

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

## **RESOLUTION NO. 19926**

**A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE SPECIAL LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2013 AND LEVYING AND ASSESSING ALL PROPERTY WITHIN**

**WHEREAS**, a special city-wide Landfill Monitoring and Maintenance District ("District") was created to control, attend to, maintain, monitor, protect, and care for the former city landfill that was closed officially on January 27, 2000, and is located north of west Lyndale Avenue, west of North Last Chance Gulch, east of Carroll College, and south of the Montana Rail Link railroad main line; and

**WHEREAS**, the lots or parcels of land in the District must be assessed to defray the cost of maintain and monitoring the former city landfill based on the square-foot area of impervious surface on lots or parcels of land.

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

**Section 1. ESTIMATE OF COSTS AND METHOD OF ASSESSMENT:**

The estimated total cost for fiscal year 2013 is \$112,500. The estimated total assessment needed for fiscal year 2013 is \$112,500. The assessment for fiscal year 2013 is:

**A.** For each residential lot, parcel, or condominium unit, and vacant lot:

\$6.00 per lot, parcel, or unit.

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**B.** For each commercial or other non-residential lot or parcel:

**i.** \$15.00 per lot or parcel having an impervious area of less than 10,000 square feet;

**ii.** \$35.00 per lot or parcel having an impervious area of 10,000 square feet or more, but less than 50,000 square feet;

**iii.** \$60.00 per lot or parcel having an impervious area of 50,000 square feet or more, but less than 100,000 square feet;

**iv.** \$90.00 per lot or parcel having an impervious area of 100,000 square feet or more, but less than 250,000 square feet; and

**v.** \$125.00 per lot or parcel having an impervious area of 250,000 square feet or more.

### **Section 2. SPECIAL REQUIREMENTS APPLICABLE TO THE**

**DISTRICT:** A residential lot or parcel is one that does not have more than four (4) residential units in one structure upon the lot or parcel. Vacant lots or parcels not used for commercial storage of business inventory and equipment are considered residential lots. Each individual residential condominium unit is considered a residential lot. Except for residential condo-

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minium units, a lot or parcel with more than four (4) residential units thereon is considered a commercial lot. The Commission finds that for residential properties the benefits derived from the landfill monitoring and maintenance district are substantially equivalent and the cost of the program is to be assessed equally to each residential lot, parcel, or condominium unit located within the special district. The Commission finds that for commercial properties the benefits derived from the landfill monitoring and maintenance district are best measured by the amount of the lot or parcel that contains impervious area developed for commercial use.

Impervious area is the developed part of a lot or parcel that is impermeable to storm water infiltration, excluding rights-of-way and publicly owned streets, runways, and taxiways; privately-owned streets within licensed mobile home parks; and City-owned storm water facilities, water storage reservoirs, and public utility sites.

**Section 3. LIST OF PROPERTIES SUBJECT TO ASSESSMENT:** A list of those properties subject to the potential assessment is provided through the City's Department of Administrative Services, 316 North Park Avenue, Helena, Montana, and is

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available upon request for inspection and copying during normal business hours.

**Section 4. 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 as provided in §7-11-1025, MCA.

**Section 5. PUBLIC HEARING:** A public hearing will be held by the Commission at **6:00 P.M. on the 20<sup>th</sup> day of August, 2012**, in the City Commission Chambers, 316 North Park Avenue, in Helena, Montana, for the purposes of meeting and hearing all objections.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, THIS 9<sup>TH</sup> DAY OF July, 2012.**

/S/ James E. Smith  
MAYOR

**ATTEST:**

/S/ Debbie Havens  
CLERK OF THE COMMISSION