

COMMISSION RESOLUTION NO. 4603

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO THE ARTERIAL AND COLLECTOR STREET SPECIAL DISTRICT, DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF FUNDING THE CONSTRUCTION, IMPROVEMENTS, AND MAINTENANCE OF TRANSPORTATION FACILITIES RELATED TO ARTERIALS AND COLLECTOR STREETS AND ASSESSING THE COSTS THEREFOR TO BENEFITTED PROPERTY BY THE ANNUAL LEVY OF A SPECIAL ASSESSMENT.

BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, as follows:

Section 1 Recitals

WHEREAS, the City of Bozeman, Montana (the "City") is a self-governing municipality organized and existing pursuant to its Charter and the laws of the State of Montana; and

WHEREAS, the Bozeman City Commission (the "Commission") is authorized by Montana Code Annotated ("MCA") Title 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district; and

WHEREAS, the Commission has determined to initiate the creation of a special district for the purposes of funding construction, improvements, and maintenance of transportation facilities related to arterial and collector streets; and

WHEREAS, in accordance with MCA Section 7-11-1007, the Commission has conducted a public hearing on Monday, June 22, 2015, which said hearing was duly noticed in accordance with law on June 14, 2015 and June 21, 2015, prior to the passage of this Resolution of Intent to create a special district; and

WHEREAS, after hearing public comment, the Commission determines the public convenience and necessity require the creation of a special district for the purposes of construction, improvement, and

maintenance of transportation facilities related to arterial and collector streets.

## **Section 2**

Intention to Create District; General Statement. It is the intention of this Commission to create and establish in the City a special district (the “District”) to serve and benefit the inhabitants within the incorporated city limits for the purpose of construction, improvement, and maintenance of transportation facilities related to the portions of the city’s transportation network classified as arterial and collector streets by the city’s Greater Bozeman Area Transportation Plan (2007 Update) (the “Transportation Plan”), as such plan may be amended from time to time (the “Improvements”). The costs of the Improvements will be payable from special assessments to be levied against property in the District.

## **Section 3**

Name of District. The District, if the same shall be created and established, shall be known and designated as the Arterial and Collector Street Special District.

## **Section 4**

Necessity for the Special District. The City Commission hereby determines the District is necessary to the orderly and efficient operation of the city’s transportation infrastructure by providing adequate long term funding for the construction, improvement, and maintenance of arterial and collector street facilities, as outlined in the Transportation Plan. Without the District, the transportation system is reliant on individual projects and property owners for build-out of these critical roadways and pedestrian networks, resulting in piecemeal construction scheduled on the basis of private development rather than the overall needs of the transportation system. Nothing in this Resolution or in the creation, operation, or funding of District will amend, replace or abrogate an owner’s or developer’s obligations to make certain Improvements on arterial and collector streets pursuant to the requirements of the Bozeman Municipal Code. The District will not replace or fund any portion of projects that are eligible to be paid for under the city’s Street Impact Fee program.

## **Section 5**

Boundaries of the District – General Description. The limits and boundaries of the District shall be the incorporated city limits of the City of Bozeman as amended from time to time by annexation. A map of said boundaries is shown in Exhibit A and described in Exhibit B. Should the District be created, all property existing in the city at the time of adoption of a final resolution creating the District and property annexed into the city after the date of adoption of a final resolution shall be included within the boundaries of the District.

## **Section 6**

General Character of Improvements and their Location. The Improvements the District will undertake shall be located within the boundaries of the District, as amended, or on rights of way controlled by the City, or at locations included in the Transportation Plan that benefit the city. The Improvements shall be for the purpose of acquiring, constructing, improving and maintaining portions of the transportation network classified as arterial and collector streets by the Transportation Plan. This may include, but is not limited to, the purchase of rights of way, the installation, improvement, alignment and connection of all necessary facilities for arterial and collector roadways including related stormwater and pedestrian and bicycle facilities, and the installation or improvement of traffic and pedestrian controls at intersections. Improvements will be made in accordance with the city’s standard street design cross-

sections specified in the Transportation Plan. Improvements made by the District may supplement but shall not replace or fund any portion of the projects that are eligible to be paid for under the Street Impact Fee program.

**Section 7**

Estimated Cost and Method of Financing. The currently estimated costs of the District in Fiscal Year 2016 are \$576,000; in Fiscal Year 2017 are \$1,130,000; and in Fiscal Year 2018 are \$2,000,000. It is the intent to continue the district beyond Fiscal Year 2018 with costs for each year to be determined by the Commission pursuant to law. Notwithstanding the above estimates, each year, as part of its regular budget process, the City will estimate the total costs of the District for the ensuing fiscal year. In establishing the annual assessment of costs to property owners, the City will incorporate any other District revenues that may be available, including those from owner or developer payback agreements, state and federal grants, reimbursements, etc.

The costs of the District will be assessed annually to all owners of real property within the incorporated city limits based upon the assessable area of each lot or parcel, expressed in square feet. The lot or parcel area will be limited to the maximum square footage assessed for the zoning designations as listed below. This is the same method of assessment as is used for the city’s existing Street Maintenance District assessment; it is intended that properties shall have the same assessable area for each assessment.

For non-conforming residences located in business and manufacturing zoning districts without any business or manufacturing use attached, there shall be a maximum of 15,000 square feet assessed. The minimum annual assessment will be \$3.50.

Zoning	Maximum assessment square footage (Cap)
R-1	15,000 square feet
R-2	15,000 square feet
R-3	15,000 square feet
R-4	15,000 square feet
RMH	8,250 square feet/unit
RS	15,000 square feet
RO	No Cap on developed parcels.  Cap of 15,000 square feet on undeveloped (parcels that have no structures and have not received subdivision review.)
PLI (including MSU, Schools, Govt, Hospital, & Public Owned property)	25% of total square footage
REMU	No Cap on developed parcels  Cap of 15,000 square feet on undeveloped (parcels that have no structures and have not received subdivision review.)
All Business Zones	No Cap on developed parcels  Cap of 15,000 square feet on undeveloped (parcels that have no structures and have not received subdivision review.)

All Manufacturing Zones	No Cap on developed parcels  Cap of 15,000 square feet on undeveloped (parcels that have no structures and have not received subdivision review.)
-------------------------	---

**Section 8**

Benefited Property. The territory included within the limits and boundaries described in Section 5 and as shown on Exhibit A and described on Exhibit B, is hereby declared to be the territory which will benefit and be benefited by the Improvements and will be assessed for the costs of the Improvements as described in Sections 6 and 7.

**Section 9**

Administration of the District. The District shall be administered by the Bozeman City Commission. The annual financial planning for the District will be carried out as a part of the city's regular annual capital planning and budget processes.

**Section 10**

Duration of the Proposed Special District. The District shall endure until the time it is formally dissolved.

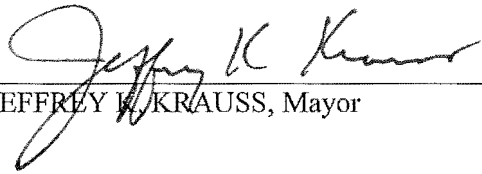
**Section 11**

Public Hearing; Protests. At any time within sixty (60) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment for the cost and expense of making the Improvements may make and file with the City Clerk until 5:00 p.m., on the expiration date of said 60-day period (to be August 25, 2015) written protest against the proposed Improvements, or against the creation of the District or both, and the Commission will at its next regular meeting after the expiration of the sixty (60) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Monday, August 31, at 6:00 p.m., in the Community Room of City Hall, 121 N Rouse Avenue, Bozeman, Montana.

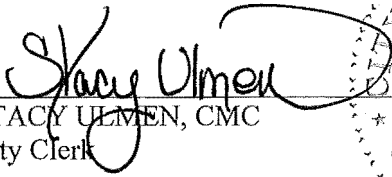
**Section 12**

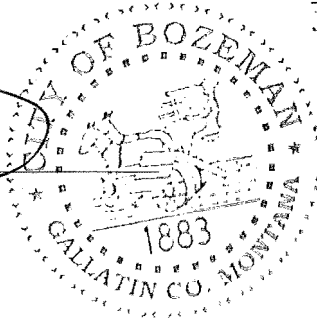
Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published notice of the passage of this resolution in the *Bozeman Daily Chronicle*, a newspaper of general circulation in Gallatin County on June 26, June 28 and July 5, 2015, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every owner or purchaser under contract for deed of the real property within the District as shown by the current property tax record maintained by the department of revenue for Gallatin County, on or before the same day such notice is first published.

**PASSED AND ADOPTED** by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 22nd day of June, 2015.

  
JEFFREY W. KRAUSS, Mayor

ATTEST:

  
STACY ULMEN, CMC  
City Clerk



APPROVED AS TO FORM:

  
GREG SULLIVAN  
City Attorney

# Exhibit A



## Exhibit B

### DISTRICT BOUNDARIES

The District boundary is described as the incorporated boundary of the City of Bozeman, Montana, in accordance with City Commission municipal annexation resolutions and municipal annexation ordinances filed in the Bozeman City Clerk's public records as well as all properties later annexed thereto. Parcels within the boundary are the current parcels subject to City of Bozeman property taxes as shown in the tax rolls of the Montana Department of Revenue and inclusive of those parcels that are exempt from property taxes except park land, common areas and greenways, open space lands, and parcels used as a public street and alley right-of-ways as well as all parcels later annexed thereto.