

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19943

A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 223 IN THE CITY OF HELENA, MONTANA

WHEREAS, § 7-12-4301, et seq., MCA, allows the City of Helena to create special improvement lighting districts; and

WHEREAS, the City of Helena has before it a request by NorthWestern Energy to create a special improvement lighting district along Saddle Drive, Cabernet Drive, Chianti Drive, and Deerfield Lane in the southwest tip of the original Nob Hill subdivision, as described on Exhibit "A" attached hereto and by this reference made a part hereof;

WHEREAS, lighting improvements were initially installed in the area by NorthWestern Energy in 2005 and have been in operation since then, but a request for creation of a special improvement lighting district attendant to those improvements was inadvertently not submitted at that time;

WHEREAS, the City of Helena has determined that certain tracts of property within the proposed district will receive no benefit from the lighting infrastructure, either by virtue of the property's character (i.e., City of Helena Open Space, City of Helena stormwater control area) or its location relative to existing lighting (i.e., parcels 188833409090000, 178603209110000,

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178603206350000 and 178603206400000), and thus will not be subject to assessment for the proposed district;

WHEREAS, it appears to be in the best interests of the City of Helena, and the inhabitants thereof, specifically the inhabitants of the area to be known as Special Improvement Lighting District No. 223, that said Special Improvement Lighting District No. 223 be created.

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

Section 1. That it is the intention of the Commission of the City of Helena, Montana, to create Special Improvement Lighting District No. 223 in the City of Helena for the purpose of installing and maintaining the street lighting in the area generally described on Exhibit "A".

Section 2. Special Improvement Lighting District No. 223 shall consist of the real property tracts specifically described by the property identification numbers outlined on Exhibit "B" attached hereto and by this reference made a part hereof.

Section 3. The general character of the improvements to be operated and maintained in said district is forty-four (44) lighting units with underground wiring, fiberglass or metal poles

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with 14-foot mounting heights, and glass-enclosed, Lexington luminaries with 100-watt, high-pressure, sodium vapor lamps.

Section 4. The estimated cost of installing and maintaining said improvements, supplying electrical energy, and administration therefor for the first year is **\$14,091.00**, with the estimated cost being **\$0.007340** per square foot of property owned, said amount to be paid by the property owners. That amount includes the additional assessment to be charged by the City to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately sixty percent (60%) of the first year's assessment.

Section 5. All the costs of maintaining said lighting shall be borne by the owners of the property within said district, with the exception of those specific properties identified above and on Exhibit "B".

Section 6. The Helena City Commission shall hold a public hearing on said proposed Special Improvement Lighting District No. 223 in the Commission Chambers, 316 North Park Avenue, Helena, Montana, at **6:00 p.m. on the 10th day of September, 2012**. At such time, all protests that may be made against proposed Special

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Improvement Lighting District No. 223 shall be heard. If sufficient protest is made against the proposed District, NorthWestern Energy will retain its authority to remove the existing lighting infrastructure.

Section 7. Notice of the passage of this resolution of intention shall be given by publication as required by § 7-1-4127, MCA. Further, a copy of said notice must be mailed to each person, firm, or corporation having property within the proposed special improvement lighting district in accordance with § 7-12-4303, MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 6th DAY OF AUGUST, 2012.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION