

RESOLUTION NO. 17-10658

**A RESOLUTION APPROVING PETITION FOR
ANNEXATION AND ANNEXING TERRITORY
TO THE CITY.**

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law; and

WHEREAS, annexation of said territory would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Tracts of land situated in the SW1/4 of Section 25, T.1N., R.24E., the S1/2 of Section 26, T.1N., R.24E., the N1/2 of Section 35 T.1N., R.24E., and the NW1/4 of Section 36, T.1N., R.24E., P.M.M., Yellowstone County, Montana,

A portion of Tract A, Certificate of Survey No. 1651, Recorded March 25 1977, under Document Number 1046094, of record and on file in the office the Yellowstone County, Clerk and Recorder's: said portion being known as Rimrock Road and being adjacent to Tracts 1, and Tracts 3-6 of said Certificate Of Survey No. 1651;

Tract 1, Certificate of Survey No. 1871, Recorded March 14 1979, under Document Number 1121922, of record and on file in the office the Yellowstone County, Clerk and Recorder's;

A portion of Tract 1, Certificate of Survey No. 2465, Recorded October 1 1987, under Document Number 1458714, of record and on file in the office the Yellowstone County, Clerk and Recorder's: said portion being south and adjacent to Tract 2A, of Amended Tracts 2 and 3, Certificate of Survey No. 2465, Recorded September 16 1996, under Document Number 1845641, of record and on file in the office the Yellowstone County, Clerk and Recorder's,

Tract 2A, of Amended Tracts 2 and 3, Certificate of Survey No. 2465, Recorded September 16 1996, under Document Number 1845641, of record and on file in the office the Yellowstone County, Clerk and Recorder's;

A portion of the north 30.0 feet of the NW1/4, NW1/4 of Section 36, T.1N., R.24E., P.M.M., said portion being south and adjacent to said Tract 1, Certificate of Survey No. 2465;

Including all adjacent Right-Of-Way of Rimrock Road, being a part of Yellowstone County road easement for Rimrock Road also described as a portion of County Road Petition Number 167, filed November 10, 1908, Declared a County Road December 29, 1908;

Containing 119.370 gross acres and 113.595 net acres, more or less.
(#17-05) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
- A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and right-of-way dedication, and provide guarantees for such infrastructure improvements.
- To ensure that flood mitigation along Little Cove Creek in the area of this annexation is addressed to protect property owners and future development, the City and property owner Gary Oakland will enter into a Memorandum of Understanding in which Gary Oakland will pursue an easement for the City along Little Cove Creek per the recommendations in the 2011 West Billings Flood Mitigation and Groundwater Recharge Study.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 28th day of August, 2017.

CITY OF BILLINGS:

BY


Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY:


Denise R. Bohlman, City Clerk

(AN# 17-05)



EXHIBIT "A"

