

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 19794**

### **A RESOLUTION OF INTENTION TO CREATE 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;

**WHEREAS**, the City Commission having considered the information provided at the public hearing held on November 15, 2010, approves the passage of this Resolution of Intention to Create a Special District.

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

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **Resol. No. 19794**

**Section 1. INTENTION TO CREATE A SPECIAL DISTRICT:** The City Commission intends to create a special district as described herein.

**Section 2. NAME OF THE DISTRICT:** The proposed name of the special district to be created is the Urban Forest Management District.

**Section 3. NECESSITY FOR THE DISTRICT:** A special district is needed 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 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 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.

**Section 5. GENERAL CHARACTER OF IMPROVEMENTS:** The general character of the improvements and maintenance is to plant,

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **Resol. No. 19794**

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 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:** The special district will be administered by the City Commission through the City Manager in accordance with Helena City Charter and City Code.

**Section 8. PUBLIC HEARING:** A public hearing will be held by the Commission at **6:00 P.M. on the 20th day of December,**

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **Resol. No. 19794**

2010, in the City Commission Chambers, 316 North Park Avenue, in Helena, Montana, for the purposes of deciding the desirability of creating the proposed Special District, known as the Urban Forest Management District, and of hearing and passing on any written protests against the proposed urban forest management program or its assessments that have been filed with the Clerk of the Commission in the manner prescribed by law.

### **Section 9. NOTICE OF PASSAGE OF RESOLUTION OF INTENTION:**

The Clerk of the Commission is authorized and directed to cause notice of the passage of this resolution of intention by publishing twice, as provided in §7-1-4127, MCA, with at least six (6) days separation of each publication in a newspaper of general paid circulation.

**Section 10. LIST OF PROPERTIES SUBJECT TO ASSESSMENT:** A list of those properties subject to the potential initial assessment is provided through the City's Department of Administrative Services, 316 North Park Avenue, Helena, and is available upon request for inspection and copying during normal business hours. The list of properties subject to subsequent annual assessments will also be maintained in the same manner. These lists may not be distributed or sold for use as mailing lists in accordance with §2-6-109, MCA.

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

**Resol. No. 19794**

**Section 11. Notification of Property Owners:** The Clerk of the Commission is further authorized and directed to mail a copy of notice of the passage of this resolution of intention to the owners of property included on the list of properties for the initial assessment as referenced in Section 10 above. The mail notice must comply with the requirements of §7-1-4129, MCA.

**Section 12. Protests:** Any owner of property liable to be assessed for the work may, within thirty (30) days from the date of the first publication of the notice, make written protest against the proposed urban forest management program, as provided in §7-11-1008, MCA. Protests must be in writing, identify the property in the district owned by the protestor, be signed by all owners of the property, and delivered to the Clerk of the Commission for the City of Helena, 316 North Park Avenue, Room 323, Helena, Montana 59623, not later than 5:00 p.m. on the 20<sup>th</sup> day of December, 2010. The Clerk shall endorse the date of receipt upon each protest.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, THIS 15<sup>th</sup> DAY OF NOVEMBER, 2010.**

**ATTEST:**

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**MAYOR**

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**CLERK OF THE COMMISSION**