

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19870

A RESOLUTION SPECIFYING THE ASSESSMENT METHOD FOR STREET MAINTENANCE IN DISTRICT NO. 1 FOR FISCAL YEAR 2012, LEVYING AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT, AND AMENDING THE BOUNDARIES OF THE DISTRICT

WHEREAS, the Helena City Commission (“Commission”) created Street Maintenance District No. 1 (“District”) for the maintenance of all or part of the public streets and avenues in the district; and

WHEREAS, Section 7-1-8, Helena City Code, provides the methods of doing the maintenance and paying for the maintenance; and

WHEREAS, the Commission has estimated, as near as practical, the cost of maintenance in District No. 1 (“District”); and

WHEREAS, lots and parcels have been annexed into the corporate limits of the City that benefit from the District’s maintenance, but are not included within the District for assessment; and

WHEREAS, all lots and parcels benefiting from the District should be included in the District and assessed for maintenance; and

WHEREAS, a list of all lots or parcels of land assessed, with the names of the owners thereof if known, a description of the lots or parcels of land, and the amount levied thereon set opposite, is maintained by the Department of Administrative Services for the City of Helena; and

WHEREAS, the Commission adopted Resolution of Intention No. 19839 on June 27, 2011, to specify the assessment method for street maintenance in District No. 1 for fiscal year 2012, to levy and assess all property within the District, and to amend the boundaries of the district; and

WHEREAS, the Clerk of the Commission provided public notice, published in the Independent Record in accordance with Section 7-1-4127, MCA, of the adoption of Resolution of Intention No. 19839 and that the Commission would hear all objections to said Resolution of Intention on August 22, 2011; and

WHEREAS, a public hearing was held by the Commission on August 22, 2011, and all objections were heard concerning final adoption of a resolution specifying the

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assessment method for street maintenance in District No. 1 for fiscal year 2012, levying and assessing all property in the District, and amending the boundaries of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. Street Maintenance District No. 1 is amended to include within its boundaries all lots and parcels of land located within the exterior boundaries of the corporate limits of the City of Helena, including lots and parcels annexed into the City on or before the date of this Resolution.

Section 2. The method of assessment to be used for each class of property is:

A. Lots Included: The lots or parcels of land to be assessed are those shown on the list of all lots or parcels of land maintained by the Department of Administrative Services for the City of Helena. The list includes the description of the lots or parcels of land, the names of the owners, if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations. The assessable lots or parcels of land are all such other lots or parcels of land inside the City limits and include:

1. vacant lots or parcels;
2. lots or parcels adjacent to a street or alley right-of-way; and
3. lots or parcels with access to the City's street system by a private road or other means.

B. Parcel Development Potential: Difficulty in developing a lot or parcel of land is not a factor in determining whether or not the lot or parcel is assessable property or in calculating the amount of the assessment on that lot or parcel of land.

C. Classifications: For purposes of this Resolution, a lot or parcel of land is classified as follows:

1. "Vacant" is a lot or parcel of land that:
 - a. does not have structures or fixtures thereon, other than fences, walls or a surface parking lot;

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b. is not used for storage of commercial inventory or business equipment or property; or

c. is a public recreational facility, such as sport fields, athletic courts, parks, playgrounds, or public open space.

2. "Residential" if the lot or parcel has one building thereon, containing at least one (1) dwelling unit, but no more than four (4) dwelling units, and has no other principal commercial purpose except for rent or lease for residential use.

3. "Mobile Home Park" is a lot or parcel of land designed to provide sites for the accommodation of manufactured homes or mobile homes and licensed as such.

4. "Commercial" is all other lots or parcels of land not otherwise classified.

D. **Method and rate of assessment:** This Resolution provides the following method and rate of assessment for each class of property:

<u>Class of Property</u>	<u>Assessment Rate and Method</u>
Vacant or Residential	Flat rate of \$125.98 per lot or parcel of land
Mobile Home Park	\$50.39 per manufactured home or mobile home site
Commercial lots with an area of less than 6,000 square feet	\$125.98 flat rate per lot or parcel
Commercial lots with an area of 6000 square feet or more	\$0.02099 per square foot for the first 1 million square feet per lot or parcel

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 22nd DAY OF AUGUST, 2011.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION