

**RESOLUTION NUMBER 7511**

**A RESOLUTION TO EXTEND THE DURATION OF THE MISSOULA DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR A PERIOD OF 10 YEARS.**

**WHEREAS**, pursuant to 7-12-1101, et seq., MCA, the City of Missoula is authorized to create and extend the duration of business improvement districts; and,

**WHEREAS**, the Missoula City Council adopted Resolution 6898 on April 4, 2005, establishing the Missoula Downtown Business Improvement District; and

**WHEREAS**, in accordance with 7-12-1111 (1) MCA, the City of Missoula has been presented with petitions requesting renewal of the district that are signed by more than the statutorily required 60%, of the area of the property to be included in the Business Improvement District, the exterior boundaries of which are shown on the attached Exhibit "A" and which by this reference is made a part hereof; and,

**WHEREAS**, the aforementioned petition requests that the City of Missoula create a business improvement district for a period of ten (10) years, pursuant to Section 7-12-1141, MCA; and

**WHEREAS**, the proposed district as shown in Exhibit A meets the requirements of 7-12-1111 MCA because it complies with applicable zoning regulations, and the district does not include areas that are zoned primarily residential; and

**WHEREAS**, pursuant to 7-12-1112 MCA, the Missoula City Council adopted Resolution 7507 announcing its intention to extend the duration of the Business Improvement District and set a public hearing on the matter for March 22, 2010; and

**WHEREAS**, pursuant to 7-12-1112 MCA, the City Clerk caused notice to be published on March 7 and 14, 2010, in the *Missoulian*, a local newspaper of general circulation, announcing the adoption of Resolution 7507. The City Clerk mailed a notice on March 5, 2010, to every 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, describing the general purpose of the district and stating that protests against the creation of the district would be accepted until 5 p.m. on March 22, 2010. The notice stated the Missoula City Council would conduct a public hearing on March 22, 2010, in City Council Chambers, 140 W. Pine St., Missoula, MT at 7:00 p.m. to hear and pass upon all protests that may be made against the creation of the district. The letter included the notice that was published in the newspaper, referred to the resolution on file with the Missoula City Clerk, and included a map of the proposed boundaries of the district; and

**WHEREAS**, the City Clerk office has received letters in protest of the district as follows:

	Owners	Taxable Value	Estimated BID assessment
Number protesting	7	\$121,593	\$9,577.50
Total number aggregated	404	\$5,765,590	\$271,011
Percent of total	1.73%	2.11%	3.53%

**WHEREAS**, the Missoula City Council conducted a public hearing on the creation of the Business Improvement District on March 22, 2010, at 7 p.m. and provided any property owner or their agent and any citizen an opportunity to comment either for or against the creation of the Business Improvement District; and

**WHEREAS**, in accordance with 7-12-1114 MCA, protests do not exceed the following statutory requirements for the creation of a business improvement district:

- (a) owners of property within the proposed district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of property within the district;
- (b) not less than 50% of the owners of property within the district; or
- (c) owners of property within the proposed district having projected assessments, when aggregated, representing not less than 50% of the total projected assessments for property within the district; and

**WHEREAS**, Resolution of Intention 7505 included properties that were not included within the boundaries of the original Business Improvement District in 2005; and

**WHEREAS**, since the City Council adopted Resolution of Intention 7505, the Business Improvement District Board of Trustees has recommended the City Council exclude properties that were included in the boundaries outlined in the resolution of intention.

**NOW THEREFORE BE IT RESOLVED**, the Missoula City Council hereby finds the business improvement district will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City of Missoula and the proposed district, the people of the state of Montana, and provides special benefit to the property located within the boundaries of said proposed district, and thus the Missoula City Council hereby extends the duration of the Downtown Business Improvement District for a period of ten (10) years.

**BE IF FURTHER RESOLVED**, the City Council has duly considered the Business Improvement District Board of Trustees' recommendation to exclude properties that were included in the boundaries outlined in the resolution of intention and hereby amends the boundaries of the district as shown on the attached Exhibit "A."

**BE IT FURTHER RESOLVED**, the annual assessments for all properties, except those owned by the United States Federal Government, located within the district are hereby established for a period of ten (10) years as follows:

Type of Property	Zone 1	Zone 2
All property not referred to below	200 plus 2.5% of the property's taxable value	\$150 plus 2.0% of the property's taxable value
Land owned by the United States Federal Government	Exempt	Exempt
City land	\$200 plus 2.5 cents per square foot	\$150 plus 2.5 cents per square foot
City park land	\$200 plus 1.0 cent per square foot	\$150 plus 1.0 cent per square foot
County Land	\$200 plus 2.5 cents per square foot	\$150 plus 2.5 cents per square foot
Missoula Parking Commission	\$200 plus 2.5 cents per square foot	\$150 plus 2.5 cents per square foot
Property zoned primarily residential which was deemed by the Council to be Missoula Zoning Districts R-1, R-2, and R-3 under the provisions of the former city zoning ordinance-- Title 19 which was effective when this district was first established in 2005.	Exempt	Exempt

Properties for which the property taxpayer has qualified for property tax assistance as provided by 15-6-134 and 15-6-193, MCA.	Exempt	Exempt
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**BE IT FURTHER RESOLVED** the district will continue to be governed by the Business Improvement District Board of Trustees in accordance with 7-12-1121 MCA comprised of 7 owners of property within the district to include designated representatives from the following:

1. Representative of Zone 1
2. Representative of Zone 2
3. Representative of Property south of the Clark Fork River
4. Large Property Representative (greater than 20,000 square feet)
5. Small Property Representative (less than 20,000 square feet)
6. Representative from the City of Missoula
7. One additional Representative

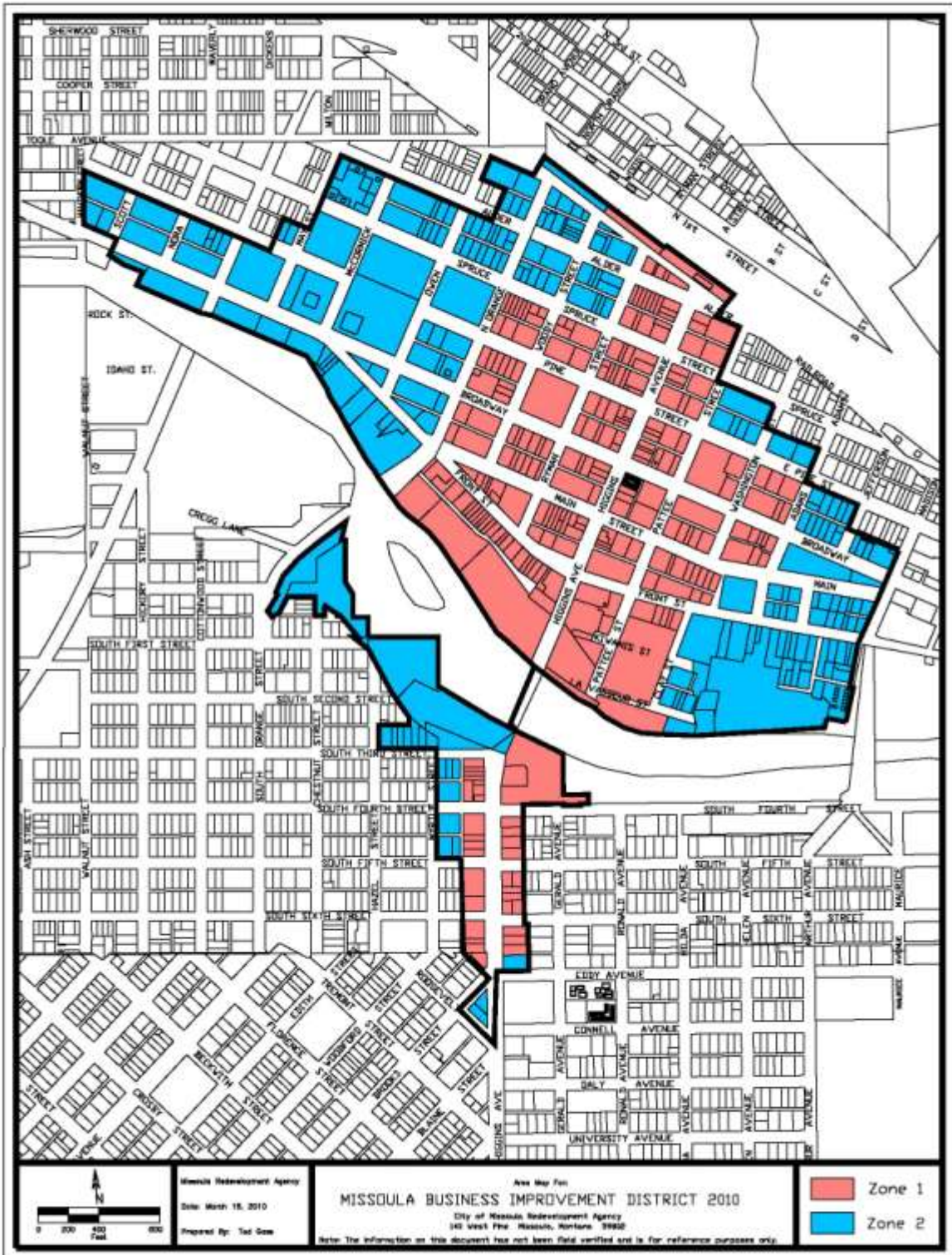
**PASSED AND ADOPTED** this 22<sup>nd</sup> day of March, 2010

**ATTEST:**

**APPROVED:**

/s/ Martha L. Rehbein  
 Martha L. Rehbein, CMC  
 City Clerk

/s/ John Engen  
 John Engen  
 Mayor



Missoula Redevelopment Agency  
 Date: March 18, 2010  
 Prepared By: Ted Gow

Area Map File  
**MISSOULA BUSINESS IMPROVEMENT DISTRICT 2010**  
 City of Missoula Redevelopment Agency  
 140 West Pine, Missoula, Montana 59802  
 Note: The information on this document has not been field verified and is for reference purposes only.

Zone 1  
 Zone 2