

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

## **RESOLUTION NO. 20768**

### **A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2023 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT**

**WHEREAS**, § 7-12-4401, MCA, authorized the City Commission to create a district for the maintenance of all or part of the city's streets or avenues;

**WHEREAS**, § 7-12-4405, MCA, authorizes the City Commission to provide by ordinance the methods of doing work and improvement of the city's streets, avenues, and alleys;

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

**WHEREAS**, the City Commission adopted City Ordinance No. 3213 amending section 7-1-8 of the Helena City Code to provide the methods of providing maintenance and improvements and paying for street maintenance and improvements within the District;

**WHEREAS**, § 7-12-4425, MCA, requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying and assessing all the property within the special district;

**WHEREAS**, § 7-12-4422, MCA, authorized the City Commission to assess the properties within the District using any

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combination of the assessment options provided by statute;

**WHEREAS**, the City Commission has estimated, as near as practicable, the cost of maintenance and improvements within the District for fiscal year 2023;

**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;

**WHEREAS**, the City 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;

**WHEREAS**, the property in the District must be assessed to defray the cost of street maintenance and improvements; and

**WHEREAS**, a public hearing on this resolution was held by the City Commission on August 22, 2022, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: <https://zoom.us/j/96919178312>.

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

**Section 1.** That to defray the cost of maintenance and improvements of streets in the District, the City Commission hereby levies an assessment against all properties as follows:

	CURRENT FY2022	PROPOSED FY2023
<b>Vacant or Residential:</b>		
All lots/parcels	\$206.16	\$206.16
<b>Mobile Home Parks:</b>		
Per manufactured home or mobile home site	\$82.46	\$82.46
<b>Commercial:</b>		
Lot Area		
less than 6,000 sq. ft.	\$360.00	\$360.00
6,000 sq. ft or more*	\$0.0600/ sq. ft.	\$0.0600/ sq. ft.

\*Assessment applies only to the first one (1) million square feet.

All assessments are annual.

**Section 2.** 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:
  1. does not have structures or fixtures thereon, other than fences, walls or a surface parking lot;

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2. is not used for storage of commercial inventory or business equipment or property; or

3. 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 (1) 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.

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 Finance Department 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,

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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 are all lots or parcels of land inside the City limits and include:

- A. vacant lots or parcels;
- B. lots or parcels adjacent to a street or alley right-of-way; and
- C. 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.

**Section 6.** If a property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 22<sup>ND</sup> DAY OF AUGUST, 2022.**

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ATTEST:

A handwritten signature in blue ink, appearing to read "Dennis G.", is written over a horizontal line.

CLERK OF THE COMMISSION

A handwritten signature in blue ink, appearing to read "Danielle", is written over a horizontal line.

MAYOR