

RESOLUTION NO. 02-17841

A RESOLUTION OF THE CITY OF BILLINGS  
AMENDING AND SUPERCEDING RES. NO.  
**01-17731** RESOLUTION APPROVING  
PETITIONS FOR ANNEXATION AND  
ANNEXING TERRITORY TO THE CITY.

WHEREAS, on August 13, 2001, the Billings City Council approved Resolution No. **01-17731** annexing property that had been petitioned for annexation to the City; and

WHEREAS, the description on Resolution No. **01-17731** was incorrectly described as follows:

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)

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. **01-17731** 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:

A tract of land in S ½ of Government Lot 3, Section 11, T1S, 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)

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:

- (A) That the annexation include the western half of the Garden Avenue Right-of-Way that is adjacent to this annexation and to the portion of the property that is presently within the City.

4. AMENDMENT. Resolution No. **01-17731** is hereby amended and superceded.

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/AAE CITY CLERK