

RESOLUTION NO. 02-17920

A RESOLUTION OF THE CITY OF BILLINGS
AMENDING AND SUPERCEDING RES. NO.
01-17774 A RESOLUTION APPROVING
PETITIONS FOR ANNEXATION AND
ANNEXING TERRITORY TO THE CITY.

WHEREAS, on October 22, 2001, the Billings City Council approved Resolution No. 02-17774 annexing property that had been petitioned for annexation to the City; and

WHEREAS, the description on Resolution No. 01-17774 was incorrectly described as follows:

Tract 1, C/S 2099 and the NW4SW4SW4NW4 of Section 13, Township 1 South, Range 25 East, except the following tracts of land: C/S 2206, C/S 2252, C/S 2155, Corrected C/S 1907, C/S 1445, C/S 2548, C/S 2099 and that part reserved for main canal of billings Land & Irrigation Co. by Warranty Deed recorded March 13, 1905 in Book V, Page 107.

(#01-16)

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. 01-17774 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:

Tract 1, C/S 2099 and the NW4SW4 and the SW4NW4 of Section 13, Township 1 South, Range 25 East, except the following tracts of land: C/S 2206, C/S 2252, C/S 2963, C/S 1445, Tract 7-A of Amended Tract 7 of C/S 2548, and that part reserved for main canal of Billings Land & Irrigation Co. by Warranty Deed recorded March 13, 1905 in Book V, Page 107.

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 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 (SIA) shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

4. AMENDMENT. Resolution No. 01-17774 is hereby amended and superceded.

PASSED by the City Council and APPROVED this 28th day of October, 2002.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK