

RESOLUTION NO. 16-118

**RESOLUTION OF INTENT ESTABLISHING THE LOCKWOOD TARGETED ECONOMIC DISTRICT (TEDD),
CREATING THE LOCKWOOD TEDD, AND ADOPTING THE LOCKWOOD TEDD PLAN WITH A TAX
INCREMENT FINANCING PROGRAM PURSUANT TO TITLE 7, CHAPTER 15, PART 42 AND 43 OF THE
MONTANA CODE ANNOTATED**

WHEREAS, in Yellowstone County there is an unincorporated area of urban development commonly referred to as "Lockwood."

WHEREAS, a portion of Lockwood is zoned either Industrial or Agricultural Open.

WHEREAS, In accordance with MCA § 7-15-4210, on April 21, 2015, the Yellowstone County Board of Commissioners passed Resolution No. 15-22 (Resolution of Necessity), declaring the Lockwood TEDD described below as "infrastructure deficient" as described in MCA § 7-15-4279.

WHEREAS, Resolution 15-22 generally established boundaries of the Lockwood TEDD, as described in attached Exhibits "A" and "B" and determined the existence of infrastructure deficiencies in the area.

WHEREAS, Yellowstone County is interested in fostering redevelopment, growth and retention of secondary, value adding industries as part of the County's overall goal to promote, stimulate, develop and advance the general welfare, commerce, economic development and prosperity of the citizens of Yellowstone County and the State of Montana. Therefore, pursuant to MCA § 7-15-4212, Yellowstone County caused a Comprehensive Development Plan to be prepared.

WHEREAS, Yellowstone County is interested in using Tax Increment Financing as authorized in MCA §§ 7-15-4282 through 7-15-4294, to help fund the supportive public infrastructure needed for the development of secondary, value-adding industries in the Lockwood TEDD area.

WHEREAS, pursuant to § 7-15-4279, a local government may by ordinance and following a public hearing authorize the creation of a TEDD in support of value-adding economic development.

WHEREAS, the TEDD Plan for the Lockwood targeted area, including tax incentive provision, has been prepared to guide the industrial development program and public infrastructure projects in the infrastructure deficient area established by Resolution No. 15-22.

WHEREAS, the area to be considered for the TEDD is a contiguous area with accurately described boundary limits and is large enough to host a diversified tenant base of multiple diversified tenants.

WHEREAS, the zoning for the proposed TEDD is zoned for governmental uses as provided for in Title 76, Chapter 2, Part 2 or 3 in accordance with the area growth policy defined in § 76-1-103 (industrial or agricultural open zoning) and does not comprise any property included in an existing tax increment financing district.

WHEREAS, the area is found to be deficient in infrastructure improvements as stated in the Resolution of Necessity as provided for in § 7-15-4280.

WHEREAS, a comprehensive development plan has been developed and adopted by the Yellowstone County Board of Commissioners that ensures the District can host a diversified tenant base of multiple independent tenants.

WHEREAS, the Yellowstone County Planning Board will hold a public hearing to determine whether the comprehensive plan complies with the Lockwood Growth Policy on October 25, 2016 and such decision will be published to the Yellowstone County Board of Commissioners prior to its consideration of the Ordinance Establishing the Lockwood TEDD at its public hearings on November 7, 2016 and November 22, 2016.

WHEREAS, the adoption of the Lockwood TEDD is not designed to serve the needs of a single district tenant or group of non-independent tenants.

WHEREAS, the tax increment financing will be used in accordance with §§ 7-15-4282 through 7-15-4294 for use in Lockwood TEDD or other uses as provided by law.

WHEREAS, use by the local government of the tax increment financing is spelled out in the Comprehensive Development Plan.

WHEREAS, the following definitions are adopted:

1. "Act" means Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated.
2. "Actual taxable value" means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.
3. "Base taxable value" means the actual value of all taxable property within an urban renewal area prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in MCA §§ 7-15-4287 or 7-15-4293.
4. "Incremental taxable value" means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a TEDD.
5. "Tax increment" means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the TEDD area or a part thereof is located, against the incremental taxable value.
6. "Tax increment provision" means a provision for the segregation and application of tax increments as authorized by MCA §§ 7-15-4282 through 7-15-4294.
7. "Taxes" means all taxes levied by a taxing body against property on an ad valorem basis.
8. "Targeted Economic Development District" means a defined area that supports value-adding economic development and may utilize tax increment financing.
9. "Targeted economic development project" means a project undertaken within or for a TEDD that consists of any or all of the activities authorized by MCA § 7-15-4288.

NOW, THEREFORE BE IT RESOLVED, that the Yellowstone County Board of Commissioners adopts the Comprehensive Development Plan and sets two public hearings for the adoption of the Ordinance Establishing the Lockwood TEDD, Creating the Lockwood TEDD, and Adopting the Lockwood TEDD Plan with Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated. The Board orders that two readings and public hearings on the Ordinance be held at 9:30 A.M. on November 7, 2016 and November 22, 2016 in the Board Room of the Yellowstone County Commissioners, Room 403A of the Yellowstone County Courthouse, 217 North 27th Street, Billings,


Montana. The Board orders the Yellowstone County Clerk and Recorder to publish notice of the public hearings in the *Billings Gazette* on October 28, 2016 and November 4, 2016. Questions regarding the Ordinance and formation of the TEDD may be directed to Daniel L. Schwarz, Yellowstone County Chief Civil Deputy Attorney at P.O. Box 35025, Billings, MT 59107, (406) 256-2830. The ordinance may be inspected at the office of the Yellowstone County Clerk and Recorder, P.O. Box 35001, Billings, MT 59107. Should the Ordinance be adopted, it will become effective 30 days from passage.

DATED this 25th day of October, 2016.

YELLOWSTONE COUNTY BOARD OF COMMISSIONERS



John Ostlund, Chairperson



James E. Reno, Commissioner



Robyn Driscoll, Commissioner

ATTEST:



Jeff Martin, Clerk & Recorder

Exhibit "A"

Legal Description

The legal description of the Lockwood TEDD is as follows:

A tract of land situated in Sections 7, 8, 17, 18, 19 and 20, Township 1 North, Range 27 East, P.M.M., Yellowstone County, Montana; more particularly described as follows:

Beginning at the northeast corner of Tract 4A2, Certificate of Survey No. 1225; thence southerly along the east boundary line of Certificate of Survey No. 1225 to the southeast corner of Tract 3B, Certificate of Survey No. 1225; thence westerly to the centerline of the Watson Road right of way; thence northerly along the centerline of the Watson Road right of way to a point which is the intersection of the Watson Road right of way and the east boundary line of Tract 3A, Certificate of Survey No. 2807; thence southwesterly along the east boundary line of Tract 3A to the northwest corner of Tract 1, Certificate of Survey No. 3540; thence easterly along the north boundary line of Tract 1 to the northeast corner of Tract 1; thence southerly, westerly and southwesterly along the east boundary lines of Certificate of Survey No. 3540 to the southeast corner of Tract 2, Certificate of Survey No. 3540; thence easterly along the south boundary line of Tract 1, Certificate of Survey No. 3092 to the southeast corner of Tract 1; thence southerly to the northeast corner of Certificate of Survey No. 632; thence westerly along the north boundary line of Certificate of Survey No. 632 to the northwest corner of Certificate of Survey No. 632; thence southerly along the east boundary line of Tract 1, Certificate of Survey No. 2009; thence westerly along the south boundary line of Tract 1 to the northeast corner of the Lockwood Irrigation District Parcel lying west of ditch between Certificate of Survey No. 632 and Certificate of Survey No. 2009; thence southwesterly to the intersection of Lockwood Irrigation District Parcel and Tract 2, Certificate of Survey No. 2009; thence westerly along the south boundary line of Tract 2 to the southwest corner of Tract 2; thence westerly to a point which is the intersection of the south boundary line of Tract 2 and the centerline of the Coulson Road right of way; thence southeasterly along the centerline of the Coulson Road right of way to a point which is the intersection of the Coulson Road right of way and the east boundary line of Lot 1, Block 1, Great Plains Subdivision; thence southerly to the northwest corner of Tract 1, Certificate of Survey No. 3376; thence northeasterly to the southwest corner of Lot 5, Seiffert Industrial Subdivision; thence northerly along the west boundary line of Seiffert Industrial Subdivision to the northwest corner of Lot 4, Seiffert Industrial Subdivision; thence easterly along the north boundary line of Seiffert Industrial Subdivision to the northeast corner of Lot 1, Seiffert Industrial Subdivision; thence northerly to the northwest corner of Tract 1, Certificate of Survey No. 1734; thence easterly to the northeast corner of Tract 1, Certificate of Survey No. 1734; thence southwesterly to the southeast corner of Tract 1, Certificate of Survey No. 1734; thence westerly to the southwest corner of Tract 1, Certificate of Survey No. 1734; thence westerly to a point which is the intersection of the south line of Tract 1, Certificate of Survey No. 1734 and the centerline of the North Frontage Road right of way; thence southwesterly along the centerline of the North Frontage Road right of way to a point which is the intersection of the North Frontage Road right of way and the south boundary line of Tract 1, Certificate of Survey No. 3376; thence westerly to the southwest corner of Tract 1; thence northerly along the west boundary line of Tract 1 to the southeast corner of Lot 1, Block 1, Great Plains Subdivision; thence northwesterly to the southwest corner of Lot 1; thence northeasterly to a point which is the intersection of the west boundary line of Lot 1 and the south boundary line of

Section 18; thence westerly along south boundary line of Section 18 to a point which is the intersection of the south boundary line of Section 18 and the east boundary line of Lot 2C, Johnson Lane Materials Subdivision; thence northeasterly to the southeast corner of Lot 5, Johnson Lane Materials Subdivision; thence northerly to the northeast corner of Lot 5; thence westerly to the southwest corner of Lot 1, Block 1, Weaver Flats Subdivision; thence north to the northwest corner of Lot 1; thence westerly to the southwest corner of Tract 2, Certificate of Survey No. 3477; thence northerly to the northeast corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northeasterly to the northwest corner of Lot 2; thence northwesterly to the northwest corner of Lot 2; thence northeasterly to the northeast corner of Tract 1, Certificate of Survey No. 3477; thence southeasterly to the southwest corner of Tract 1; thence easterly to the southeast corner of Tract 1; thence northerly to the southwest corner of Government Lot 9; thence easterly to the southwest corner of Tract 1B, Certificate of Survey No. 2807; thence northeasterly to the northwest corner of Tract 1B; thence northeasterly to the northeast corner of Tract 1B; thence northeasterly along the east boundary line of Tract 1A, Certificate of Survey No. 2807 to the southwest corner of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868; thence southerly to a point which is the intersection of the west line of the tract of land described as survey overlap of Certificate of Survey No. 1225 and the west right of way line of the Montana Rail Link right of way; thence northeasterly to the southwest corner of Tract 5, Certificate of Survey No. 1225; thence easterly to the northwest corner of Tract 4A1, Certificate of Survey No. 1225; thence southerly to the southwest corner of Tract 4A1; thence easterly to the southeast corner of Tract 4A1; thence northerly to the northeast corner of Tract 4A1; thence easterly to the Point of Beginning; parcels containing 455.83 acres, more or less, subject to any existing easements and/or rights of way, whether of record or apparent on the ground.

Parcels

Land owners and property descriptions are listed below.

Owner Last Name	Legal Description	Geocode	Tax ID	Property Address	Mailing Address	City State ZIP	Zoning
BKPN Properties LLC	GREAT PLAINS SUBD, S19, T01 N, R27 E, BK 1, Lot 1	03103419101160000	C11082	1655 Coulson Rd	1655 Coulson Rd	Billings, MT 59101	Heavy Industrial
G2 Properties LLC	S20, T01 N, R27 E, C.O.S. 3376, PARCEL 1	03103420211040000	D06449	3255 N Frontage Rd	455 Highway 195, Suite A	Georgetown, TX 78633	Controlled Industrial
JDW Industrial Park 2 LLC	S17, T01 N, R27 E, C.O.S. 2009, PARCEL 1	03103417101200000	D06407	2150 Coulson Rd E	PO Box 22745	Billings, MT 59104	Heavy Industrial
JDW Industrial Park 2 LLC	WEAVER FLATS SUB (14), S17, T01 N, R27 E,	03103417201010000	D06415	3306 Coulson Rd	PO Box 22745	Billings, MT 59104	Ag Sub/Not Zoned

	BK 1, Lot 1						
JDW Industrial Park 2 LLC	S17, T01 N, R27 E, FRACTION NWSW LYING N & W OF RR	03103417360010000	D06415A	Coulson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
Lockwood Irrigation District	S17, T01 N, R27 E, PORTION OF SWNWNWNE LYING WEST OF DITCH BETWEEN COS 632 2ND	03103417201100000	D13115	Coulson Rd	PO Box 3292	Billings, MT 59103	Heavy Industrial
MCL Properties LLC	S08, T01 N, R27 E, S2SW WEST OF RAILROAD	03103408301010000	D06329	3530 Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
MCL Properties LLC	S08, T01 N, R27 E, C.O.S. 2807, PARCEL 1B	03103408101010000	D06331	3553 Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
MCL Properties LLC	S18, T01 N, R27 E, C.O.S. 3477, PARCEL 2	03103418101010000	D06416	Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
Montana Rail Link	S19, T01 N, R27 E	03103419350010000	D13145J	Coulson Rd	PO Box 16624	Missoula, MT 59808	Rail ROW
Pacific Hide And Fur Depot	S08, T01 N, R27 E, C.O.S. 3540, PARCEL 2	03103408320010000	D06329B	Coulson Rd	PO Box 1549	Great Falls, MT 59403	Heavy Industrial
Pacific Hide And Fur Depot	S17, T01 N, R27 E, C.O.S. 2009, PARCEL 2	03103417201040000	D06408	3385 Coulson Rd	PO Box 1549	Great Falls, MT 59403	Heavy Industrial
Seiffert Trust	S17, T01 N, R27 E, C.O.S. 1734, PARCEL 1, AMND	03103417418150000	D06413	N Frontage Rd	PO Box 31181	Billings, MT 59107	Controlled Industrial
Terry L. Seiffert	S17, T01 N, R27 E, C.O.S. 1734, PARCEL 2,	03103417301100000	D06414	3333 N Frontage Rd	PO Box 31181	Billings, MT 59107	Controlled Industrial

	AMND						
Roger and Peggy Webb	S08, T01 N, R27 E, C.O.S. 3540, PARCEL 1	03103408401010000	D06329A	Coulson Rd	1132 Ginger Way	Billings, MT 59105	Heavy Industrial
Town and Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 3A	03103408403110000	D06336	2611 Watson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
Town and Country Supply Association	S08, T01 N, R27 E, 1225, PARCEL 3B	03103408403090000	D06337	Watson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
Town and Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 4A2, AMD TR 4A	03103408403170000	D06338	Watson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
Michael Stanhope	PINE HILL SUB, S17, T01N, R27 E, BLOCK 1, LOTS 12-15	03-1034-17-4-18-01- 0000	C04920	Bobolink Rd	PO Box 819	Choteau, MT 59422	Agricultural