

RESOLUTION NO. 02-**17931**

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:

Tracts 2A, 2B, 2C and 3C, C/S 2991, containing 35.47 acres, more or
less.

(#02-17)

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:

1. That the draft annexation agreement be modified as follows and any minor wording changes that are necessary to bring the agreement into general conformance with other agreements and City policies:
 - a. All of the property described as Tracts 2A, 2B, 2C and 3C C/S 2991 must be included in and covered by the agreement.
 - b. Paragraph 5, Park Improvements, shall require the owner to dedicate parkland or cash in lieu of land for the entire property as though all such property were included in a subdivision.
 - c. In accordance with the Annexation Policy, all of the property will participate in an SID and/or PMD for park development and maintenance on this property or for nearby parks that benefit future residents of this property.
2. The annexation agreement must be approved by the Planning and Community Services Department and executed by the owner and Mayor before the annexation resolution is recorded.
3. That prior to development of the site the following shall occur:
 - a. A Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
 - b. A Subdivision Improvements Agreement (S.I.A.) and Waiver of Protest to SID and PMD shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.
4. All of the adjacent Monad Road shall be annexed.

PASSED by the City Council and APPROVED this 25th day of November,
2002.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK