

## RESOLUTION NO. 02-17835

### 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:

Tract 2, C/S 3030, located in the SE $\frac{1}{4}$  of Section 24, Township 1N, Range 24E and the SW $\frac{1}{4}$  of Section 19, Township 1N, Range 25E

(#02-11)

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 conditions:

- A. That prior to development of the site, including the issuance of any building permits, the following shall occur:
- A Development Agreement be executed between the owner(s) and the City which shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
  - A Subdivision Improvements Agreement (S.I.A.) and Waiver of Protest to SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

This condition is necessary to clarify the developer's responsibilities for public on-site and off-site improvements.

- B. That all of Molt Road/MT. 302 and 62<sup>nd</sup> Street West that are adjacent to the subject property be annexed.

This condition is necessary to reduce confusion and the potential for conflicts over jurisdiction of the street. Rimrock Road should not be annexed at this time because no owners on the south side of the road are requesting annexation, it is a gravel county road and it isn't designated as an arterial street in the Transportation Plan..

- C. If a roadway connection between MT Hwy. 3 and Molt Road/MT Hwy. 302 is approved in the future, the owner(s) will not object to an alignment and construction that doesn't alter the property's approved subdivision plat.

The City/County Planning Department and the County and City Public Works Departments have initiated a study to determine the feasibility and alignment of a connection between Hwy. 3 and Molt Road/Hwy 302. If the study shows that a route on or near the property is the most desirable alternative, the City could use street rights of way that are within the subdivision or on nearby property and the property owners would not object to any of these alignments.

- D. Upon subdividing the property for residential purposes, parkland dedications and parkland improvements will be required

that are consistent with the Parks 2020 Plan and previous City annexations.

This condition will help to insure that the subdivided property provides parkland and improvements that are consistent with the City's adopted Park plan and with past practice. The City's informal policy for the past 20 years has been to require property owners that seek annexation and development approval commit to parkland improvements that will serve future residents of the subdivision. The petitioner was asked to include this statement in the Annexation Agreement and he declined, expressing a concern that "...previous City annexations." is too broad and makes the subdivider's obligations too uncertain.

PASSED by the City Council and APPROVED this 13th day of May, 2002.

THE CITY OF BILLINGS:

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

ATTEST:

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