

**RESOLUTION NO. 3317**

**A RESOLUTION OF INTENT TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF MILES CITY PURSUANT TO TITLE 7, CHAPTER 12, PART 11, MONTANA CODE ANNOTATED, TO AID IN TOURISM, PROMOTION AND MARKETING WITHIN SUCH DISTRICT.**

*WHEREAS*, as provided by 7-12-1111 MCA, the City of Miles City has received a petition signed by the owners of more than 60% of the area of the property proposed in such petition to be included in a business improvement district, requesting that a business improvement district be established within the City of Miles City to aid in tourism, promotion and marketing;

*AND WHEREAS* the boundaries of such proposed district, as set forth in such petition are the following noncontiguous tracts of real property within the City of Miles City, Montana, to-wit:

Tract A of Certificate of Survey No. 102097 in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 2, Township 7 North, Range 47 East (Commonly known as Holiday Inn Express)

Tract 1 of Certificate of Survey 57595 in the NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 7 North, Range 47 East, less highway (Commonly known as Comfort Inn)

Certificate of Survey No. 14268 in Gulf Oil Corp. Tract, less Certificates of Survey Nos. 76277, 80623, and 106734 (Commonly known as EconoLodge)

A parcel of land in Tract 1 of Edwards Tract in Lot 4, Section 2, Township 7 North, Range 47 East MPM more particularly described as: Beginning at a point on the section line, said point being South 0° 12' West a distance of 535.6 feet from the section corner common to Sections 34, 35, 3 and 2; thence South 89° 48 minutes East a distance of 394.95 feet more or less to the north right of way line of the Interstate Highway; thence North 58° 25' East a distance of 167.28 feet; thence North 0° 12' East a distance of 166.89 feet; thence North 89° 48' West a distance of 337.15 feet; thence South 0° 12' West a distance of 200 feet; thence North 89° 48' West a distance of 200 feet; thence South 0° 12' West a distance of 55 feet to the point of beginning. (Commonly known as Motel 6)

Lots 1 through 10 in Block 1, Doeden Addition to the City of Miles City (Commonly known as Best Western War Bonnet)

Lots 1 through 4 in Block 32 of the Original Townsite of the Town, now City of Miles City (Commonly known as the Olive Hotel)

Lots 11, 12, 13 and the South 21 feet of Lot 14 in Block 27 of the Original Townsite of the Town, now City of Miles City (Commonly known as the Olive Motel)

**AND WHEREAS**, all of the properties in the proposed district have a common purpose of providing overnight stays at lodging facilities;

**AND WHEREAS**, the boundaries of the proposed district encompass all properties in the district with the same identified purpose of providing overnight stays at lodging facilities that are subject to the Montana Lodging Facility Use Tax;

**AND WHEREAS**, the boundaries of the proposed district comply with all applicable zoning regulations;

**AND WHEREAS**, the proposed district does not include areas that are zoned primarily as residential areas;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Miles City, Montana that it intends to establish a business improvement district to aid in tourism, promotion, and marketing within the district, the boundaries of such district to be as follows:

Tract A of Certificate of Survey No. 102097 in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 2, Township 7 North, Range 47 East (Commonly known as Holiday Inn Express)

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**BE IT FURTHER RESOLVED** that a public hearing shall be held on the 13th day of April, 2010 at 7:00 p.m. in the City Council Chambers at City Hall, 17 South 8th Street, Miles City, Montana.

The City Clerk shall, without delay, cause notice of the passage of this resolution of intention to be published in the Miles City Star, in accordance with §7-1-2121 MCA, and, on the same day that the notice is first published, the City Clerk shall mail notice of the passage of this resolution of intention to each owner of real property within the proposed district listed on the last-completed assessment roll for state, county and school district taxes, at the owner's last known address.

Such notices shall describe the general purpose of the district to be to aid in tourism, promotion, and marketing within the district, and shall designate that on the 13th day of April, 2010 at 7:00 p.m. in the City Council Chambers at City Hall, 17 South 8th Street, Miles City, Montana, the City Council will hear and pass upon all protests that may be made against the creation of the district, and shall state that the description of the boundaries of the district are set forth in this resolution on file in the office of the City Clerk. It shall further state that all protests must be in writing and must be delivered to the City Clerk not later than 5:00 p.m. of the last day within 15 days after the date of the first publication of the notice of the resolution of intention. The City Clerk shall endorse upon each protest the date and hour of receipt of such protest.

**BE IT FURTHER RESOLVED** that, within 30 days after such hearing, the City Council of the City of Miles City shall issue its decision upon such rate increase and file such decision with the City Clerk and shall file a copy of the revised rate schedule as determined subsequent to such hearing, with the Montana public service commission. Such decision shall become final ten (10) days after date of filing with the City Clerk.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 9TH DAY OF MARCH, 2010.**

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Joe Whalen, Mayor

ATTEST:

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Kori Pray, City Clerk