

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20100

### A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2015, LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT, AND AMEND THE BOUNDARIES OF THE DISTRICT

**WHEREAS**, the Helena City Commission (“Commission”) created Street Maintenance District No. 1 (“District”) for the maintenance of all or part of the public streets and avenues in the district; and

**WHEREAS**, §7-1-8, Helena City Code, provides the methods of doing the maintenance and paying for the maintenance; and

**WHEREAS**, the Commission has estimated, as near as practical, the cost of maintenance in the District; and

**WHEREAS**, it is the intention of the Helena City Commission to consider increasing the assessment for all properties with the district for fiscal year 2015 by an amount up to 1.0%, and

**WHEREAS**, lots and parcels have been annexed into the corporate limits of the City that are benefiting from the District’s maintenance, but are not included within the District for assessment; and

**WHEREAS**, all lots and parcels benefiting from the District should be included in the District and assessed for maintenance; and

**WHEREAS**, by this Resolution of Intention the Commission intends to specify the District assessment option and amount of assessments to be levied on all the property within the District to defray the cost of maintenance; and

**WHEREAS**, a list of all lots or parcels of land assessed, with the name of the owner(s) thereof, if known, a 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.

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

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**Section 1.** Street Maintenance District No. 1 is amended to include within its boundaries all lots and parcels of land located within the exterior boundaries of the corporate limits of the City of Helena, including lots and parcels annexed into the City on or before the date of this Resolution of Intention.

**Section 2.** The method of assessment option to be used for each class of property is:

**A. Lots Included:** The lots or parcels of land to be assessed are those shown on the list of all lots or parcels of land maintained by the Department of Administrative Services for the City of Helena. The list includes the description of the lots or parcels of land, the name of the owner(s) if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations. The assessable lots or parcels of land are all such other lots or parcels of land inside the City limits and include:

1. vacant lots or parcels;
2. lots or parcels adjacent to a street or alley right-of-way; and
3. lots or parcels that have access to the City's street system by a private road or other means.

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

**C. Classifications:** For purposes of this Resolution, a lot or parcel of land is classified as follows:

1. "Vacant" is a lot or parcel of land that:
  - a. does not have structures or fixtures thereon, other than fences, walls or a surface parking lot;
  - b. is not used for storage of commercial inventory or business equipment or property; or
  - c. is public recreational facility, such as sport fields, athletic courts, parks, or playgrounds, or public open space.

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2. "Residential" is a lot or parcel that has one building thereon containing at least one (1) dwelling unit, but no more than four (4) dwelling units, and has no other principal commercial purpose except for rent or lease for residential use.
3. "Mobile Home Park" is a lot or parcel of land designed to provide sites for the accommodation of manufactured homes or mobile homes and licensed as such.
4. "Commercial" is all other lots or parcels of land not otherwise classified.

**D. Method and rate of assessment:** That to defray the cost of maintaining the services in the District, it is the intent of the Helena City Commission to consider a rate increase up to 1.0% for fiscal year 2015. The resolution provides the following method and proposed maximum rate of assessment for each class of property:

<u>Class of Property</u>	<u>Proposed Maximum Assessment Rate and Method</u>
Vacant or Residential	Flat rate of \$136.28 per lot or parcel of land
Mobile Home Park	\$ 54.51 per manufactured home or mobile home site
Commercial lots with an area of less than 6,000 square feet	\$136.28 flat rate per lot or parcel
Commercial lots with an area of 6000 square feet or more	\$0.02270 per square foot for the first 1 million square feet per lot or parcel

**Section 3.** The City Commission for the City of Helena, Montana, will meet in session in the Commission Chambers in the City-County Administration Building at 316 North Park Avenue in Helena, Montana, on the 18th day of August, 2014, at 6:00 p.m. and conduct a public hearing to hear objections to the assessment option and amounts of assessments proposed to be levied.

**Section 4.** The City Clerk shall sign a notice stating that this Resolution of

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Intention, which specifies the option for the assessment method for the Street Maintenance District, levies and assesses classes of lots or parcels of land within the District, and amends the boundaries of the District, is on file in the City Clerk's office and subject to inspection. The signed notice must be published as provided by §7-1-4127, MCA. The City Clerk is further authorized and directed to make publication of the notice 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 7<sup>th</sup> DAY OF JULY, 2014.**

**/S/ JAMES E. SMITH**  
**MAYOR**

**ATTEST:**

**/S/ DEBBIE HAVENS**  
**CLERK OF THE COMMISSION**