

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 19864

### A RESOLUTION AMENDING THE BOUNDARIES AND LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 TO DEFRAY MAINTENANCE COSTS IN THE DISTRICT FOR FISCAL YEAR 2012

**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 lots or parcels of land within the exterior boundaries of the City of Helena, including all lots or parcels of land annexed into the City, up to and including the date of adoption of the assessment resolution; and

**WHEREAS**, a list of all lots or parcels of land assessed, with the name of the owner thereof, if known, description of the lots or parcels of land and the amount levied thereon set opposite, is maintained by the Department of Administrative Services for the City of Helena.

**WHEREAS**, a public hearing was held on this matter on August 22, 2011, at 6:00 p.m. in the Commission Chambers, City-County Admin. Building, 316 N. Park Ave., Helena, Montana.

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**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 lots or parcels of land within the exterior boundaries of the City of Helena and all lots or parcels of land annexed into the City, up to and including the date of adoption of the assessment resolution.

**Section 2.** To defray the open space maintenance costs in the District, there hereby is levied an assessment for fiscal year 2012.

**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 2012 assessment rates are to be computed as follows:

- \$ 17.00 minimum charge on all lots or 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 lots or parcels of land which qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 22<sup>nd</sup> DAY OF AUGUST, 2011.

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION