey No. 76277, 80623, and 106735 (Commonly Known as Econo Lodge);

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 (Commonly known as Oyo Hotels);

Lots 1 through 10 in Block 1, Doeden Addition to the City of Miles City (Commonly known as Best Western);

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 (Commonly known as Super 8);

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 (Commonly known as Sleep Inn & Suites).

Such District encompasses all properties within the City of Miles City with the same identified purpose of providing overnight stays at lodging facilities that are subject to the Montana Lodging Facilities Use Tax. If any properties within the City of Miles City, including any areas subsequently annexed to the City of Miles City, are properties providing overnight stays at lodging facilities that are subject to the Montana Lodging Facility Use Tax, they shall automatically become a part of this District, the boundaries of the District shall be amended to include such properties, and such property shall be liable for all assessments in the District for the duration of the District.

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Section 3. The District shall be governed by a Board of Trustees consisting of five (5) owners of property within the District. The Board of Trustees presently in place for the TBID shall remain in place, subject to the staggered terms established by Ordinance 1202, in Sections 3 and 4 of said Ordinance.

Section 4. The presiding officer of the Board of Trustees shall be elected from the membership of the Board of Trustees by majority vote of the Trustees.

Section 5. The Board of Trustees shall have those powers set forth in Montana Code Annotated Section 7-12-1131, including any amendments thereto.

Section 6. So long as a nonprofit convention and visitors bureau, as defined by Montana code Annotated Section 15-65-101 is operating within the City of Miles City, the executive director of such nonprofit convention and visitors bureau shall be the executive director of the TBID.

Section 7. On or before June 1 of each year, the Board of Trustees shall submit to the City Council a work plan and budget for the ensuing fiscal year, for review and approval by the City Council. So long as a nonprofit convention and visitors bureau, as defined by Montana code Annotated Section 15-65-101 is operating within the City of Miles City, the Board of Trustees shall consult with such convention and visitors bureau in developing a work plan and budget for the ensuing fiscal year.

Section 8. The City Council shall not approve the annual budget or work plan of the District unless the annual budget and work plan provide for liability insurance coverage insuring the District, the Board of Trustees, and the City of Miles City against legal liability for personal injury and property damage in an amount determined sufficient by the City Council.

Section 9. At the same time as the Board of Trustees submits the annual budget and work plan to the City Council, the Board shall also recommend to the City Council a method of levying an assessment on the property within the District that will best ensure that the assessment on each lot or parcel is equitable to the benefits to be received.

Section 10. The City Council shall annually assess the entire cost of the District against the entire District using a method that best ensures that the assessment on each lot or parcel is equitable to the benefits to be received. In determining the method of assessment, the City Council shall consider the recommendations of the Board. The City Council shall levy the assessment using one of, or a combination of, the methods set forth in Montana Code Annotated Section 7-12-1133.

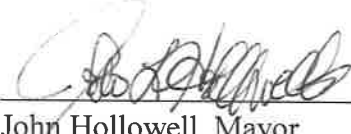
Section 11. An obligation or debt of any nature of the District is not an obligation or debt of the City of Miles City and in no event is a debt or obligation of the District payable out of any funds or property of the City of Miles City. The debts and obligations of the District are payable solely from the funds and properties of the District.

Section 12. The duration of this extension of Tourism Business Improvement District No. 101 shall be for a period of ten (10) years from and after the effective date of this Ordinance, unless the duration of the District is again subsequently extended pursuant to Montana Code Annotated Section 7-12-1141.

Section 13. This Ordinance shall become effective thirty (30) days after its final passage.

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Said Ordinance read and put on its passage this 14th day of April 2020.



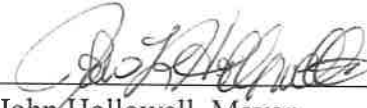
John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 28th day of April, 2020.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk