

**ORDINANCE NO. 02-5180**

**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 II, 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 1.16.030, and the State Law, Billings Municipal Code, Section 1.16.030 Ward Boundaries, is hereby amended by adding to the following designated Ward the following described real property:

WARD II:

Lake Elmo Road Right-of-Way between Main Street and Bench Boulevard, more particularly described on Attachments "A" and "A-1" and shown on Attachment "B", containing approximately 2.00 acres, more or less.

(#01-19)

2. **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.

3. **REPEALER.** All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 10th. day of December, 2001.

ORD NO. 02-5180

PASSED, ADOPTED AND APPROVED on second reading this 14th. day of January, 2002.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_

Charles F. Tooley,

MAYOR

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE      CITY CLERK

## Attachment A

That portion of the Lake Elmo Road right-of-way situated in the SE  $\frac{1}{4}$  of Section 27, T. 1 N., R. 26 E., P.M.M., Yellowstone County, Montana, lying between Highway 10, 87 and 312 and Bench Boulevard (also known as Old Highway 10) described as follows, to-wit:

Considering the basis of bearings to be the easterly right-of-way line of Highway 10, 87 and 312 being N 32°57'00" E as shown on the Plat of Heights Town Center Subdivision, with all other bearings being related thereto;

Beginning at a point on the easterly right-of-way line of Highway 10, 87 and 312, and said point being situated EAST a distance of 60.80 feet and S 49°45'13" E a distance of 62.69 feet from the Center  $\frac{1}{4}$  corner of Section 27, T. 1 N., R. 26 E., P.M.M.;

thence, from said point of beginning, S 49°45'13" E a distance of 190.02 feet;

thence S 58°15'00" E a distance of 690.00 feet;

thence S 08°57'00" E a distance of 260.76 feet;

thence S 63°40'00" W a distance of 62.87 feet to the southeast corner of Certificate of Survey No. 680;

thence N 08°57'00" W a distance of 252.01 feet;

thence N 58°15'00" W a distance of 666.91 feet;

thence N 49°45'13" W a distance of 186.80 feet to the northeast corner of Certificate of Survey No. 680;

thence N 32°57'00" E a distance of 60.49 feet to the point of beginning;

said portion of Lake Elmo Road right-of-way containing an area of 67,395 square feet.

## Attachment A-1

A tract of land in the east 52 feet of NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 27, T. 1 N., R. 26 E., M.P.M., Yellowstone County, Montana more particularly described as follows:

Beginning at the center of said Sec. 27;

thence from the said point of beginning west 52.0 feet;

thence south 283.9 feet;

thence N. 32 $^{\circ}$  57' E. 12.7 feet;

thence north 121.3 feet;

thence east 45.0 feet;

thence S. 66 $^{\circ}$  18' E. 29.6 feet;

thence N 32 $^{\circ}$  57' E. 131.9 feet; more or less, parallel to and 70 feet southeasterly when measured at right angles from the center line of the new location of U.S. Highway No. 10;

thence N. 49 $^{\circ}$  49' W. 63.8 feet to a point on the north line of the SE $\frac{1}{4}$  of Sec. 27;

thence west 60.8 feet, more or less to the said point of beginning, and containing in all .049 acres, more or less, including, however, 0.10 acres herein described which constitute a part of an existing public highway (gross acreage 0.49; present highway acreage 0.10; net acreage 0.39).