

RESOLUTION NO. **03-17967**

A RESOLUTION OF THE CITY OF BILLINGS  
AMENDING AND SUPERCEDING RES. NO.  
02-17868, A RESOLUTION AMENDING AND  
SUPERCEDING RES. No. 02-17859, A  
RESOLUTION APPROVING PETITIONS FOR  
ANNEXATION AND ANNEXING TERRITORY  
TO THE CITY.

WHEREAS, on August, 12, 2002, the Billings City Council approved Resolution No. 02-17868 amending the description of property that had been petitioned for annexation to the City; and

WHEREAS, the description on Resolution No. 02-17868 was incorrectly described as follows:

A tract of land located in a portion Certificate of Survey 3011 Tract 2B and a portion of Certificate of Survey 3011 Tract 3, situated in the NW1/4 and the SW1/4 of Section 24, T. 1 N., R. 26 E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at a point which is the southeast corner of Tract 4E of Amended Tract 4A of Barry Acreage Tracts Subdivision; thence from said point of beginning, NORTH a distance of 308.00 feet; thence EAST a distance of 338.76 feet; thence NORTH a distance of 2202.71 feet; thence N 21°34'38" E a distance of 118.93 feet; thence N 89°28'34" E a distance of 1016.31 feet; thence SOUTH a distance of 820.03 feet; thence along a curve to the left with a radius of 40.00 feet a distance of 63.20 feet (chord bearing S 45°15'43" E, chord length 56.83 feet); thence N 89°28'34" E a distance of 168.98 feet; thence S 00°31'26" E a distance of 39.63 feet; thence N 89°28'34" E a distance of 390.00 feet; thence S 00°31'26" E a distance of 1137.21 feet; thence S 54°11'00" W a distance of 303.74 feet; thence S 51°29'00" W a distance of 413.60 feet;

thence S 73°36'00" W a distance of 229.30 feet; thence S 84°19'00" W a distance of 219.00 feet; thence S 83°39'00" W a distance of 754.00 feet; thence S 70°56'00" W a distance of 594.26 feet; thence NORTH a distance of 200.38 feet; thence EAST a distance of 310.00 feet to the point of beginning.

Said described tract containing an area of 85.139 acres.

(#02-13)

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. 02-17868 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 located in a portion Certificate of Survey 3011 Tract 2B and a portion of Certificate of Survey 3011 Tract 3, situated in the NW1/4 and the SW1/4 of Section 24, T. 1 N., R. 26 E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at a point which is the southeast corner of Tract 4E of Amended Tract 4A of Barry Acreage Tracts Subdivision; thence from said point of beginning, NORTH a distance of 308.00 feet, along the east boundary line of said Amended Tract 4A of Barry Acreage Tracts Subdivision; thence EAST a distance of 338.76 feet; thence NORTH a distance of 2202.71 feet, to a point on the existing City of Billings city limits; thence N 21°34'38" E a distance of 118.93 feet; thence N 89°28'34" E a distance of 1016.31 feet; thence SOUTH a distance of 820.03 feet; thence along a curve to the left with a radius of 40.00 feet a distance of 63.20 feet (chord bearing S 45°15'43" E, chord length 56.83 feet); thence N 89°28'34" E a distance of 168.98 feet, which is a point on the west right-of-way line of River View Drive; thence S 00°31'26" E a distance of 39.63 feet, along said right-of-way line to a point which is the southwest corner of Riverview Estates Subdivision; thence N 89°28'34" E a distance of 390.00 feet, along the south boundary line of said subdivision; thence S 00°31'26" E a distance of 1137.21 feet, which is a point on the south boundary line of Tract 3, C/S 3011; thence following the south boundary line of Tract 3, C/S 3011, thence S 54°11'00" W a distance of 303.74 feet; thence S 51°29'00" W a distance of 413.60 feet; thence S 73°36'00" W a distance of 229.30 feet; thence S 84°19'00" W a distance of 219.00 feet; thence S 83°39'00" W a distance of 754.00 feet; thence S 70°56'00" W a distance of 594.26 feet, to point which is the southwest corner of Tract 3, C/S 3011; thence NORTH a distance of 200.38 feet, along the east right-of-way line of Bitterroot Drive; thence EAST a distance of 310.00

feet, along the south boundary line of Tract 4E of Amended Tract 4A of Barry Acreage  
Tracts Subdivision to the point of beginning.

Said described tract containing an area of 85.139 acres.

(#02-13)

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.
  - (B) That all of Bitterroot Drive that is adjacent to the subject property be annexed.
4. AMENDMENT. Resolution No. 02-17868 is hereby amended and superceded.

PASSED by the City Council and APPROVED this 10th day of March, 2003.

THE CITY OF BILLINGS:

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

ATTEST:

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