

RESOLUTION # 1752

A RESOLUTION BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA, PROPOSING TO LEVY AND ASSESS A TAX UPON ALL LOTS OR PARCELS OF LAND IN SPECIAL IMPROVEMENT DISTRICT NO. 38, FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS AND SEWER MAIN AND SYSTEM IMPROVEMENTS AND TO CONSTRUCT WATER AND SEWER SERVICE LINE CONNECTIONS AND CORRESPONDING PLANT INVESTMENT FEES

WHEREAS, The City has created Special Improvement District (SID) 38 pursuant to MCA Title 7, Chapter 12, Parts 41 and 42, and has undertaken certain local improvements to benefit property located therein. SID 38 was created to construct water and sewer system improvements as engineered including main extensions, fire hydrant installation, service line upgrades or installation, septic system abandonment, road reconstruction, and landscaping and irrigation system repairs required after utility installation. The property owners shall be responsible for \$188,214.64 of the project cost, all of which has been allocated to the cost of the Sewer Improvements;

WHEREAS, SID 38 was created to connect the Riverwood Subdivision and applicable adjoining lots to City Water and Sewer, the lots are now subject to Water and Sewer Plant Investment Fees. The property owners shall be responsible for \$151,785.36 of plant investment fees, \$83,212.92 for Water and \$68,572.44 for Sewer, which will be paid through SID 38.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section 1. Proposed Levy of Assessments. For the purpose of defraying the cost and expense of making improvements in Special Improvement District No. 38 of the City of Columbia Falls, Montana, there is hereby a proposed levy upon each lot or parcel of land within said District, owned by the persons respectively indicated, a tax or special assessment payable semi-annually, of \$340,000 with 4.16% interest amortized over a period of twenty years, the property assessed, the cost per lot or parcel, the amount of the installments on the principal and the interest amortized for each of the years 2017 to 2037, inclusive, being set forth on "Exhibit A" to this Resolution. The Council hereby ratifies and confirms that the assessment of costs of the improvements against the properties is equitable and in proportion to the benefit received and is in accordance with the methods prescribed by the resolution creating the special improvement district. The Assessment Roll (Exhibit "A") is preliminary and is subject to consideration by this Council of the objections, if any, from owners of property in the District following the public hearing provided in Section 7.

Section 2. Method of Assessment. All unpaid installments shall include interest at the rate of 4.16% per annum, principal and interest amortized, from the date of closing, said taxes to be placed upon the assessment roll for 2017 and subsequent years to and including 2037 and collected in the same manner as other taxes. Unless said tax installments are paid to the Flathead County Treasurer in full on or before the 30<sup>th</sup> day of November or the 31<sup>st</sup> day of May, as billed and payable, of each year that the same are levied or assessed, the whole amount of such taxes becomes delinquent.

Section 3. Delinquent Assessments. When one installment on any lot or parcel becomes delinquent, the whole tax against said lot or parcel becomes delinquent, and said lot or parcel shall be sold for non-payment of taxes the same as real property is sold for non-payment of other taxes; provided, however, that with respect to any such delinquent taxes as may be hereafter certified as delinquent to the county treasurer, and prior to the execution of tax deed for such property, the city council retains the right to reinstate those installments for years subsequent to the date of such redemption upon the payment of all

taxes then past due, by appropriate resolution delivered and certified in accordance with MCA 7-12-4184.

Section 4. Payment in full. The Finance Director shall receive payment in full and give receipt for the entire tax on any of said lots or parcels with interest to the next payment date at any time the same may be tendered.

Section 5. Method of Distribution The Finance Director shall distribute the collection of said taxes to a debt service fund, "SID 38 Fund."

Section 6. Notice of Proposed Levy. The City Clerk is hereby authorized and directed to cause a copy of the notice of the passage of this resolution in a newspaper of general circulation within the City, not less than 10 days before the date of the public hearing, and to mail a copy of the notice of passage to the owner of each lot on or before the same day as such notice is published.

Section 7. Public Hearing. This Council shall meet on August 7, 2017 for the purpose of conducting a public hearing on the levying and assessment of the special assessments in District 38 and will consider objections, if any, of the property owners.

PASSED AND ADOPTED THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, THIS 17<sup>th</sup> DAY OF JULY, 2017. THE COUNCIL VOTING AS FOLLOWS:

AYES: Shepard, Petersen, Karper, Fisher and Barnhart

NOES: NONE

ABSENT: Lovering, and Piper

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Deputy City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 20<sup>th</sup> DAY OF JULY, 2017.

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Mayor

ATTEST:

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Deputy City Clerk