

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

**RESOLUTION NO. 19748**

**A RESOLUTION OF INTENTION TO AMEND THE BOUNDARIES AND  
LEVY AN ASSESSMENT UPON ALL PROPERTY IN THE OPEN SPACE  
MAINTENANCE DISTRICT NO. 1 TO DEFRAY MAINTENANCE COSTS  
IN THE DISTRICT FOR FISCAL YEAR 2011**

**WHEREAS**, the City Commission of the City of Helena, Montana, created Open Space Maintenance District No.1 ("District") ; and

**WHEREAS**, The general purposes of the District are to protect, maintain, preserve, restore, and care for the City of Helena's open space lands or natural parks as defined or designated by ordinance or resolution and designated to be left in a natural state; and

**WHEREAS**, the property in the District must be assessed to defray the cost of open space maintenance, each lot or parcel in the district to be assessed by the square-foot area of impervious surface; and

**WHEREAS**, it appears to be in the best interest of the City of Helena and the inhabitants thereof that certain public property within the District be excluded from the assessment; and

**WHEREAS**, the exclusion of the impervious area for private streets within licensed mobile home parks would be consistent with the City's policy to promote all types of affordable housing; and

**WHEREAS**, the District is all real property within the exterior boundaries of the City of Helena, including all properties annexed into the City, up to and including the date of adoption of the assessment resolution.

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

**Section 1.** Open Space Maintenance District No. 1 is amended to include all properties within the exterior boundaries of the City of Helena and all properties annexed into the City, up to and including the date of adoption of the assessment resolution.

**Section 2.** That it is the intention of the City of Helena to pass a resolution levying an assessment upon all property in the Open Space Maintenance District No. 1 to defray the cost of open space maintenance for fiscal year 2011.

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**Section 3.** For purposes of this assessment:

- a. Impervious Area is the developed part of a lot or parcel that is impermeable to storm water infiltration, excluding:
  - all rights-of-way and publicly owned streets, runways, and taxiways,
  - all privately-owned streets within licensed mobile home parks, and
  - City-owned stormwater facilities, water storage reservoirs, and public utility sites.
- b. Single parcels are those parcels that are combined under common ownership and use and are assigned a single state-issued geo-code number.

**Section 4.** The fiscal year 2011 assessment rates are to be computed as follows:

- \$ 17.00 minimum charge on all parcels, consisting of:
  - a base rate of \$7.00, plus
  - a supplemental base rate of \$10.00
- plus \$0.00215 per square foot of impervious area in excess of 2,222 square feet,
- with a 50% assessment reduction for properties which qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

**Section 5.** The Commission of the City of Helena, Montana, will be in session in the Commission Chambers at the City-County Administration Building, 316 N. Park Ave., in Helena, MT, on the 23<sup>rd</sup> day of August, 2010, at 6:00 p.m. for a public hearing, at which time and place the said Commission will hear objections to the final adoption of this resolution.

**Section 6.** Notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA. The City Clerk is authorized and directed to make publication of this Resolution of Intention in the Independent Record, the official newspaper of the City of Helena.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 26<sup>th</sup> DAY OF JULY, 2010.**

**/S/ James E. Smith**  
**MAYOR**

**ATTEST:**

**/S/ Debbie Havens**  
**CLERK OF THE COMMISSION**