

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20105

A RESOLUTION OF INTENTION TO CREATE A SPECIAL DISTRICT FOR NON-MOTORIZED TRANSPORTATION IMPROVEMENTS, REPAIR AND MAINTENANCE

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 district for non-motorized transportation improvements, repair and maintenance is needed to improve, repair and maintain the public access and thoroughfares throughout the city that do not qualify for funding under the Street Maintenance District No. 1; and

WHEREAS, pursuant to §7-11-1007, MCA, the City Commission conducted a public hearing on July 7, 2014, concerning the creation of a proposed special district known as the Non-Motorized Transportation Improvements, Repair And Maintenance District; and

WHEREAS, the City Commission having considered the information provided at the public hearing held on July 7, 2014, 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:

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 Non-Motorized Transportation District.

Section 3. NECESSITY FOR THE DISTRICT: A special district is needed to support, and provide improvement, repair and maintenance of, non-motorized access and thoroughfares throughout the City that are independent of and complimentary to motorized transportation systems.

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Section 4. GENERAL DESCRIPTION OF TERRITORY: The special district includes all blocks, lots, parcels, and tracts contained within the corporate limits of the City of Helena as of the date of this resolution, and all properties later annexed thereto.

Section 5. GENERAL CHARACTER: The general character is to provide for improvements, repair and maintenance of non-motorized access and thoroughfares throughout the City, including but not limited to:

- a. Implementation of Helena's Complete Streets Resolution 19799;
- b. Safe routes to Schools;
- c. Priority Crossings;
- d. Expansion and maintenance of bike and pedestrian trail networks;
- e. Construction and maintenance of non-motorized commuter routes and centrally located non-motorized thoroughfares, such a Centennial Trail; and
- f. Installation of sidewalks.

Section 6. ESTIMATE OF COSTS AND METHOD OF FINANCING:

The initial estimated total cost and total assessment needed for fiscal year 2015 is \$105,000. The total costs may vary from year to year and may increase.

Method of Financing –

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.

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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.
2. "Residential" if the lot or parcel 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: 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 \$4.54 per lot or parcel of land
Mobile Home Park	Flat rate of \$1.81 per manufactured home or mobile home site

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Commercial lots with an area of less than 6,000 square feet	\$4.54 flat rate per lot or parcel
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Commercial lots with an area of 6000 square feet or more	\$0.00076 per square foot for the first 1 million square feet per lot or parcel
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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 Non-Motorized Transportation Improvements, Repair And Maintenance program.

Section 7. ADMINISTRATION OF THE DISTRICT: The special district will be administered by the City Commission through the City Manager in accordance with the Helena City Charter and City Code.

Section 8. DURATION OF THE DISTRICT: The special district will be permanent.

Section 9. PUBLIC HEARING: A public hearing will be held by the Commission at **6:00 P.M. on the 20th day of October, 2014** 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 Non-Motorized Transportation Improvements, Repair And Maintenance District, and for hearing and passing on any written protests against the proposed improvement, repair and maintenance program or its assessments that have been filed with the Clerk of the Commission in the manner prescribed by law.

Section 10. 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 11. 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, Montana, who maintains the list, and is available upon for inspection and copying during normal business hours. The list of properties

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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.

Section 12. 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 and the Protest Form required by 7-11-1008(c) 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 13. PROTESTS: Any owner of property liable to be assessed for the work may, within sixty (60) days from the date of the first publication of the notice, make written protest against the proposed Non-Motorized Transportation Improvements, Repair And Maintenance District, as provided in §7-11-1008, MCA. The protest must identify the property in the district owned by the protestor by either its street address or its legal description, whichever the property owner prefers, be signed by a majority of the owners of that 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 22nd day of September, 2014. The Clerk shall endorse the date of receipt on each protest.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, THIS 7TH DAY OF JULY, 2014.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION