



## Commission Memorandum

**REPORT TO:** Honorable Mayor and City Commission

**FROM:** Carol Neibauer, Assistant Treasurer  
Laurae Clark, Treasurer  
Anna Rosenberry, Administrative Services Director

**SUBJECT:** Resolution #4744 / Creation of Special Improvement Lighting District #737 for Westbrook Subdivision Phase 2, 3 & 4

**MEETING DATE:** January 9, 2017

**AGENDA ITEM TYPE:** Action

**RECOMMENDATION:** Approve Commission Resolution No. 4744/Creation of Special Improvement Lighting District #737 for Westbrook Subdivision Phase 2, 3 & 4

**BACKGROUND:** The Commission did on December 5, 2016 approve Commission Resolution No. 4743/Intent to create Special Improvement Lighting District #737 for Westbrook Subdivision Phase 2, 3 & 4 as per MCA 7-12-4301. The property owner has been noticed of the public hearing on this date. Creating a lighting district is a requirement of final plat approval.

**FISCAL EFFECTS:** As a result of creating this lighting district, the City will pay the associated power bills and schedule system maintenance. We will recover these costs by billing property owners each year on their City Assessment bill. It is estimated to cost \$20.56 per acre within the district or \$641.88 annually for the entire district.

**ALTERNATIVES:** As suggested by the City Commission.

Attachments: *Resolution No. 4744*  
Report compiled on: November 10, 2016



## COMMISSION RESOLUTION NO. 4744

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO LIGHTING DISTRICT NO. 737 (WESTBROOK SUBDIVISION PHASE 2, 3 AND 4) CREATING THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS OF MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT.**

**BE IT RESOLVED** by the City Commission (the “Commission”) of the City of Bozeman, Montana (the “City”), as follows:

### **Section 1**

Passage of Resolution of Intention. This Commission, on December 5, 2016, adopted Resolution No. 4743 (the “Resolution of Intention”), pursuant to which this Commission declared its intention to create a special lighting district, designated as Special Lighting District No. 737 (Westbrook Subdivision Phase 2, 3 & 4) of the City (the “District”), under Montana Code Annotated, Title 7, Chapter 12, Part 43, as amended (the “Act”), for the purpose of financing costs of certain local improvements described generally therein (the “Improvements”) and paying costs incidental thereto, including costs associated with the creation and administration of the District.

### **Section 2**

Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published, posted and mailed in all respects in accordance with law, and on January 9, 2017, this Commission conducted a public hearing on the creation of the District and the making of the Improvements. The meeting of this Commission at which this resolution was adopted is the first regular meeting of the

Commission following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the “Protest Period”).

### **Section 3**

**Protests.** Within the Protest Period, no protests were filed with the City Clerk.

### **Section 4**

**Creation of the District; Insufficiency of Protests.** The District is hereby created on the terms and conditions set forth in and otherwise in accordance with, the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

### **Section 5**

**Preparation and Levying of Assessments.** It shall be the duty of the City Clerk to prepare all necessary schedules and resolutions for the levying of assessments in the District necessary to finance the Improvements and present such resolution to this Commission for adoption in conformance with Section 7-12-4328, M.C.A., on or before the first Monday in October.

The City Clerk is authorized to provide notice of the resolution of assessment and schedule a public hearing therefore in conformance with Sections 7-12-4329 and 7-12-4330, M.C.A., and upon final passage of such resolution deliver it to the City Treasurer.

### **Section 6**

**Lighting District Fund Established.** There is hereby created a fund to be known as the Special Lighting District No. 737 Fund (the “Fund”). All money derived from the collection of the assessments as provided in Section 5 herein and the Act shall be deposited in the Fund and used to pay costs of the Improvements.

**PASSED AND APPROVED** by the City Commission of the City of Bozeman, Montana,  
at a regular session thereof held on the 9<sup>th</sup> day of January, 2017.

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**CARSON TAYLOR**  
Mayor

ATTEST:

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**ROBIN CROUGH**  
City Clerk

APPROVED AS TO FORM:

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**GREG SULLIVAN**  
City Attorney

**CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE**

I, the undersigned, being the duly qualified and acting recording officer of the City of Bozeman, Montana (the “City”), hereby certify that the attached resolution is a true copy of Resolution No. 4744 entitled: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO LIGHTING DISTRICT 726 (WESTBROOK SUBDIVISION PHASE 2, 3 & 4); CREATING THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS FOR MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT.** 4744 (the “Resolution”), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a meeting on January 9, 2017 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: \_\_\_\_\_  
\_\_\_\_\_ ; voted against the same: \_\_\_\_\_;  
abstained from voting thereon: \_\_\_\_\_; or were absent: \_\_\_\_\_.

WITNESS my hand officially this 10<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
**ROBIN CROUGH**  
City Clerk







Exhibit B  
**Westbrook Subdivision**  
Acct #157470

Ownership:  
Four Corners Construction LLC  
125 Central Ave Ste 1A  
Bozeman, MT 59718

Block 1	Lot	Sq Ft
	1	8008
	2	7554
	3	7537
	4	7521
	5	7504
	6	7487
	7	7273
	8	7262
	9	7260
	10	7909
	11	11,504
	12	12,903
Block 2	1	9113
	2	6685
	3	7125
	4	5805
	5	7125
	6	6685
	7	6687
	8	7125
	9	6241
	10	6641
	11	7700
	12	6685
	13	6685
	14	6687
	15	6224
	16	6226
	17	6226
	18	6226
	19	6226
	20	8573
Block 3	1	8573
	2	6600
	3	6600
	4	6600



	5	6596
	6	6796
	7	6796
	8	6796
	9	7700
	10	7645
	11	6795
	12	6796
	13	6796
	14	7524
	15	7533
	16	7533
	17	9543
<b>Block 4</b>	5	6622
	6	6813
	7	6813
	8	6813
	9	7638
	10	7638
	11	6813
	12	6813
	13	8209
<b>Block 5</b>	1	14,988
	2	11,224
	3	12,587
	4	24,887
<b>R-1</b>		872,526

<b>Total Assessable Square Footage</b>		1,360,018.00
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