

City Council Regular

Date: 10/09/2023
Title: Public Hearing - Ward Boundary Expansion Ordinance Second Reading - Annexation 23-07
Presented by: Hunter Kelly, Planner 1
Department: Planning & Community Services
Presentation: No
Legal Review: Not Applicable
Project Number: PZX-23-00140

RECOMMENDATION

Staff recommends the City Council approve this ordinance on second reading, adding recently annexed property to Ward III. Council held a public hearing on September 25th and recommended approval on first reading. This second reading action would be consistent with first reading.

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

Sanderson Stewart, on behalf of Andrew Boetticher, submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located at 2449 Blue Creek Road, north of Blue Creek Road and West of Colleen Drive. The land being annexed is described as being a Parcel of Land situated in the NW 1/4 of Section 28, T.1S., R.26E., Yellowstone County, Montana, more particularly described as Lot 7 of Blue Creek Acreage Tracts Subdivision, recorded March 29, 1963, under Document No. 703845, on file and of record in the office of the Yellowstone County Clerk and Recorder. Including all adjacent Right-Of-Way of Blue Creek Road / State Highway No. 416. Said annexation containing 3.206 gross acres and 2.804 net acres, more or less.

Upon Council approval, this annexation requires a change in the boundaries of Ward III. Two readings are required for this action. The first reading and public hearing took place September 25, 2023. The second reading will occur at this meeting on October 9, 2023.

STAKEHOLDERS

City Council conducted a public hearing and 1st reading on September 25, 2023. The City Council held a joint hearing on September 25, 2023, and received the Zoning Commission recommendation and discussed the proposed Annexation. The City Council received no testimony from the public, and closed the public hearing. The City Council did not have any further discussion. Council Member Joy made a motion to approve the annexation on first reading and adopt the findings of the annexation criteria. The motion was seconded by Council Member Gulick and approved on an 8 to 0 vote, with three Council Members absent.

ALTERNATIVES

City Council may:

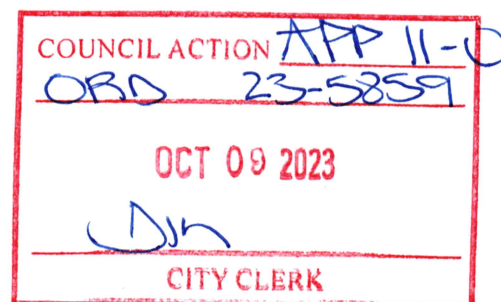
- Approve adding the subject property to Ward III, or;
- Disapprove adding the subject property to Ward III. Disapproval will not modify the boundary of Ward III and will create a problem where property inside the City Limits is not within a City Ward.

FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

Attachments

Ward Boundary Ordinance 23-07



ORDINANCE 23-5859

**AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING
BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN
PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND
CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN
BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO
WARD III PROVIDING FOR CERTIFICATION AND REPEALING OF
ALL ORDINANCES AND RESOLUTIONS INCONSISTENT
THEREWITH.**

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

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward III the following described real property:

Parcel of Land situated in the NW 1/4 of Section 28, T.1S., R.26E., Yellowstone County, Montana, more particularly described as follows:

Lot 7 of Blue Creek Acreage Tracts Subdivision, recorded March 29, 1963, under Document No. 703845, on file and of record in the office of the Yellowstone County Clerk and Recorder.

Including all adjacent Right-Of-Way of Blue Creek Road / State Highway No. 416.

Said annexation containing 3.206 gross acres and 2.804 net acres, more or less.

(# 23-07) See Exhibit "A" Attached

2. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law, or upon the effective date of Resolution No. 23-11165 approving the annexation of the above territory, whichever date is later.
3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.
4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets,

avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

PASSED by the City Council on the first reading this 25th day of September, 2023.

PASSED by the City Council on the second reading this 9th day of October, 2023.



THE CITY OF BILLINGS:

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

ATTEST:

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

(#23-07)

EXHIBIT "A"

