

RESOLUTION NO. 03 – 17938

A RESOLUTION OF THE CITY OF BILLINGS AMENDING  
AND SUPERSEDING RESOLUTION NO. 02-17789, A RESOLUTION  
APPROVING A PETITION FOR ANNEXATION AND  
ANNEXING TERRITORY TO THE CITY

WHEREAS, on January 14, 2002 the Billings City Council approved Resolution No. 02-17789 annexing property that had been petitioned for annexation to the City; and

WHEREAS, the description in Resolution No. 02-17789 was incorrectly described as follows:

Lots 1-4 of Blocks 5, 6, 7, 8, 9; Lots 11-29 in Block 10, and Lots 3-8 in Block 11, Daniels Subdivision, 2<sup>nd</sup> filing and more particularly described in Exhibit "A" attached.

(#01-20)

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. 02-17789 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 the petition filed as provided in MCA Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

**Corrected Description:**

Lots 1-4, Block 5; Lots 1-4, Block 6; Lots 1-5, Block 7; Lots 1-4, Block 8; Lots 1-4, Block 9; Lots 11-19, Block 10, Lots 3-8, Block 11, all in Daniels Subdivision 2<sup>nd</sup> filing and more particularly described in Exhibit "A" attached.

(#01-20)

2. PROCEDURE. All procedures required by MCA 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:
  - All elements of the Development Agreement dated July 10, 1995 and the Subdivision Improvement Agreement approved in 1983 remain in effect and shall be applied to the subject property.

This condition informs the petitioner that it must conform to these prior agreements when developing the property. The major elements are:

- a. City standard paved streets, water and sewer will be constructed through a private contract or financially secured before building permits are issued; sidewalks to be constructed at the time of lot development
- b. Create a master plan, SID and PMD for park development and maintenance. A recently created pedestrian walkway between blocks 10 and 11 should be included in the park SID and PMD. A drainage swale in the park will have to be addressed in the Park Master Plan and development, including how to dispose of groundwater that is being pumped from home basements into the street and is reaching the drainage swale.

4. AMENDMENT. Resolution No. 02-17789 is hereby amended and superceded.

PASSED by the City Council and APPROVED this 13th day of January, 2003.

THE CITY OF BILLINGS:

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

ATTEST:

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