

RESOLUTION NO. 02-17819

A RESOLUTION OF THE CITY OF BILLINGS
AMENDING AND SUPERCEDING RES. NO.
02-17809 RESOLUTION APPROVING
PETITIONS FOR ANNEXATION AND
ANNEXING TERRITORY TO THE CITY.

WHEREAS, on February 25, 2002, the Billings City Council approved Resolution No. 02-17809 annexing property that had been petitioned for annexation to the City; and

WHEREAS, the description on Resolution No. 02-17809 was incorrectly described as follows:

Briarwood Subdivision, 1st, 2nd and 3rd Filings; Ridgewood Estates Subdivision, 1st Filing; Shadowbrook Subdivision; Certificate of Survey 2544, Tracts 1 – 16 inclusive; Certificate of Survey 2165, Tracts 29A3, 29A4, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 57, 58, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78A2, 78A1A, 81A, 86, 87, 88, 89, 91A, 95; Certificate of Survey 2814, Tract 2; and Certificate of Survey 2218, Tracts 1 and 2B. Including all of the Blue Creek Road right-of-way from Robindale Drive north to the northern boundary of Certificate of Survey 2544, Tract 1. (#02-02)

AND

Cedar Park Subdivision, including Cedar Park; White Subdivision; Certificate of Survey 1118, Tract 1; Certificate of Survey 646 Amended, Tract A-4; and Certificate of Survey 566, 2nd Amended, Tract 2. Including all of the Santiago Road right-of-way and all of the Blue Creek Road right-of-way from Santiago Road north to the northern boundary of White Subdivision. (#02-03)

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, and

WHEREAS, it is the desire of the City Council and the intent of this resolution to correct the error in the legal description, and

WHEREAS, no other sections or parts of Resolution No. 02-17809 are being amended.

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:

Corrected Description:

Briarwood Subdivision, 1st, 2nd, and 3rd Filings, Including all Amendments there of, Excluding Robindale Drive right-of-way; Ridgewood Estates Subdivision, 1st Filing; Shadowbrook Subdivision; Certificate of Survey 2544, Amended, Tracts 2, 3, 4, 5, 8, 9, 11, and 12; Certificate of Survey 2544, 2nd Amendment, Tract 16; Certificate of Survey 2544, 3rd Amendment, Tracts 7A, 15A and 10A; Certificate of Survey 2544, 4th Amendment, Tracts 1A-1 and 6A; Certificate of

Survey 2544, 5th Amendment, Tracts 13A and 14A; Certificate of Survey 2165, Tracts 29A3, 29A4, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 57, 58, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78A1A, 81A, 86, 87, 88, 89, 95; Certificate of Survey 2814, Tract 2; and Certificate of Survey 2218, Tracts 1 and 2B;

(# 02-02)

See Exhibit "A" Attached

Cedar Park Subdivision, including Cedar Park; White Subdivision; Certificate of Survey 1118; Certificate of Survey 646 2nd Amended, Tract A-4; and Certificate of Survey 566, 2nd Amended, Tract 2. Including all of the Santiago Boulevard right-of-way.

(# 02-03)

See Exhibit "B" Attached

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:

Prior to any additional development of the sites, including the issuance of building permits, the following shall occur:

- A Development Agreement shall be executed between the owner(s) and the City which shall stipulate specific infrastructure improvements and provide guarantees for said improvements and make provisions for the establishment of a Parks Maintenance District; and
- If there is any further subdivision, the required Subdivision Improvements Agreement (SIA) shall be approved and filed with the subdivision, and will stipulate specific infrastructure improvements and provided guarantees for such infrastructure

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improvements and make provisions for the inclusion in the Parks Maintenance District.

4. AMENDMENT. Resolution No. 02-17809 is hereby amended and superceded.

PASSED by the City Council and APPROVED this 8th day of April, 2002.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AE CITY CLERK