

RESOLUTION NO. **02-17820**

A RESOLUTION OF THE CITY OF BILLINGS
AMENDING AND SUPERCEDING RES. NO.
02-17814 RESOLUTION APPROVING
PETITIONS FOR ANNEXATION AND
ANNEXING TERRITORY TO THE CITY.

WHEREAS, on March 11, 2002, the Billings City Council approved Resolution No. 02-17814 annexing property that had been petitioned for annexation to the City; and

WHEREAS, the description on Resolution No. 02-17814 was incorrectly described as follows:

Certificate of Survey, Tracts 1-5 inclusive

(#02-04)

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. 02-17814 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:

Certificate of Survey #3091, Tracts 1-5 inclusive

(#02-04)

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

4. AMENDMENT. Resolution No. 02-17814 is hereby amended and superceded.

RES NO. 02-_____

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/AAE CITY CLERK