

## **RESOLUTION 23-11128**

### **A RESOLUTION OF THE CITY OF BILLINGS TO CONSIDER ANNEXING TERRITORY UNDER TITLE 7, CHAPTER 2, PART 43 OF THE MONTANA CODE ANNOTATED, AND FIXING A DATE FOR A PUBLIC HEARING ON THE QUESTION OF ANNEXATION.**

WHEREAS, the City Council of the City of Billings has determined that it is in the best interest of the City of Billings to annex the territory hereinafter described; and

WHEREAS, the City Council intends to consider annexing said territory pursuant to Title 7, Chapter 2, Part 43 of the Montana Code Annotated; and

WHEREAS, the boundaries of the territory that the City Council intends to consider annexing is particularly described as follows:

Parcels of Land situated in the NE 1/4 of Section 26, T.1N., R.25E., Yellowstone County, Montana, more particularly described as follows:

Tracts 9, 10, and 12 of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840 on file and of record in the office of the Yellowstone County Clerk and Recorder.

Said annexation containing 60.783 gross net acres, more or less.

(# 23-05) See Exhibit "A" Attached

A parcel of Land situated in the SW 1/4 and the SE 1/4 of Section 19, T.1N., R.26E., Yellowstone County, Montana, more particularly described as follows:

Tract C of Certificate of Survey No. 3795, recorded August 17, 2021, under Document No. 3985813 on file and of record in the office of the Yellowstone County Clerk and Recorder.

Said annexation containing 72.77 gross net acres, more or less.

(# 23-05) See Exhibit "B" Attached

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

1. The Billings City Council intends to consider annexation of the above-described property.
2. Notice of the City Council's intent to annex said territory shall be published as provided in M.C.A, Title 7, Chapter 2, Part 4313, with notice that for a period of 20 days after first publication of the notice, the Billings City Clerk will receive written comments approving or disapproving of the proposed extension of the boundaries of the City of Billings.
3. The City Clerk shall forward all written communication received by the Clerk to the City Council for consideration.
4. A public hearing for the question of annexation of said territory shall be held on July 24, 2023.
5. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 43, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 26th Day of JUNE, 2023.



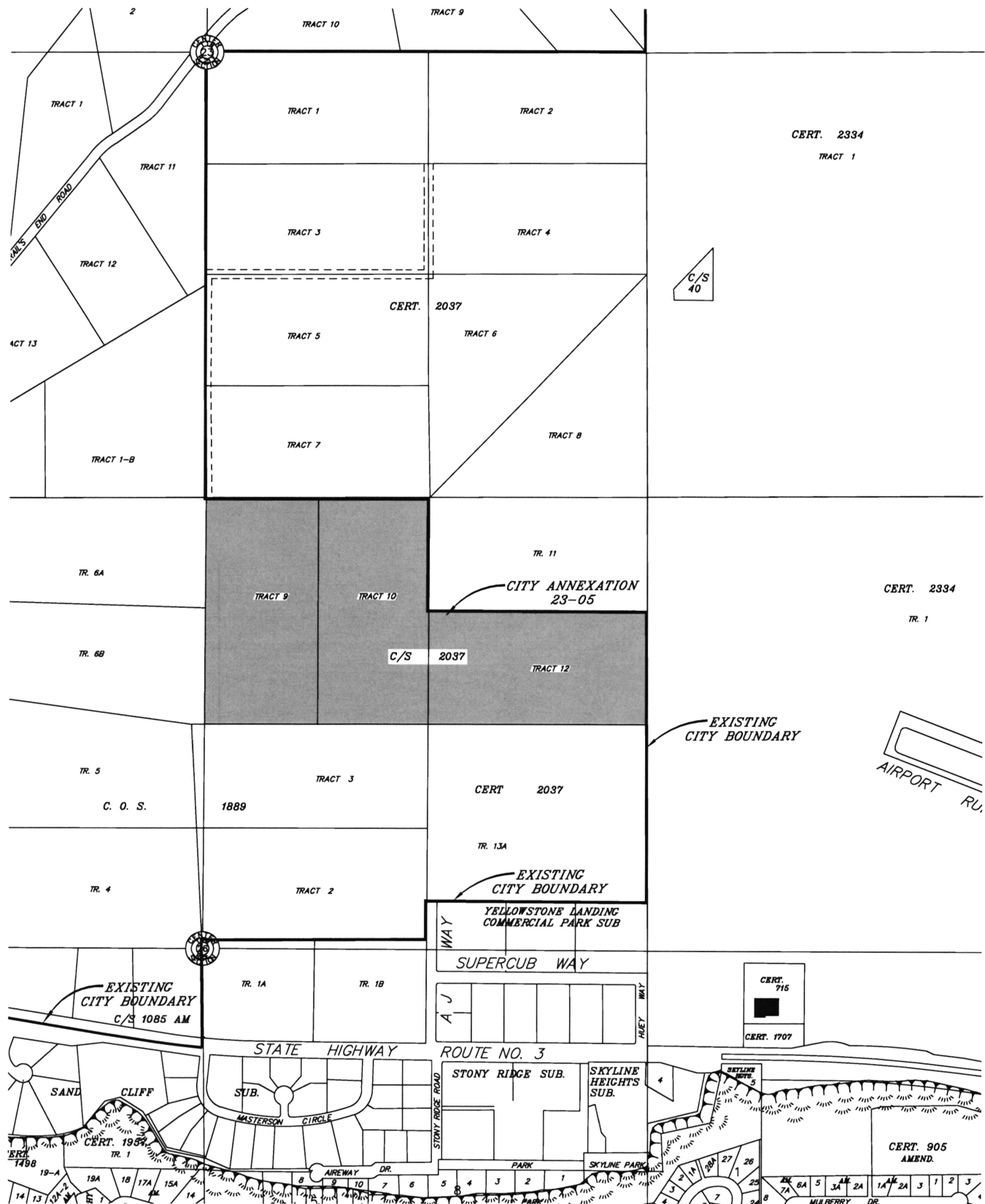
CITY OF BILLINGS:

BY: William A. Cole  
William A. Cole, Mayor

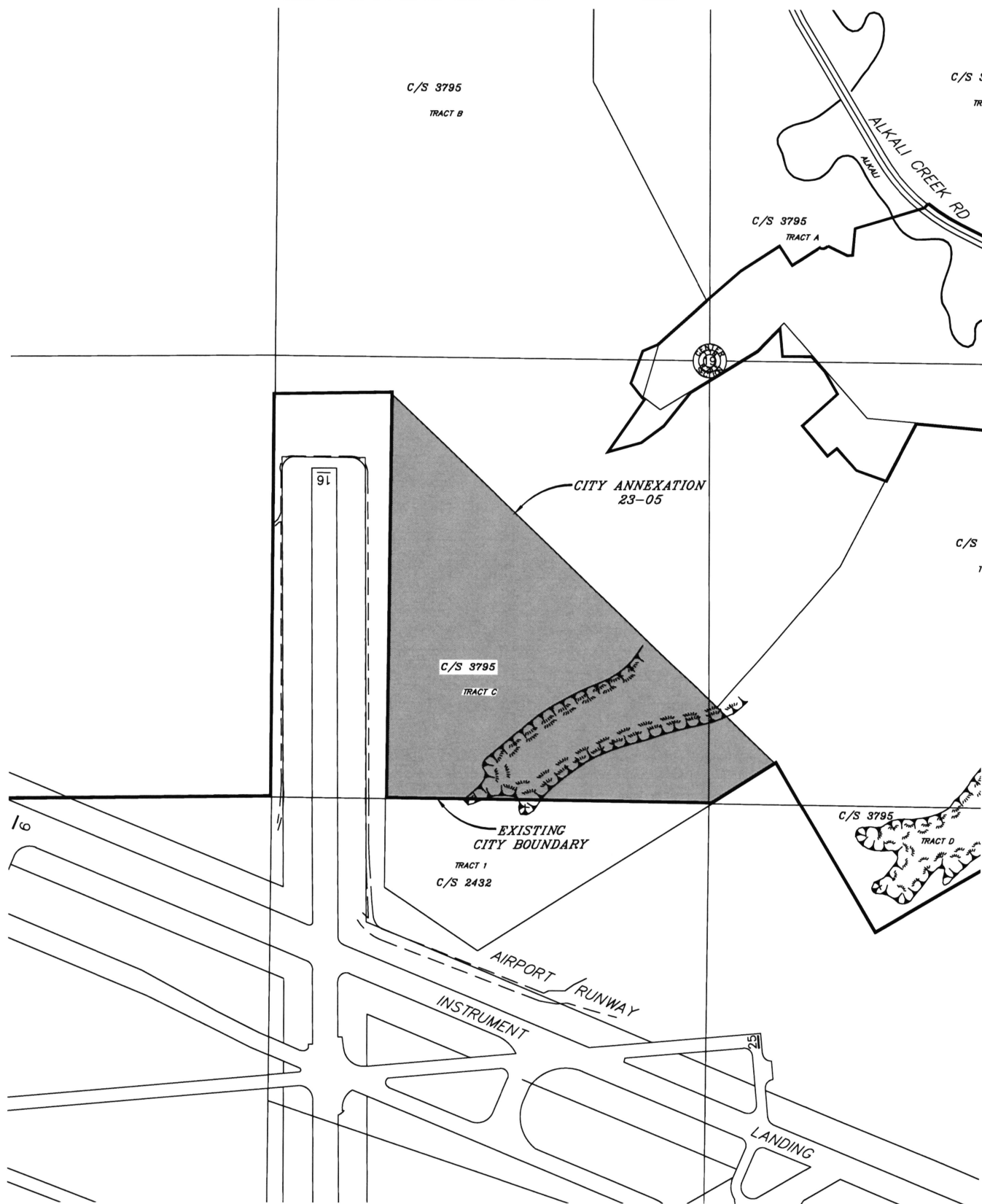
ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk  
(# 23-05)

# EXHIBIT "A"



# EXHIBIT "B"





**City Council Regular**

**Date:** 06/26/2023  
**Title:** Annexation 23-05, Resolution of Intent to Annex City Owned Property at Tracts 9, 10, and 12 of Certificate of Survey No. 2037, and Tract C of Certificate of Survey No. 3795  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** PZX-23-00094

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**RECOMMENDATION**

Staff recommends that the City Council approve the Resolution of Intent to annex the areas adjacent to Billings-Logan International Airport and set a public hearing date for July 24, 2023.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The City Council is being asked to begin the process to annex area adjacent to the airport for the protection of the airport. State Law under 7-2-43 MCA provides municipalities the authority to annex contiguous land. The subject properties are 133.55 gross acres of land owned by the City of Billings. The properties are legally described as Tracts 9, 10, and 12 of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840 on file and of record in the office of the Yellowstone County Clerk and Recorder and Tract C of Certificate of Survey No. 3795, recorded August 17, 2021, under Document No. 3985813 on file and of record in the office of the Yellowstone County Clerk and Recorder. The properties are west and north, respectively, of the Billings-Logan International Airport. MCA 7-2-4312 allows municipalities the authority to act on a Resolution of Intent creating a notice period and setting a public hearing for the annexation of the property. The attached Resolution of Intent sets the public hearing and consideration by City Council of the Resolution to Annex the property for July 24, 2023.

**ALTERNATIVES**

Section 7-2-43 of the Montana Code Annotated (MCA) provides the process for local governments to annex contiguous properties. To comply with Section 7-2-4312 MCA, the City Council needs to adopt a Resolution of Intent to annex the property.

The Council may:

- Approve the Resolution of Intent to annex the contiguous property, creating a 20-day notice period and setting of the public hearing as provided in 7-2-4313 and 7-2-4313 MCA, or;
- Disapprove the Resolution of Intent to annex the property and have it remain outside the City Limits.

If this resolution of intent does not pass, the associated Zone Change and Resolution for Annexation will not occur on July 24.

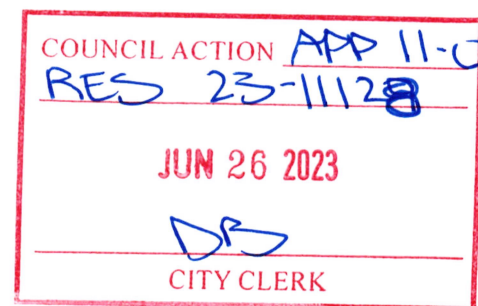
**FISCAL EFFECTS**

This annexation shall have no financial impact on the Planning Division.

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**Attachments**

Memorandum of Intent  
Resolution of Intent to Annex





January 9, 2023

**MEMORANDUM**

P.O. Box 1178  
Billings, MT 59103  
P 406.657.8433  
F 406.657.8390

TO: Monica Plecker Planning Division Manager  
Denise Bohlman, City Clerk

FROM: Chis Kukulski, City Administrator

SUBJECT: **ANNEXATION OF CITY OWNED AIRPORT PARCELS**

In accordance with the requirements of Montana Code Annotated (MCA) 7-2-4403, this memo is a request to annex into the incorporated limits of the City of Billings, properties owned by the City of Billings adjacent to the Airport, purchased by the Airport for the protection of the Airport. The property tax ID and legal description of the properties which are the subject for this annexation request are as follows:

72.77 acres located on the north side of the Airport better identified as Tract C, Certificate of Survey No. 3795; located in the southeast one-quarter (SE 1/4) and the southwest one-quarter (SW 1/4) of Section 19, Township 1 North, Range 26 east, Principal Meridian Montana, Yellowstone County, Montana. Tax ID - D05250B.

60.78 acres located on the west side of the Airport better identified as Lots 9, 10, and 12 of the Certificate of Survey 2037; located in the northeast one-quarter (NE 1/4) of Section 26, Township 1 North, Range 25 east of Principal Montana Meridian, Yellowstone County, Montana. Tax ID - D04575.

Thank you for your assistance with this.

KP:mdb

cc: Chrono  
Wyeth Friday, Planning Director  
M. Burson  
M. Herold