

ORDINANCE NO. 02-5203

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION OF ORDINANCE 02-5172 BEING 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 I, 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 I:

~~A tract of land in S ½ of Government Lot 3, Section 11, T1N, R26 E, P.M.M. Yellowstone County, Montana more particularly in Certificate of Survey (C/S) 2373, document #1388113, recorded at the office of the Clerk and Recorder of Yellowstone County, Montana.~~

~~Considering the basis of bearing to be S 00° 06' 00" E along the west line of Garden Avenue and all other bearings contained herein relative thereto:~~

~~Beginning at a point which is the C 1/4 of Section 11, T1S, R26E P.M.M., said point also being the NE corner of Tract 1 of C/S 1024. Thence southerly along the Mid-section line of Section 11, said line also being the east line of Tracts 1&2 of C/S 1024, a distance of 656.62 feet to a point which is the SE corner of said Tract 2 of C/S 1024, Thence Westerly along the south line of said Tract 2 a distance of 30.00 feet to its intersection with the west line of the county road, known as Garden Avenue, said point also known as the NE corner of C/S 2373; Thence along the west line of county road S 00° 06' 00" E a distance of 192.79 feet; S 48° 12' W a distance of 289.63 feet; S 36° 51' W a distance of 142.98 feet to a point being the **TRUE POINT OF BEGINNING**; thence departing the boundary of C/S 2373 N 53° 09' 00" W a distance of 169.00 feet; thence N 36° 51' 00" E along a line that is 169 feet west of and parallel to Garden Avenue a distance of 159.78 feet; thence N 48° 12' 00"~~

~~E along a line 169.00 feet westerly of and parallel to said west line of Garden Ave., a distance of 230.65 feet; thence N 00° 06' 00" W along a line 169.00 feet westerly of and parallel to the said west line of Garden Ave. a distance of 107.74 feet to a point that is 8.50 feet south of the south line of Tract 2, C/S 1024; thence S 89° 40' 25" W along a line that is 8.5 feet south of and parallel to the South line of Tract 2 of C/S 1024 a distance of 106.08 feet to the centerline of the Gray Eagle Ditch; thence the following two (2) courses following the centerline of said Gray Eagle Ditch, S 35° 20' 46" W a distance of 265.44 feet; thence S 43° 59' 24" W a distance of 143.93 feet; thence departing the centerline of the Gray Eagle Ditch S 16° 11' 23" E a distance of 120.02 feet; thence S 10° 14' W a distance of 189.46 feet to the west right of way line of the county road; thence N 89° 29' 13" E a distance of 141.08 feet; thence N 36° 23' 40" E a distance of 158.54 feet to the True Point of Beginning.~~

~~(#01-12)~~

WARD I:

A Tract of land located in the S1/2 of Government Lot 3, Section 11 T.1 S. R. 26 E., P.M.M., Yellowstone County, Montana, more particularly in Certificate of Survey 2373, document #1388113, recorded at the office of the clerk and recorder of Yellowstone County, Montana.

Considering the Basis of Bearing to be S 00° 06' 00" E along the west line of Garden Ave and all other Bearings contained herein, relative thereto.

Beginning at a point which is the center of Section 11, T. 1 S. R. 26 E. P.M.M. Said point of beginning also being the NE corner of Tract 1 of Certificate of Survey 1024. Thence Southerly along the Mid-Section line of said Section 11, said line also being the East line of Tracts 1&2 of Certificate of Survey 1024, a distance of 656.62 feet to a point which is the SE corner of said Tract 2 of Certificate of Survey 1024, Thence Westerly along the South line of Said Tract 2, a distance of 30.00 feet to its intersection with the West line of the county road, commonly known as Garden Avenue, said point also known as the NE corner of Certificate of Survey 2373; Thence S 00° 06' 00"E a distance of 8.50 feet to the **True Point of Beginning**; Thence, Between the found boundary monuments of Certificate of Survey 2373 the following four (4) courses, S 00° 06' 00" E a distance of 185.20 feet; Thence S 47° 55' 33" W a distance of 290.44 feet; Thence S 36° 23' 40" W a distance of 301.52 feet; Thence S 89° 29' 13" W a distance of 141.08 feet; Thence departing the boundary of said Certificate of Survey 2373, N 10° 14' 00" E a distance of 188.41 feet; Thence N 16° 11' 24" W a distance of 120.02 feet, to the Center of the Gray Eagle Ditch; Thence along the said Centerline of the Gray Eagle Ditch the following Two (2) courses N 43° 59' 24" E a distance of 145.93 feet; Thence N 35° 20' 46" E a distance of 265.45 feet to the intersection

of a line that is 8.5 feet south of and parallel with the North boundary of Certificate of Survey 2373; Thence N 89° 40' 25" E along said parallel line, a distance of 275.08 feet, to the True point of beginning. Excepting there from all that land previously Excluded from De-Annexation as described in Resolution 83-14101 Exhibit B, recorded at the office of the City Clerk of the City of Billings, Montana.

(#01-02)

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 8th. day of April, 2002

PASSED, ADOPTED AND APPROVED on second reading this 22nd. day of April, 2002.

THE CITY OF BILLINGS:

BY: _____

Charles F. Tooley,

MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AEE CITY CLERK