

RESOLUTION 21-11010

**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; and

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

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 NE 1/4 and NW 1/4 of Section 31, T.1N., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Being a portion of Amended Planting Area, of Amended Plat of Block 7 Planting Area, Yellowstone Meadows – Phase Three, recorded June 15, 2016, under Document No. 3780085, further described as;

Beginning at the southeast Right-Of-Way (R-O-W) intersection of Clear Creek Drive and 58th Street West; thence along the south R-O-W of Clear Creek Drive, the east and south R-O-W of Sweetgrass Creek Drive, the west R-O-W of Deer Creek Lane, and the south R-O-W of Trail Creek Drive following six courses, S 89°44'38" E for a distance of 175.15 feet,

N 00°15'22" for a distance of 295.00 feet,

Along a curve to the right with a radius of 66.97 feet and arc length of 104.63 feet a delta angle of 89°31'00" (chord bearing N 45°00'52" E chord length of 94.31 feet), N 89°46'22" E for a distance of 1,762.80 feet,

S 00°12'54" E for a distance of 331.98 feet;

N 89°43'24" E for a distance of 1.40 feet;

Thence S 00°15'00" W leaving said R-O-W's for a distance of 426.00 feet;
Thence N 89°43'24" E for a distance of 576.68 feet to a point on the west R-O-W
of South 54th Street West;
Thence S 00°15'00" W and along said R-O-W for a distance of 272.01 feet;
Thence S 89°43'24" W and leaving said R-O-W for a distance of 781.01 feet;
Thence N 00°16'36" W for a distance of 8.00 feet;
Thence S 89°43'24" W for a distance of 599.78 feet;
Thence S 59°46'22" W for a distance of 342.68 feet;
Thence S 89°46'22" W for a distance of 909.53 feet to a point on the east R-O-W
of 58th Street West;
Thence N 00°17'16" E for a distance of 834.11 feet to the Point Of Beginning. Said
tract of land describes Lot 1 of proposed R.L. Subdivision.

Including all adjacent right-of-way of 58th Street West.

Said annexation containing 55.103 gross and 53.454 net acres.

(# 21-10) See Exhibit "A" Attached.

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

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, 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.

3. 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.

4. 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 27th day of September, 2021.

CITY OF BILLINGS:

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

(# 21-10)

EXHIBIT "A"

