

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

## **RESOLUTION NO. 19966**

### **A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 223 IN THE CITY OF HELENA, MONTANA**

**WHEREAS**, § 7-12-4301, et seq., MCA, allows the City of Helena to create special improvement lighting districts; and

**WHEREAS**, the City of Helena has before it a request by NorthWestern Energy to create a special improvement lighting district along Saddle Drive, Cabernet Drive, Chianti Drive, and Deerfield Lane in the southwest tip of the original Nob Hill subdivision, as described on Exhibit "A" attached hereto and by this reference made a part hereof;

**WHEREAS**, lighting improvements were initially installed in the area by NorthWestern Energy in 2005 and have been in operation since then, but a request for creation of a special improvement lighting district attendant to those improvements was inadvertently not submitted at that time;

**WHEREAS**, the City of Helena has determined that certain tracts of property within the proposed district will receive no benefit from the lighting infrastructure, either by virtue of the property's character (i.e., City of Helena Open Space, City of Helena stormwater control area) or its location relative to existing lighting (i.e., parcels 188833409090000, 178603209110000,

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178603206350000 and 178603206400000), and thus will not be subject to assessment for the proposed district;

**WHEREAS**, it appears to be in the best interests of the City of Helena, and the inhabitants thereof, specifically the inhabitants of the area to be known as Special Improvement Lighting District No. 223, that said Special Improvement Lighting District No. 223 be created; and

**WHEREAS**, a public hearing was held on this matter on the **10<sup>th</sup> day of September, 2012**, in the Commission Chambers at 316 North Park Avenue in Helena, Montana.

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

**Section 1.** That the Commission of the City of Helena, Montana, hereby creates Special Improvement Lighting District No. 223 in the City of Helena for the purpose of installing and maintaining the street lighting in the area generally described on Exhibit "A".

**Section 2.** Special Improvement Lighting District No. 223 shall consist of the real property tracts specifically described by the property identification numbers outlined on Exhibit "B" attached hereto and by this reference made a part hereof.

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**Section 3.** The general character of the improvements to be operated and maintained in said district is forty-four (44) lighting units with underground wiring, fiberglass or metal poles with 16-foot mounting heights, and glass-enclosed, Lexington luminaries with 100-watt, high-pressure, sodium vapor lamps.

**Section 4.** The estimated cost of installing and maintaining said improvements, supplying electrical energy, and administration therefor for the first year is **\$14,091.00**, with the estimated cost being **\$0.007340** per square foot of property owned, said amount to be paid by the property owners. That amount includes the additional assessment to be charged by the City to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately sixty percent (60%) of the first year's assessment.

**Section 5.** All the costs of maintaining said lighting shall be borne by the owners of the property within said district, with the exception of those specific properties identified above and on Exhibit "B".

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2012.

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION