

RESOLUTION 21-10986

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.

WHEREAS, the annexation is part of a Planned Neighborhood Development ("PND") and overall development plan in accordance with BMCC (27-800)

WHEREAS, the developer desires phased annexation and development.

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

1. TERRITORY EFFECTIVELY 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 SE 1/4 of Section 9 and the SW 1/4 of Section 10, T.1S., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Phase 1

Tracts 2-G-1 and 2-H-1 of Certificate of Survey 983, Amended Tracts 2G and 2H of Plat Amending Tract 2-F, recorded November 24, 2020, under Document No. 3948933;

Tract 2-C of Certificate of Survey 983, Tract 2 Amended, recorded February 15, 1979, under Document No. 1119356;

Including all adjacent right of way

2. TERRITORY TO BE ANNEXED. Pursuant to conditions being met with the Development Agreement, the following territory will be annexed to the City of Billings:

Tracts of Land situated in the SE 1/4 of Section 9 and the SW 1/4 of Section 10, T.1S., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Phase 2

Tract 14 of Certificate of Survey 983, Amending Tracts 2B & 13, recorded May 31, 1983, under Document No. 1266982;

Including all adjacent right of way;

Said phases containing 66.925 gross and 63.711 net acres, more or less.

(# 21-09) See Exhibit "A" Attached

3. **CONDITIONS.** The annexation is approved, subject to the following condition:

1. Within 45 working days and prior to site development, a mutually acceptable 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, provide guidance for the effectiveness of Phase 2 of AN 21-09 and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded;

If the conditions are not satisfied, any new requests for the property legally described within this resolution shall be processed as a new petition of annexation.

4. **PHASED DEVELOPMENT.** This annexation and development is phased. This Resolution immediately annexes Phase 1 as described in section 1. The required Development Agreement provides guidance on subsequent processes required to finalize the Phase 2 annexation legally described in Section 2 of this Resolution.

5. **EFFECTIVE DATE.** Upon satisfaction of the above condition(s), this resolution to annex the above described territory identified will become effective and shall be filed with the Yellowstone County Clerk and Recorder. If the owner fails to meet the deadline identified above, this resolution to annex shall not become effective, will be null and void, and shall not be filed with the Yellowstone County Clerk and Recorder.

6. **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 23rd day of August, 2021.

CITY OF BILLINGS:



BY:

William A. Cole

William A. Cole, Mayor

ATTEST:

BY:

Denise R. Bohlman
Denise R. Bohlman, City Clerk

(Annexation # 21-09)

EXHIBIT A

