

RESOLUTION NO. 08-18702

**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 of land situated in the S1/2 of Section 10, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tracts 1A, 2A, 3A, 4A, & 5A, Certificate of Survey 2063, Amended, Recorded April 7, 2008, under Document No. 3460596, Records of Yellowstone County. Including all adjacent right-of-way of King Avenue West. Containing 114.669 gross acres, and 114.298 net acres.

(# 08-01) See Exhibit "A" Attached

1. **CONDITIONS.** The annexation is approved contingent upon the following conditions:

1. The maximum quantity of City water supplied to this property will be 600,000 gallons/day until such time as the first water storage improvement project for Zone 3 is completed. At the time of completion of the first reservoir improvement, an additional 300,000 gallons/day will be available. Once the final improvement to Zone 3 is completed the entire 1.2 million gallons/day will be available. Availability of water will be evaluated by the Public Works Department after 600,000 gallons/day based on actual and proposed usage to ensure domestic and fire supply and pressure.
2. Prior to site development, 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; and/or
3. A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. If required, the subdivider will be responsible for forming a Park Maintenance District at the time of subdivision.
3. **PROCEDURE.** All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 14th day of April, 2008.



THE CITY OF BILLINGS:

BY

Ron Tussing, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk

(AN #08-01)

EXHIBIT

A

