

RESOLUTION NO. 02-17789

A RESOLUTION OF THE CITY OF BILLINGS  
APPROVING PETITIONS 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.

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

1. TERRITORY 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:

Lots 1-4 of Blocks 5, 6, 7, 8, 9; Lots 11-29 in Block 10, and Lots 3-8 in Block 11, Daniels Subdivision, 2<sup>nd</sup> filing and more particularly described in Exhibit "A" attached.

(#01-20)

2. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

3. CONDITIONS OF APPROVAL. Annexation is approved subject to the following condition:

- All elements of the Development Agreement dated July 10, 1995 and the Subdivision Improvement Agreement approved in 1983 remain in effect and shall be applied to the subject property. This condition informs the petitioner that it must conform to these prior agreements when developing the property. The major elements are:
  - (A) City standard paved streets, water and sewer will be constructed through a private contract or financially secured before building permits are issued; sidewalks to be constructed at the time of lot development.
  - (B) Create a master plan, SID and PMD for park development and maintenance. A recently created pedestrian walkway between Blocks 10 and 11 should be included in the Park SID and PMD. A drainage swale in the park will have to be addressed in the Park Master Plan and development, including how to dispose of groundwater that is being pumped from home basements into the street and is reaching the drainage swale.

PASSED by the City Council and APPROVED this 14th day of January, 2002.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley, MAYOR

ATTEST:

RES NO. 02-17789

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

## **ANNEXATION EXHIBIT "A"**

### **METES AND BOUNDS DESCRIPTION**

A tract of land situated in the NE1/4 of Section 14, T1N, R26E, P.M.M., Yellowstone County, Montana, being more particularly described as follows, to-wit:

Beginning at a point which is the southeast corner of Lot 11, Block 12, Daniels Subdivision 2<sup>nd</sup> Filing; thence, from said point of beginning, along the north right-of-way line of Mossmann Drive, the following courses and distances:

S89°36'12"E a distance of 147.35 feet;

Thence, along a curve to the right with a radius of 492.57 feet a distance of 85.32 feet (chord bearing S84°38'28"E, chord distance 85.21 feet);

Thence, along a reverse curve to the left with a radius of 432.57 feet a distance of 74.93 feet (chord bearing S84°38'28"E, chord distance 74.83 feet);

Thence S89°36'12"E a distance of 9.90 feet to a point on the east line of the above said Daniels Subdivision 2<sup>nd</sup> Filing;

Thence, along said east line, S00°12'02"W a distance of 664.16 feet to a point on the north right-of-way line of Mading Drive; thence, along said north right-of-way line, N89°36'12"W a distance of 101.61 feet; thence, continuing along said north right-of-way line, along a curve to the right with a radius of 10.00 feet a distance of 15.71 feet (chord bearing N44°36'12"W, chord distance 14.14 feet) to a point on the east right-of-way line of Columbine Drive; thence, along said east right-of-way line, N00°23'48"E a distance of 113.00 feet; thence, across the right-of-way of Columbine Drive and along the south line of said Daniels Subdivision 2<sup>nd</sup> Filing, N89°36'12"W a distance of 1196.60 feet to a point on the west right-of-way line of Hawthorne Lane; thence, along said west right-of-way line, N00°23'48"E a distance of 260.00 feet; thence, across the right-of-way of Hawthorne Lane and along the south lines of Lots 1 through 10, Block 10, Daniels Subdivision 2<sup>nd</sup> Filing, S89°36'12"E a distance of 773.34 feet to a point on the west right-of-way line of Hyacinth Drive; thence, across the right-of-way of Hyacinth Drive, N80°50'18"E a distance of 68.61 feet to a point on the east right-of-way line of said Hyacinth Drive; thence, along the south line of Lots 9 and 10, Block 11 of said Daniels Subdivision 2<sup>nd</sup> Filing, N79°36'02"E a distance of 188.95 feet to the south west corner of Lot 4 of said Block 11; thence, along the west line of said Lot 4, N00°23'48"E a distance of 83.21 feet to a point on the south line of Lot 2 of said Block 11, thence, along the south line of said Lot 2, S89°36'12"E a distance of 24.88 feet to the southeast corner of

said Lot 2, thence, along the east line of said Lot 2, N00°23'48"E a distance of 102.00 feet to a point on the south right-of-way line of Mossman Drive; thence, across the right-of-way of Mossman Drive, N45°38'55"W a distance of 86.44 feet to the point of beginning. Said tract containing an area of 10.046 acres.