

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19754

A RESOLUTION OF INTENTION TO AMEND THE BOUNDARIES AND LEVY AN ASSESSMENT UPON ALL PROPERTY IN STREET MAINTENANCE DISTRICT #1 TO DEFRAY THE COST OF PROVIDING STREET MAINTENANCE FOR FISCAL YEAR 2011

WHEREAS, the Helena City Commission created Street Maintenance District #1 (“District”) for the purpose of providing maintenance to public streets; and

WHEREAS, the assessment required to fund the maintenance services for fiscal year 2010 has been estimated by the City Commission; and

WHEREAS, the City Commission has determined that an increase in the assessment rate is needed to fund maintenance services; and

WHEREAS, the property in the District is to be assessed to defray the cost of maintaining the streets, with each lot or parcel of land in each district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, alleys, and public places; and

WHEREAS, the 2009 Impact Fee Service Area Report for the Greater Helena Area shows that dwelling units within mobile home parks have forty percent (40%) of the transportation impact per unit of Single Family dwelling units; and

WHEREAS, the boundaries of the District were expanded by Resolution No. 19119 to include all the 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 this assessment resolution.

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 all parcels and lots 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 Commission to pass a resolution levying an assessment upon all property in the District to defray the cost of street maintenance services for fiscal year 2011.

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Section 3. To defray the cost of maintaining the services in the District, for fiscal year 2011, there hereby is levied an assessment rate increase of 11.72% upon all property in said district. The assessment rates are as follows for fiscal year 2011:

<u>Type of Property</u>	<u>Assessment Rates</u>
Vacant or Residential lots	\$ 124.12 flat rate per lot or parcel
Manufactured or Mobile Home Dwelling Units, located within a licensed mobile home park	\$ 49.65 flat rate per dwelling unit
Commercial lots (6,000 square feet or more)	\$0.02068 per assessable square foot
Commercial lots (less than 6,000 square feet)	\$ 124.12 flat rate per lot or parcel

Section 4. Street maintenance assessments are to be charged against each lot or parcel or dwelling unit pursuant to the following criteria:

A. Properties to be Assessed: All assessable properties will be charged a street maintenance assessment. Assessable properties are all lots or parcels of land inside the City limits, excluding cemetery lands owned by associations, and including:

1. vacant lots or parcels;
2. properties that are adjacent to a street or alley right-of-way;
3. properties that have access to the City's street system by a private road or other means: and
4. manufactured or Mobile Home Dwelling Units within mobile home parks shall be assessed at a flat rate per mobile home dwelling unit equal to 40% of the flat rate per residential lot or parcel, and not otherwise assessed per lot or parcel.

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

C. Classifications: Lots or parcels are classified for assessment as follows:

1. "Vacant"

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- if they are not used for storage of personal property;
 - if they contain no structures or fixtures other than fences or surface parking lots;
 - if they contain public recreational facilities such as sport fields, athletic courts, parks, open space, or playgrounds;
2. "Residential" if they have one (1) dwelling unit and up to four (4) dwelling units in one structure; and
 3. "Commercial" for all other lots or parcels.

D. Commercial Property Caps and Floors:

1. Commercial lots or parcels greater than one million (1,000,000) square feet in area are assessed only on the first 1,000,000 square feet.
2. Commercial lots or parcels of less than six thousand (6,000) square feet in area are assessed on a flat rate.

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 23rd 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 26th DAY OF JULY, 2010.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION