

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19802

A RESOLUTION CREATING A SPECIAL DISTRICT TO ANNUALLY FINANCE THE MANAGEMENT AND MAINTENANCE OF PUBLIC TREES ON PUBLIC RIGHTS-OF-WAY AND IN CITY PARKS

WHEREAS, under the provisions of Title 7, chapter 11, part 10, MCA, the City may create special districts for any public or governmental purpose not specifically prohibited by law; and

WHEREAS, a city-wide special urban forest management district is needed to plant, protect, maintain, preserve, and care for public trees on public rights-of-way and in city-owned public parks so as to enhance Helena's beauty and environment for the greater benefit of the community; and

WHEREAS, pursuant to §7-11-1007, MCA, the City Commission conducted a public hearing on November 15, 2010 concerning the creation of a proposed special district known as the Urban Forest Management District; and

WHEREAS, the City Commission passed a resolution of intention to create a special urban forest management district on November 15, 2010; and

WHEREAS, pursuant to §7-11-1006, MCA, the City Commission consulted with a professional land surveyor to establish the legal description of the boundaries of the proposed district, which description is attached hereto as Exhibit "A"; and

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WHEREAS, pursuant to §7-11-1007 and 1008, public notice for two public hearings and notification of the right to protest by property owners within the proposed district was given; and

WHEREAS, the second public hearing was held on **December 20, 2010, at 6:00 p.m.**, in the Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana.

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

Section 1. Creation of the Special District: The City Commission finds that insufficient protest was made to preclude creation of the special district and establishment of the assessment. Therefore, the City Commission hereby creates a special district as described herein.

Section 2. Name of the District: The name of the special district is the Urban Forest Management District.

Section 3. Purpose of the District: This special district is established to manage and maintain public trees on public rights-of-way and in city-owned public parks so as to enhance Helena's beauty and environment for the greater benefit of the community. Creation of the special district will allow implementation of a community forest management program that

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addresses the challenges and issues that confront the City's community trees and their stewardship. Management activities will include removing, pruning, planting, replacement, preservation, education, coordination, and community outreach and education.

Section 4. General Description of the District: The special district includes all blocks, lots, parcels, and tracts contained within the corporate limits of the City of Helena as of November 15, 2010, except for city-owned open space property located in Township 9 North, Range 4 West, P.M.M. The boundaries of the district are described on Exhibit "A."

Section 5. General Character of Improvements: The general character of the improvements and maintenance is to plant, protect, maintain, preserve, replace and care for public trees on public rights-of-way and in city-owned public parks, open-space lands and other city properties.

Section 6. Estimate of Costs and Method of Financing: The initial estimated total cost for fiscal year 2012 (July 1, 2011 to June 30, 2012) is \$409,124. The initial estimated total assessment needed for fiscal year 2012 is \$237,620. These total costs may vary from year to year and may increase. Since the

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Commission finds that the benefits derived from the urban forest management program are substantially equivalent, the cost of the program is to be assessed equally to each lot or parcel located within the special district. The initial assessment for fiscal year 2012 is \$20.00 per lot or parcel. The assessment for each subsequent year will be set by the Commission after public notice and hearing based upon the proposed fiscal year budget to finance the Urban Forest Management District program.

Section 7. Administration of the District: This special district will be administered by the City Commission through the City Manager in accordance with Helena City Charter and City Code.

Section 8. Notification of Property Owners: All property owners within the district were notified by mail, pursuant to the requirements of §7-1-4129, MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, THIS 20th DAY OF DECEMBER, 2010.

ATTEST:

/S/ James E. Smith
MAYOR

/S/ Debbie Havens
CLERK OF THE COMMISSION