

Certificate as to resolution and adopting vote

I, the undersigned, being the duly qualified and acting recording officer of the City of Missoula, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A resolution relating to certain right-of-way infrastructure improvements project 20-063 Eaton Street – S. 7th St W. to S. 13th St W. Ph. 1 of the City's Right-of-Way Improvements Assessment Program; ordering in the sidewalk, alley approach, and associated right-of-way infrastructure improvements and directing notice be given to affected property owners" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on _____, 20____, and that the meeting was duly held by the City Council 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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 Council Members voted in favor thereof: _____
_____; voted against the same: _____
_____; abstained from voting thereon: _____
_____; or were absent: _____

WITNESS my hand and seal officially this ____ day of _____, 20____.

Martha L. Rehbein, CMC
City Clerk

(SEAL)

Resolution no. _____

A resolution relating to certain right-of-way infrastructure improvements, project 20-063 Eaton Street – S. 7th St W. to S. 13th St W. Ph. 1, of the city's Right-of-Way Improvements Assessment Program; ordering in the sidewalk, approach, alley approach, and associated right-of-way infrastructure improvements and directing notice be given to affected property owners

Whereas, the City is granted the power pursuant to Section 7-14-4109, Section 7-14-4122, Section 7-15-4125, M.C.A. and City of Missoula Municipal Code Title 12, Chapter 12.10, to order, regulate and provide for the construction or repair of certain improvements without creation of a special improvement district and certain sections of sidewalks, approaches, alley approaches and/or associated right-of-way infrastructure have deteriorated, settled or cracked, or none exist, or some of the foregoing do not exist; and

Whereas, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of sidewalks, approaches, alley approaches, and/or associated right-of-way infrastructure or combinations thereof; and

Whereas, the City has implemented an annual program to cause the construction or reconstruction of needed or unsafe sidewalks through various projects.

Now, therefore, be it resolved by the City Council of the City of Missoula, Montana, as follows:

1. Authorization. The Council hereby orders the installation, construction, reconstruction, or replacements of certain sidewalks, approaches, alley approaches and associated right-of-way infrastructure improvements in certain locations (the "Improvements"), which improvements and locations are more fully described in Exhibit A hereto (which exhibit is incorporated by reference and made a part hereof).

2. Affected Properties. All properties which will be required to pay any portion of the costs of the Improvements identified herein are listed and the owners of those properties are identified on Exhibit A attached hereto.

3. Estimated Costs. The costs to be assessed against the property owners will include the costs of constructing the Improvements and the City's administrative costs, costs of financing and a contribution to the City's Revolving Fund. The estimated costs of the Improvements are shown on Exhibit A hereto describing the Improvements.

The actual cost to be assessed against any benefited property will be determined by the actual amount of work done adjacent to the property plus a proportionate share of the costs of any alley approaches for the block within which the property is located.

4. Assessment of Costs. All costs of constructing the sidewalks, approaches and alley approaches, and associated infrastructure improvements including engineering, administrative, bond, and contingency costs will be assessed against the properties which are adjacent to the Improvements installed.

5. Period of Assessments. The assessments for all Improvements and costs shall be paid in not more than twenty (20) annual installments, plus interest, provided however, that payment of one-half of each annual installment, plus interest, may be deferred to May 31 of the year following the assessment.

6. Notice; Property Owner Option to Construct Improvements. Notice of the ordering in of the Improvements shall be given by registered or certified mail to each owner or agent of the owner and to any purchaser under contract for deed of such property or the owners or agents of all adjacent owners having access to their properties by the alley approach, as appropriate, in such manner as the council may direct. Property owners shall have thirty (30) days from the date of service of the notice to construct the Improvements at their own expense. In the event the owners do not install these Improvements, the City may construct or cause the sidewalk, approach to be constructed or may construct or cause the alley approach to be constructed and shall assess the cost thereof, including engineering costs and related costs, against the property in front of which the same is constructed or against the lot or parcels of land having access via the constructed alley approaches, and will assess the costs against the benefited properties.

Passed by the City Council of the City of Missoula, Montana, this ____ day of _____, 20__.

John Engen, Mayor

Attest: _____
Martha L. Rehbein, CMC