

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CITY OF GILLETTE, WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52; ASSESSING THE COST OF CONSTRUCTION OF THE IMPROVEMENTS AGAINST THE LOTS AND PARCELS OF LAND INCLUDED WITHIN THE DISTRICT; PRESCRIBING THE MANNER FOR COLLECTION AND PAYMENT OF ASSESSMENTS; AND PROVIDING FOR THE NOTICE OF PAYMENT OF ASSESSMENTS.

WHEREAS, on November 7, 2017, the governing body of the City of Gillette, Wyoming (“City”) passed and adopted Ordinance No. 3937 (“Ordinance”). The Ordinance established City Special Improvement District No. 52 (“District”), for the purpose of construction and installation of a new water system and all necessary appurtenances (“Project”) for the subdivision commonly referred to as Interstate Industrial Park, and assessing cost of the Project to the properties specifically benefitted by the Project, including the pro rata share of the cost for Project, engineering design, rights-of-way, permitting, construction inspection, special services and legal, fiscal and administrative costs; and

WHEREAS, on May 10, 2019 the City Engineer prepared and filed an assessment roll (“Roll”) with the City Clerk, in accordance with WYO. STAT. §§ 15-6-401-405 and all other applicable law. The Roll reflects the assessment against each lot and parcel of property within the District specially benefitted by the Project; and

WHEREAS, the City set a public hearing on May 28, 2019, at 6:00 PM in the 2nd Floor Community Room, located at 201 E. 5th Street in Gillette, Wyoming, regarding objections to the Roll. The Notice of Hearing on Assessments for the City of Gillette, Wyoming, Special Improvement District No. 52. (“Notice of Hearing”) was published on Friday May 10, 2019 and Friday May 17, 2019 in the Gillette News-Record; and

WHEREAS, in accordance with WYO. STAT. § 15-6-405, the Notice of Hearing was also mailed to the last known owner(s) of each assessed tract at least fifteen (15) days prior to May 28, 2019; and

WHEREAS, on March 28, 2019, the City sat as a board of equalization to consider any objections to the assessment roll; and

WHEREAS, protests and objections to the Roll that were filed at or prior to the hearing are attached and made a part of this ordinance as Exhibit A; and

WHEREAS, at the hearing on May 28, 2019, the City duly considered the written protests and objections; and

WHEREAS, in accordance with WYO. STAT. § 15-6-409, it is necessary for the City to confirm the Roll by ordinance;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

SECTION 1. Confirmation of Assessment Roll. All action taken and adopted regarding the creation of the District, the construction and completion of the Project, and the apportionment of the cost of the Project against each lot and parcel of land in the District, is hereby approved, and the assessments in the amounts levied and apportioned on and against each lot and parcel of land in the District are hereby confirmed. The Roll is attached and made a part

of this ordinance as Exhibit B. The confirmed Roll shall be certified to by the City Clerk and transmitted to the City Treasurer for collection.

SECTION 2. Payment of Assessment. The amount of any assessment or any portion of any assessment may be paid without penalty, interest or costs at any time within thirty (30) days following the date of the publication of this ordinance and Notice of Assessment (“Notice”). This Ordinance and the Notice will be published on June 21, 2019. If the assessment is not paid in full by July 21, 2019, the amount of the assessment shall be collected in fifteen (15) substantially equal annual installments. The first installment is due June 21, 2020, one (1) year from the date of the publication of this ordinance and Notice. Subsequent installments shall be due annually on the same date, June 21, until paid in full. Interest on the installments of assessments shall be at a rate of two and one-half percent (2.50%) per year, and shall be paid at the time of installment payments of the assessment. Installment payments, when delinquent, in addition to interest, shall bear a penalty of five percent (5.00%) on the unpaid assessment. All interest and penalties shall be included in and made a part of the assessment lien. In accordance with WYO. STAT. § 15-6-420, upon failure to pay any installment when due, the entire assessment is due and payable, and collection will be enforced by any or all methods authorized under WYO. STAT. §§ 15-6-401-448.

SECTION 3. Notice of Assessments. The City Clerk shall publish the Notice stating that this ordinance is effective and that the Roll has been certified and transmitted to the City Treasurer for collection. The Notice shall also state that the assessment or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the Notice. The Notice shall be published in the Gillette News Record in two (2) weekly publications. The Notice is attached and made a part of this ordinance as Exhibit C. The Notice states the following:

**NOTICE OF ASSESSMENTS FOR IMPROVEMENTS
CONSTRUCTED IN THE CITY OF GILLETTE,
WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52.**

NOTICE IS HEREBY GIVEN that the assessment roll for Improvements constructed in the City of Gillette, Wyoming, Special Improvement District No. 52, has been certified by the City Clerk and transmitted to the City Treasurer for collection. The assessments or any portion of the assessments may be paid at any time on or before July 21, 2019, thirty (30) days from the date of the first publication of this Notice. Failure to pay the full assessment within thirty (30) days shall be deemed an election to pay the assessment in installments, at an interest rate of two and one-half percent (2.50%) per year.

The assessment may be paid in fifteen (15) substantially equal **annual** installments, with interest. The first assessment installment is due June 21, 2020, one (1) year from the date of this Notice and subsequent installments shall be due each year on the anniversary of this Notice, until the assessment is paid. An installment payment is considered delinquent unless paid when due. Upon failure to pay any installment when due, the entire assessment is due and payable immediately. In addition to interest, a penalty of five percent (5.00%) shall be added to the delinquent unpaid assessment.

If the amount of the assessment is paid in full any time after thirty (30) days from the date of the first publication of this Notice, interest from the next installment payment will be added to assessment. Please make full assessment payments and installment payments payable to the City Treasurer, City of Gillette, 201 E. 5th Street, P.O. Box 3003, Gillette, Wyoming 82717-3003.

IN WITNESS WHEREOF, I have hereunto subscribed my name at Gillette, Wyoming, as of the 21st day of June 2019.

(S E A L)

CITY OF GILLETTE, WYOMING

Cindy Staskiewicz, City Clerk

Publish in: The News-Record
Publish on: Friday, June 21, 2019
Friday, June 28, 2019

SECTION 4. Assessment Lien. All special assessments, with any interest or penalty, shall constitute a lien upon the respective lots and parcels of land included within the District, from the time the Roll is certified by the City Clerk and transmitted to the City Treasurer for collection. The special assessments shall remain a lien on each lot and parcel of land assessed until the amount of the assessment has been paid in full. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, created before or after, except a lien for assessments for general taxes.

SECTION 5. Delinquent Assessments. Assessments and installments, when delinquent, in addition to interest charges, shall bear a penalty of five percent (5.00%) and the interest and penalty shall be included in the assessment lien. Upon the failure of any owner of property in the District to pay any installment when due, the entire amount of the assessment shall become due and payable immediately. Delinquent assessments, shall be enforced and collected in accordance with WYO. STAT.§§ 15-6-401-448. The City is authorized to enact any ordinance necessary to collect or enforce the collection of assessment(s) or the installment payments of the assessment(s).

SECTION 6. Severability. Should any portion of this ordinance be judicially determined to be illegal or unenforceable, the remainder of this ordinance shall continue in full force and effect.

SECTION 7. Effective Date of Ordinance. This ordinance is effective upon its passage and publication.

SECTION 8. Recording. This ordinance, after its passage and approval, shall be recorded by the City Clerk in the book kept for that purpose, and this ordinance shall be published as required by law.

(S E A L)

CITY OF GILLETTE, WYOMING

Mayor

ATTESTED:

City Clerk

FIRST READING: May 28, 2019
SECOND READING: June 04, 2019
THIRD READING: June 18, 2019
PUBLICATION : June 21, 2019

EXHIBIT A

PROTESTS AND OBJECTIONS TO SPECIAL IMPROVEMENT DISTRICT NO. 52 ASSESSMENT ROLL

1. In accordance with WYO. STAT. § 15-6-405, “[a]ny person may object to the roll in writing and file the objections with the clerk on or before the date of the hearing.” The Notice of Hearing on Assessments for the City of Gillette, Wyoming Special Improvement District No. 52., scheduled for May 28, 2019, was published on Friday May 10, 2019 and Friday May 17, 2019 in the Gillette News-Record. *See Attached Affidavit of Publication.* The Notice of Hearing on Assessments was also mailed to the last known owner(s) of each assessed tract at least fifteen (15) days prior to the hearing on May 28, 2019. The City did not receive written objections to the Special Improvement District No. 52 Assessment Roll.

AFFP

Assessments-LID 52

Affidavit of Publication

STATE OF WYOMING }
COUNTY OF CAMPBELL } SS

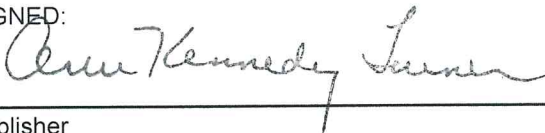
Ann Kennedy Turner, being duly sworn, says:

That she is Publisher of the The Gillette News Record, a daily newspaper of general circulation, printed and published in Gillette, Campbell County, Wyoming; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

May 10, 2019, May 17, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Publisher

Subscribed to and sworn to me this 17th day of May 2019.



Robin R. Cash, Notary Public, Campbell County, Wyoming

My commission expires: February 04, 2020

Publication Fees: \$ 216.00

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LEGALS

Gillette, City of
201 E. 5th Street
Gillette, WY 82716

NOTICE OF HEARING ON ASSESSMENTS FOR
THE CITY OF GILLETTE, WYOMING,
SPECIAL IMPROVEMENT DISTRICT NO. 52.

NOTICE IS HEREBY GIVEN that the Assessment Roll for the City of Gillette, Wyoming, Special Improvement District No. 52 ("Roll"), was filed in the Office of the City Clerk on May 10, 2019, and may be examined during regular business hours. This Notice was also sent by first class mail to the owner, at his or her last know address, of any tract being assessed.

On May 28, 2019, at 6:00 P.M., the City Council, sitting as the Board of Equalization ("Board"), will hold a public hearing in the 2nd Floor Community Room, located at 201 E. 5th Street in Gillette, Wyoming, to consider any objections to the Roll.

The owner of any assessed tract may file an objection, in writing, prior to the public hearing scheduled for May 28, 2019. Any written objection must include the specific grounds for the objection or the objection will be presumed waived. At the public hearing, the Board will consider the Roll and any properly filed objections to the Roll. The Board may correct, revise, raise, lower, change or modify the Roll, any assessment, or take any just and equitable action. If the Board significantly changes any assessment or the Roll is amended to include omitted property, the City will repeat the notice procedures above and hold another public hearing. If the Board confirms the Roll, the City Council will then confirm the Roll by ordinance. Following three readings of the ordinance, the Roll will be certified by the City Clerk and forwarded to the City Finance Department for collection.

The assessments are payable for thirty (30) days following the publication of the ordinance, without interest. The owner also may elect to pay fifteen (15) substantially equal annual installments, with interest, as more particularly set forth in the assessment ordinance. The first assessment installment is due one (1) year from the date of publication of the ordinance, and on the same date each year thereafter.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Gillette, Wyoming, as of May 10, 2019.

(S E A L)

CITY OF GILLETTE, WYOMING

/s/ Cindy Staskiewicz

City Clerk

May 10, 17, 2019

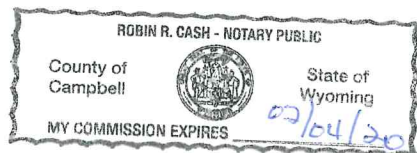


EXHIBIT B

SPECIAL IMPROVEMENT DISTRICT NO. 52 ASSESSMENT ROLL

**ASSESSMENT ROLL FOR
SPECIAL IMPROVEMENT DISTRICT NO. 52
May 28, 2019**

PROPERTY OWNER AND MAILING ADDRESS	LOT & BLOCK NO. AND SUBDIVISION	TOTAL PROPOSED ASSESSMENT
TSH LLC PO Box 2068 Gillette WY 82717	Lot 1, Block 1 Interstate Industrial Park	\$29,827.86
Edward C III & Lori B Kirchoff 3409 E 2nd Street Gillette WY 82717	Lot 3, Block 1 Interstate Industrial Park	\$29,827.86
Starshine LLC PO Box 1924 Gillette WY 82717	Lot 10A, Block 1 Interstate Industrial Park	\$29,827.86
R & G Electric Inc PO Box 2498 Gillette WY 82717	Lot 10B, Block 1 Interstate Industrial Park	\$29,827.86
RB Properties LLC PO Box 2784 Gillette WY 82717	Lot 10C, Block 1 Interstate Industrial Park	\$29,827.86
Uhler Enterprises LLC 1206 W 5th Gillette WY 82716	Lot 10D, Block 1 Interstate Industrial Park	\$29,827.86
Box-Batter Family Properties LLC 7925 Washington Ave Sebastopol CA 95472	Lot 7A, Block 1 Interstate Industrial Park	\$29,827.86
Chet Halvorson Properties LLC 2287 Silver Tip Dr. Cheyenne WY 82009	Lot 7B, Block 1 Interstate Industrial Park	\$29,827.86
Taylor Anderson Enterprises Inc 3201 W 2nd St Gillette WY 82718	Lot 8A, Block 1 Interstate Industrial Park	\$29,827.86
Executive Properties LLC 3409 E 2nd Street Gillette WY 82718	Lot 8B, Block 1 Interstate Industrial Park	\$29,827.86
Executive Properties LLC 3409 E 2nd Street Gillette WY 82718	Lot 8B, Block 1 Interstate Industrial Park	\$29,827.86
Executive Properties LLC	Lot 8C, Block 1	\$29,827.86

3409 E 2nd Street Gillette WY 82718	Interstate Industrial Park	
Martin Terry B DBA Alternative Fuel Services PO Box 335 Gillette WY 82717	Lot 8D, Block 1 Interstate Industrial Park	\$29,827.86
Samuel V & Catherine A Allison 3215 Dover Ln Billings MT 59105	Lot 9A, Block 1 Interstate Industrial Park	\$29,827.86
Riley Ulysses G176 Private Rd 5567 Alba TX 75410	Lot 9B, Block 1 Interstate Industrial Park	\$29,827.86
CIG Enterprises LLC PO Box 27073 Salt Lake City UT 84127	Lot 9C, Block 1 Interstate Industrial Park	\$29,827.86
Wayne A & Anita A Wright 3100 Conestoga Dr. Gillette WY 82718	Lot 9D, Block 1 Interstate Industrial Park	\$29,827.86
Kerry & Carla Hutton PO Box 3947 Gillette WY 82717	Lot 1B, Block 2 Interstate Industrial Park	\$29,827.86
Boden Janette M Living Trust PO Box 67 Gillette WY 82717	Lot 1C, Block 2 Interstate Industrial Park	\$29,827.86
Robert L & Laura Maul 2650 PJ Rd Gillette WY 82716	Lot 1D, Block 2 Interstate Industrial Park	\$29,827.86
J & C Properties LLC 3204 E 2nd St Gillette WY 82718	Lot 1E, Block 2 Interstate Industrial Park	\$29,827.86
Gilliam James & Kelly Family Rev Tst PO Box 1986 Gillette WY 82717	Lot 2A, Block 2 Interstate Industrial Park	\$29,827.86
Pathfinder Energy Inc PO Box 51110 Casper WY 82605	Lot 2B, Block 2 Interstate Industrial Park	\$29,827.86
Willis Milton C & Janet K Trusts C/O PO Box 2023 Gillette WY 82717	Lot 3B, Block 2 Interstate Industrial Park	\$29,827.86

Precision Well Service 403 Commerce Dr. Gillette WY 82718	Lot 3C, Block 2 Interstate Industrial Park	\$29,827.86
Double Z Investments LLC 31 Pronghorn Meadow Ln Gillette WY 82718	Lot 3D, Block 2 Interstate Industrial Park	\$29,827.86
Leonard L & Constance L Wilson PO Box 2181 Gillette WY 82717	Lot 3E, Block 2 Interstate Industrial Park	\$29,827.86
Wyoming Materials & Improvements Inc PO Box 2624 Rapid City SD 57709	Lot 4C, Block 2 Interstate Industrial Park	\$29,827.86
305 Commerce LLC PO Box 2023 Gillette WY 82717	Lot 4D, Block 2 Interstate Industrial Park	\$29,827.86
Chaulk Properties LLC 6900 Greensburgh Ave Gillette WY 82718	Lot 4E, Block 2 Interstate Industrial Park	\$29,827.86
Willis Milton Cloys & Janet Kay Trusts PO Box 1633 Gillette WY 82717	Lot 4F, Block 2 Interstate Industrial Park	\$29,827.86
Carl N & Edith A Hahn PO Box 2075 Gillette WY 82717	Lot 4G, Block 2 Interstate Industrial Park	\$29,827.86
Edward J & Melanie J Collins 200 W Hogeye Dr Gillette WY 82716	Lot 5, Block 3 Interstate Industrial Park	\$29,827.86
Nate W & Tana Sikkenga 4208 Brorby Blvd Gillette WY 82718	Lot 6, Block 3 Interstate Industrial Park	\$29,827.86
Levi Krehmeyer 707 W 9th St Gillette WY 82716	Lot 7, Block 3 Interstate Industrial Park	\$29,827.86
RFC, LLC PO Box 273 Gillette WY 82717	Lot 8, Block 3 Interstate Industrial Park	\$29,827.86

Powder River Energy Corporation PO Box 930 Sundance WY 82729	Lot 2A, Block 3 Interstate Industrial Park	\$29,827.86
ARA LLC 11101 W Cave Circle Dripping Spring TX 78620	Lot 2B, Block 3 Interstate Industrial Park	\$29,827.86
Nathan James Kintz PO Box 2062 Gillette WY 82717	Lot 3A, Block 3 Interstate Industrial Park	\$29,827.86
Terry Smith 10 David Ave Gillette WY 82718	Lot 3B, Block 3 Interstate Industrial Park	\$29,827.86
Emerson Investments LLC PO Box 155 Gillette WY 82717	Lot 4A, Block 3 Interstate Industrial Park	\$29,827.86
Emerson Investments LLC PO Box 155 Gillette WY 82717	Lot 4B, Block 3 Interstate Industrial Park	\$29,827.86
Charles A & Maria W Ruiz 3300 Conestoga Dr. Gillette WY 82718	Lot 1, Block 1 Softail Subdivision	\$29,827.86
Charles A & Maria W Ruiz 3300 Conestoga Dr. Gillette WY 82718	Lot 2, Block 1 Softail Subdivision	\$29,827.86
Jokur, LLC; Joel P & Darleta S Kurtenbach PO Box 545 Gillette WY 82717	Lot 3, Block 1 Softail Subdivision	\$29,827.86

EXHIBIT C

NOTICE OF ASSESSMENTS FOR IMPROVEMENTS CONSTRUCTED IN THE CITY OF GILLETTE, WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52

**NOTICE OF ASSESSMENTS FOR IMPROVEMENTS
CONSTRUCTED IN THE CITY OF GILLETTE, WYOMING,
SPECIAL IMPROVEMENT DISTRICT NO. 52.**

NOTICE IS HEREBY GIVEN that the assessment roll for Improvements constructed in the City of Gillette, Wyoming, Special Improvement District No. 52, has been certified by the City Clerk and transmitted to the City Treasurer for collection. The assessments or any portion of the assessments may be paid at any time on or before July 21, 2019, thirty (30) days from the date of the first publication of this Notice. Failure to pay the full assessment within thirty (30) days shall be deemed an election to pay the assessment in installments, at an interest rate of two and one-half percent (2.50%) per year.

The assessment may be paid in fifteen (15) substantially equal **annual** installments, with interest. The first assessment installment is due June 21, 2020, one (1) year from the date of this Notice and subsequent installments shall be due each year on the anniversary of this Notice, until the assessment is paid. An installment payment is considered delinquent unless paid when due. Upon failure to pay any installment when due, the entire assessment is due and payable immediately. In addition to interest, a penalty of five percent (5.00%) shall be added to the delinquent unpaid assessment.

If the amount of the assessment is paid in full any time after thirty (30) days from the date of the first publication of this Notice, interest from the next installment payment will be added to assessment. Please make full assessment payments and installment payments payable to the City Treasurer, City of Gillette, 201 E. 5th Street, P.O. Box 3003, Gillette, Wyoming 82717-3003.

IN WITNESS WHEREOF, I have hereunto subscribed my name at Gillette, Wyoming, as of the 21st day of June 2019.

(S E A L)

CITY OF GILLETTE, WYOMING

_____/s/_____
Cindy Staskiewicz
City Clerk

Publish in: The News-Record
Publish on: Friday, June 21, 2019
Friday, June 28, 2019