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435 Ryman  
Missoula, MT 59802

**RESOLUTION NUMBER 7576**

**A RESOLUTION OF THE MISSOULA CITY COUNCIL ESTABLISHING A TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) CONSISTING OF NON-CONTIGUOUS HOTEL/MOTEL LANDS WHO HAVE VOLUNTARILY PETITIONED THE CITY OF MISSOULA TO ESTABLISH A TBID FOR THE PURPOSE OF AIDING TOURISM, PROMOTION, AND MARKETING WITHIN THE DISTRICT AND ALLOWING HOTELS/MOTELS OUTSIDE THE CITY LIMITS IN THE MISSOULA URBAN AREA TO DONATE FUNDS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

**WHEREAS**, on October 4, 2010, the Missoula City Council adopted Resolution 7569, a Resolution of Intent indicating the Council's intention to create the Missoula Tourism Business Improvement District (the "District") pursuant to the provisions of §7-12-1101, MCA, *et seq.*, and

**WHEREAS**, the recitals and items resolved by Resolution 7569 are incorporated herein by reference as if part of this Resolution; and

**WHEREAS**, the City Clerk published notice of passage of Resolution 7569 in compliance with Sect. 7-12-1112, MCA, by publishing the notice in the *Missoula Independent* on October 7 and 14, 2010, and by mailing a copy of the notice to every owner of real property potentially subject to assessments within the proposed District as indicated in Resolution 7569; and

**WHEREAS**, Sect. 7-12-1113, MCA allows the owner of any property liable to be assessed to make a written protest against the creation of the District. Pursuant to Montana law and Resolution 7569, any owner duly noticed was required to submit that protest in writing and deliver it to the City Clerk no later than 5:00 p.m. on October 22, 2010; and

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

	Number of owners	Taxable Valuation	Estimated assessments
Number protesting	0	0	Not evaluated
Total aggregated	0	0	Not evaluated
Percentage	0%	0%	Not evaluated

**WHEREAS**, Sect. 7-12-1114, MCA requires the City Council, after close of the protest period, to hold a hearing on any protests received during the protest period as described above and pass upon those protests and the City Council has done so on October 25, 2010; and

**WHEREAS**, there were no protests received to present to the City Council; and

**WHEREAS**, the City Clerk notified the Council that no protests were received; thus the protest thresholds outlined in section 7-12-1114(3), MCA are not met; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Missoula, Montana:

1. The City Council hereby notes that no protests were received and determines that protests are not sufficient pursuant to Sect. 7-12-1114(3) (a) and (b), MCA to prevent the creation of the District. The City Council hereby finds there is no way of reasonably or fairly determining or estimating what the assessments for the individual properties will be and therefore this protest provision was not evaluated; and
2. The City Council hereby adopts this final Resolution and orders creation of the district for a period of ten years in accordance with Resolution 7569. The purpose, name, limits and boundaries of the district, benefitted properties, general character of the services to be performed, assessment methods and properties to be assessed, and duration of the district shall be carried out as set forth in Resolution 7569. A map of the properties currently included in the district is attached as Exhibit A and a list of the properties included in the district is attached as Exhibit B; and
3. In accordance with 7-12-1121 MCA, the City Council hereby establishes a five member Board of Trustees to oversee the affairs of the district. The TBID board of trustees will be comprised of five (5) owners of property or their legally designated representatives within the district who are subject to TBID assessments. The Mayor will make the appointments with the advice and consent of the City Council. The Mayor will also designate the first chair of the Board of Trustees. Terms for the board of trustees will be staggered in accordance with §7-12-1121 (3) and (4). The director of the TBID will be the executive director of the Missoula Convention and Visitor's Bureau in accordance with §7-12-1121 (1). The Mayor will appoint a non-voting ad hoc liaison to the board from the city to facilitate communication between the district trustees and the city. The TBID Board of Trustees is a public body, and the affairs of the district and of the board are subject to all statutory and constitutional laws pertaining to public bodies; and
4. The City Council hereby notifies the Board of Trustees that pursuant to section 7-12-1143 MCA, the annual work plan and budget shall not be adopted unless the work plan and budget provide for adequate liability coverage insuring the district, the Board, and the City of Missoula against legal liability for personal injury and property damage in an amount sufficient to cover the City of Missoula's statutory liability limits as stated in Sect. 2-9-108(1), MCA.; and
5. The City Council hereby notifies the Board of Trustees that the obligations incurred by the district are not obligations of the local government. In accordance with §7-12-1144, the City Council declares that any obligation or debt of any nature of the TBID is not an obligation or debt of the local government that established the district, and in no event is a debt or obligation of the district payable out of any funds or properties of the local government. The debts and obligations of the TBID are payable solely from the funds and properties of the district.
6. The City Finance Director is hereby directed to establish the necessary accounts to administer the funds derived from TBID assessments.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The council hereby declares that it would have passed this resolution and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this resolution should be declared invalid or unconstitutional, then the remaining resolution provisions will be in full force and effect.

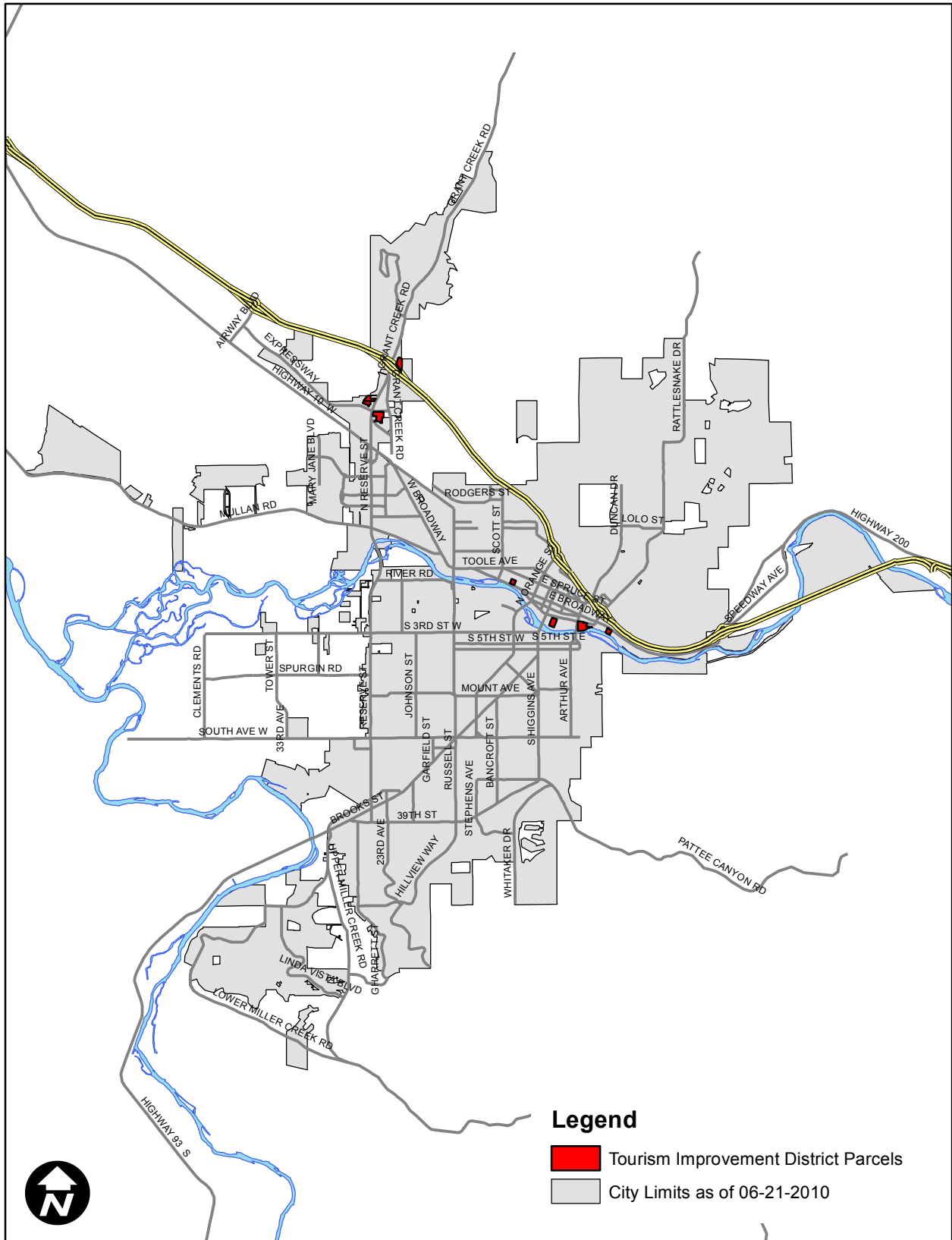
APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA this 25<sup>th</sup> day of October, 2010.

ATTEST:

APPROVED:

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

/s/ John Engen  
John Engen  
Mayor



**Tourism Business Improvement District Map—Exhibit A**

Tourism Business Improvement District Properties--Exhibit B

Petitioned?	Hotel	Geocode	AssessmentCode	OwnerName	ContractBuyer	LegalDescription	SquareFeet	TaxableValue	Address1	Address2	Address3	CityStZip	Owner Count
Yes	Best Western Grant	220005303020000	0003196702	GRANT CREEK INN LLC		TOWNE CENTER, S05, T13 N, R19 W, BLOCK XXX, Lot 005, TOWNE CTR TOWNE CEN	216145	\$ 153,548.00	5280 GRANT CREEK RD			MISSOULA MT 59808-1492	0
Yes	Comfort Inn	220005301170000	0001787803	SUMMIT HOTEL PROPERT		S05, T13 N, R19 W, 5606, PARCEL 01A, TRACT 1A OF COS 5606 INCLUDING PORTIO	139828	\$ 159,298.00	2701 S MINNESOTA AVE STE 6			SIoux FALLS SD 57105-4746	0
Yes	Courtyard by Marria	220005301170000	0001787803	SUMMIT HOTEL PROPERT		S05, T13 N, R19 W, 5606, PARCEL 01A, TRACT 1A OF COS 5606 INCLUDING PORTIO	139828	\$ 159,298.00	2701 S MINNESOTA AVE STE 6			SIoux FALLS SD 57105-4746	0
Yes	Doubletree Hotel	220022407010000	0002334073	MOTOR INN #6757		MCWHIRK ADD, S22, T13 N, R19 W, BLOCK HRT, Lot OMC, MCWHIRK MC WHIRK-P	214751	\$ 214,531.00	MAIL TO: 3011 AMERICAN WAY			MISSOULA MT 59808-1921	0
Yes	Hilton Garden Inn	220008203140000	0005830532	OSPITALITY GROUP LP		MISSOULA HILTON, S08, T13 N, R19 W, Lot 1, 284808 SQUARE FEET	284882	\$ 326,998.00	3720 N RESERVE ST			MISSOULA MT 59808-1518	0
Yes	Holiday Inn Express	220022406240000	0003282306	SS VENTURES INN		S22, T13 N, R19 W, TRACTS 1 & 2 OF COS 4403 IN SECTION 22, 13-19	103237	\$ 87,374.00	6867 N ORACLE RD STE 101			TUCSON AZ 85704-4265	0
Yes	Holiday Inn Downto	220022207010000	0000025606	NULA HOTEL 2006		MISSOULA ORIGINAL TOWNSITE, S22, T13 N, R19 W, BLOCK 006, Lot 011, ORIG TN	175895	\$ 161,087.00	1720 S BELL			DENVER CO 80222-4336	0
Yes	Red Lion Inn	220021128010000	0001864500	DN INN MISSOULA		WJ MCCORMICKS ADD, S21, T13 N, R19 W, BLOCK 049, Lot 011, MCCOR MC CORM	89167	\$ 68,558.00	201 W NORTH RIVER DR STE 100			SPOKANE WA 99201-2262	0
Yes	Staybridge Suites	220007101020000	0005844913	PROPERTIES LLC		STAYBRIDGE, S07, T13 N, R19 W, Lot 3, 96039 SQUARE FEET	96050	\$ 100,656.00	2235 E 25TH ST #200			IDAHO FALLS ID 83404	0
Total Taxable Value:												\$ 1,431,348.00	
Number of property owners:												8	

Properties located outside of district that are voluntarily participating

Petitioned?	Hotel	Geocode	AssessmentCode	OwnerName	ContractBuyer	LegalDescription	SquareFeet	TaxableValue	Address1	Address2	Address3	CityStZip
Yes	Hawthorne Suites by	219901102040000	0003474903	ELD PROPERTIES LLC		MISSOULA DEVELOPMENT PARK PH2, S01, T13 N, R20 W, BLOCK 008	153985	110450	4681 HARLEQUIN CT			MISSOULA MT 59808-9719
Yes	Wingate Inn	219901102140000	0003475905	JLA VENTURES LLC		MISSOULA DEVELOPMENT PARK PH2, S01, T13 N, R20 W, BLOCK 011, Lot 001, LOT	131987	136681	5252 AIRWAY BLVD			MISSOULA MT 59808-9720