

Return to: City Clerk  
435 Ryman Street  
Missoula, MT 59802

### **Resolution Number**

**A resolution of the City Council of the City of Missoula, Montana, levying and assessing the lots and parcels within the City of Missoula Road District Number 1 in the amount of \$6,882,820 for the costs associated with providing certain maintenance, purchasing and improvement services in fiscal year 2023 for city-owned facilities, land and equipment under the responsibility and care of the City of Missoula Public Works and Mobility Department's Street Division and Engineering Division, Central Service's Vehicle Maintenance Division providing for a method of assessments; and providing for other matters properly relating thereto.**

### **CITY OF MISSOULA Missoula County, Montana**

#### **City of Missoula Road District Number 1**

**Be it resolved by the City Council of the City of Missoula, Montana:**

**Whereas**, the City of Missoula, Montana (the "City") is a municipality duly organized and existing under and by virtue of the Constitution and laws of the State of Montana;

**Whereas**, the City Council of the City (the "Council") is authorized by Montana Code Annotated ("MCA"), Title 7, Chapter 11, Part 10, as amended, to create special districts to provide maintenance, purchasing and improvement services for City-owned facilities, land and equipment under the responsibility and care of the City of Missoula Public Works and Mobility Department's Street, and Engineering Divisions, and Central Service's Vehicle Maintenance Division to the inhabitants of the special district;

**Whereas**, the Council is authorized by MCA, Title 7, Chapter 11, Part 10, as amended, to finance the maintenance, purchasing and improvement services within the special district by levying an assessment on the lots and parcels within the boundaries of the special district;

**Whereas**, after providing notice and conducting the public hearing required by MCA 7-11-1007, the City adopted Resolution No. 7563 on September 13, 2010, (the "Creation Resolution") creating a special district to known as the "City of Missoula Road District Number 1" (the "District") for the purpose of providing services including but not limited to: (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of right-of-way; and/or (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to

carry out the functions described herein; and/or (4) any other functions and/or labor, supplies and materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City's Public Works Department's Street, Engineering, and Vehicle Maintenance Divisions including but not limited to: streets, alleys, driveways, alley approaches, sidewalks, curbs and gutters, medians, boulevards, lighting, parking lots, support facilities, public amenities, storm water facilities, and traffic control inclusive of traffic signals, signs, and pavement markings, and other public facilities located in the public right-of-way and/or within public easements (collectively, the "Services and Improvements");

**Whereas**, the Mayor and City Council created a Central Services Department in the fiscal year 2015 budget which transferred responsibilities for Vehicle Maintenance from the Public Works Department to Central Services.

**Whereas**, after due notice and conducting a public hearing, the Council adopted Resolution No. 8612 on August 22, 2022, fixing the annual appropriations and the capital improvement program for the City as set forth in the fiscal year 2023 budget which included a work plan and budget for the District in the amount of \$6,882,820 in order to provide services and purchase supplies to carry out the work plan established for the District in fiscal year 2023.

**Whereas**, in accordance with MCA 7-11-1024, the City Council has determined that each lot or parcel of land including the improvements on the lot or parcel shall be assessed for that part of the cost of the special district that its taxable valuation bears to the total taxable valuation of the property in the District;

**Whereas**, pursuant to MCA Sections 7-11-1025, the City must provide notice of the annual levy and assessment of all lots and parcels in the District for the costs of the Services and Improvements to be provided each year within the District;

**Whereas**, notice of the annual levy and assessment of all lots and parcels in the District for the costs of the Services and Improvements to be provided within the District to be levied was published in the *Missoulian*, a newspaper of general circulation in Missoula County, on August 14, 2022 and August 21, 2022;

**Whereas**, a public hearing was held on August 29, 2022, during a regular meeting of the Council; and

**Whereas**, at such hearing the Council heard and passed upon all such protests regarding the annual levy and assessment of all lots and parcels in the District for the costs of the Services and Improvements to be provided within the District.

**NOW, THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED**, as follows:

**Section 1. Assessments; Assessment Methods: Property to be Assessed.** Properties located in the District are hereby levied and assessed for their portion of the cost of Services and Improvements to be made in fiscal year 2023 in accordance with this Section 1 and the terms of Resolution No. 8544. The costs to provide the Services and Improvements in the District shall initially be assessed against each lot or parcel of land, including the improvements on the lot or parcel, for that part of the cost of the Services and Improvements that such lot or parcel's taxable valuation bears to the total taxable valuation of the property in the District. Such taxable valuation shall be based upon the last-completed assessment roll for state, city, county and school district taxes. The assessments shall be based on such taxable value as assigned by the Montana Department of Revenue.

In fiscal year 2023 the Council estimates the cost of the Services and Improvements to be performed in the District in the amount of \$7,882,820. The work plan and budget for the Services and Improvements to be provided in fiscal year 2023 were approved by the City Council on August 22, 2022, and are on file and available for public inspection in the City Clerk's office.

Total levy for Road District #1 in the amount of \$6,882,820

The Council may, and hereby reserves, all rights granted by MCA Section 7-11-1025 to change the method of assessment for the District for fiscal year 2023 and thereafter.

A map and description of the boundaries of the District are attached hereto as Exhibits "A" and "B."

**Section 2. List of Properties Assessed.** The official list of those properties subject to assessment, fees or taxation within the District, including the names of the owners of such properties and the amount of assessment on each property, is on file and available for public inspection in the Missoula County Treasurer's Office, and further such list is the last completed county assessment roll for the lots or parcels of land including improvements thereon, within the boundaries of the District. The list may not be distributed or sold for use as a mailing list in accordance with MCA Section 2-6-109.

**Section 3. Ratifier.** All actions not inconsistent with the provisions of this Resolution heretofore taken by the City and its employees with respect to the creation of the District are hereby in all respects ratified, approved and confirmed.

**Section 4. Repealer.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and shall have no further force or effect.

**Section 5. No Personal Recourse.** No recourse shall be had for any claim based on this Resolution against any Council member or the City, nor any officer or employee, past, present or future, of the City or of any successor body as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law or by the enforcement of any assessment or penalty or otherwise.

**Section 6. Effective Date.** This Resolution shall be in full force and effect from and after its date of adoption.

PASSED AND ADOPTED by the City Council of the City of Missoula, Montana, this 29<sup>th</sup> day of August, 2022.

CITY OF MISSOULA  
Missoula County, Montana

---

Gwen Jones, Acting Mayor

ATTEST:

---

Martha L. Rehbein, CMC  
City Clerk

( S E A L )

**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 of the City Council of the City of Missoula, Montana, levying and assessing the lots and parcels within the City of Missoula Road District Number 1 in the amount of \$6,882,820 for the costs associated with providing certain maintenance, purchasing and improvement services in fiscal year 2023 for city-owned facilities, land and equipment under the responsibility and care of the City of Missoula Public Works and Mobility Department's Street and Engineering Divisions, and Central Service's Vehicle Maintenance Division providing for a method of assessments; and providing for other matters properly relating thereto."** (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 August 30, 2021, 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 such meeting, the Resolution was adopted by the following vote:

AYES, and in favor thereof: \_\_\_\_\_

NAYS: \_\_\_\_\_ ;

ABSENT: \_\_\_\_\_ ;

ABSTAIN: \_\_\_\_\_

WITNESS my hand officially this 29<sup>th</sup> day of August, 2022.

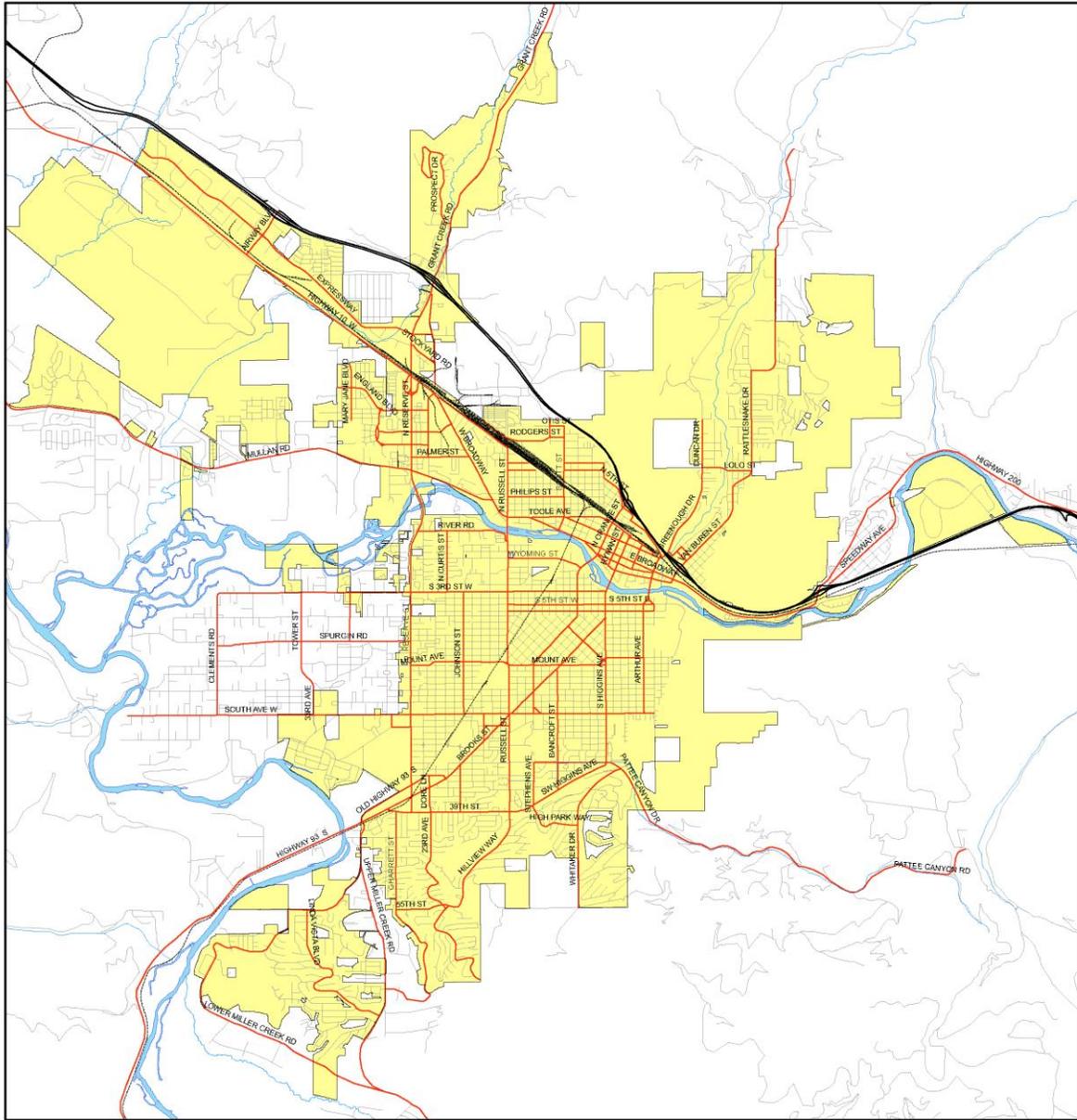
CITY OF MISSOULA  
Missoula County, Montana

\_\_\_\_\_  
Martha L. Rehbein, CMC  
City Clerk

( S E A L )

**EXHIBIT "A"**

**MAP OF THE DISTRICT**



**CITY OF MISSOULA, MONTANA - CITY LIMITS MAP**

City Limits as of:  
March 8, 2021

**35.0 Square Miles**

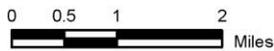
**22,407 Acres**

**976,045,855 Square Feet**

Printing Date: Tuesday, March 9, 2021

File: CityMap\_8.5x11\_PDF.mxd

Prepared By: GIS Services



## **EXHIBIT "B"**

### DISTRICT BOUNDARIES

The District boundary is described as the incorporated boundary of the City of Missoula in accordance with City Council municipal annexation resolutions and municipal annexation ordinances filed in the Missoula 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 Missoula 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.