

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20387

### A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2018, LEVYING AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT, AND AMENDING THE BOUNDARIES OF THE DISTRICT

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

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

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

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

**WHEREAS**, each lot or parcel of land within the District may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire District; and

**WHEREAS**, the Commission has determined that commercial properties generate a larger amount of vehicle trips than residential, vacant and mobile home properties and such disparate vehicle trip generation results in a higher level of impacts to streets within the District; and therefore should pay a higher annual assessment than residential, vacant and mobile home properties; and

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

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

**WHEREAS**, a public hearing was held on this resolution on the 21<sup>st</sup> day of August, 2017, at 6:00 p.m. on the Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana.

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

**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.

**Section 2.** That to defray the cost of maintenance and improvements of streets in the District, the Helena City Commission hereby levies an assessment on all properties within the District, for fiscal year 2018, according to the following methodology and rate for each class of property:

<u>Class of Property</u>	<u>Proposed Maximum Assessment Rate and Method</u>
Vacant or Residential	Flat rate of \$160.71 per lot or parcel of land
Mobile Home Park	\$ 64.27 per manufactured home or mobile home site
Commercial lots with an area of less than 6,000 square feet	\$176.10 flat rate per lot or parcel
Commercial lots with an area of 6000 square feet or more	\$0.02935 per square foot for the first 1 million square feet per lot or parcel

**Section 3.** For purposes of this Resolution, a lot or parcel of land is classified as follows:

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

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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.

c. "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.

d. "Commercial" is all other lots or parcels of land not otherwise classified.

**Section 4:** 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 lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the State of Montana, Department of Revenue. One property ID may contain multiple lots or parcels. The list includes the property tax ID, 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.

**Section 5.** 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.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 21<sup>ST</sup> DAY OF AUGUST, 2017.**

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

**ATTEST:**

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