

## STATEMENT IN SUPPORT OF DE-ANNEXATION

Note the attached maps received from the Public Works Department showing the location of the water and sewer lines. The water line runs along Rimrock Road east to west approximately 660 feet north of the subject property. The sewer line runs up 58<sup>th</sup> Street West to Rimrock and along the south side of Rimrock, again approximately 660 feet of the subject property. Refer to the Limits of Annexations map which shows the City Limits (areas in light blue). I have also indicated city limits on my map from the Yellowstone County Interactive Mapping Site with a dark blue line.

The subject property is part of an operating farm that I have owned since December of 1977. In response to several serious inquiries from real estate developers and commercial agents and on the advice of Engineering, Inc., I petitioned in 2006 to bring into the City approximately 60 acres of the farm property. As a result of this annexation, my real estate taxes rose from \$1,733 in 2006 to \$14,682 in 1977. \$12,578 of this increase was for assessments for storm sewer (\$4,126) and street maintenance (\$8,452), something Engineering, Inc. neglected to tell me. There is no prospect or plan to extend water and sewer lines or storm sewer to the subject property of this request, thus rendering this property undevelopable in the foreseeable future. **The main impediment to future development is the unavailability of sewer service.** It continues to be farmed while I find myself slowly getting taxed out of this farm property with no possibility for development. I am petitioning to de-annex approximately 45 acres, the portion of the total ground that does not have access to sewer. This property substantially meets the criteria established by the City Council for de-annexation. The remaining 14.196 of ground of the original approximately 60 acres brought into the City will remain within the City limits, fronts Rimrock Road and has water service now and the possibility of sewer service.

The land being petitioned to be de-annexed is not served by city water, sewer or storm sewer. Because of the slope of the land south from Rimrock Road, for this property to receive sewer service would require either a pump station along Rimrock or extension of the sewer main from 58<sup>th</sup> Street West along a non-existent Colton Road, which is in the county, to the west to the non-existent 60<sup>th</sup> Street West (over 1300 feet) and then over 650 feet north to reach the southernmost boundary of the subject property (a total of nearly 2000 feet). It would take an additional 2000 feet to reach Lot 40. Again, **the lack of availability of sewer service is the main impediment to future development.** Joe Sheridan of Public Works informs me that **the extension of sewer lines west of 58<sup>th</sup> along Colton is not included in the Facilities Master Plan for the period through 2025.**

Referring to the City of Billings Resolution establishing a policy related to the exclusion of territory from the City of Billings, the following criteria are to be considered:

1. A petition, signed by a majority of qualified electors .....or by owners of not less than the three-fourths in value of territory to be excluded, has been filed with the City Clerk. *I am sole owner of the subject property and the petition has been filed with the City Clerk.*
2. The territory to be excluded is within the existing City limits and on the border of the City. *The subject property is in the City limits and is on the border, there being no property adjacent to the south or west within the City limits.*

3. Granting the petition is in the best interest of the City. (See criteria below) *This property meets all the criteria for the best interest of the City except adjacent to acceptable limits for annexation.*
4. The exclusion of the territory will not mar the symmetry of the City. *Tract 40 is an isolated tract dangling alone and all of the subject property is on the outskirts of the City and is a peninsula of the City limits. De-annexation will square up the City limits.*

Again, referring to the City of Billings Resolution regarding de-annexation, exclusion of the territory may be considered in the best interest of the City if the territory:

1. Is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without an unreasonable expenditure of personal or public funds. *The subject property is not connected to City water, wastewater or storm drainage facilities and the cost of extending those services to this property are prohibitive.*
2. Is not adjacent to public rights-of-way. *Of the subject property, only tract 40 is adjacent to a constructed road and that road is 62<sup>nd</sup> Street West, a county road.*
3. Is not encumbered by any indebtedness of any improvement district of which the territory is a part. *The subject property is not so encumbered.*
4. Is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits. *The subject property meets these criteria.*
5. Is not adjacent to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map. *The property is adjacent to areas coded red (indicating property that is within the limits of annexation for the period 2011-2015). Given the current and foreseeable future climate for real estate development and extension of city services, I would suggest that this map is no longer realistic for that time frame. **Indeed, as noted above, the extension of a sewer main west of 58<sup>th</sup> along Colton is not included in the Facilities Master Plan for the period through 2025.** It is interesting to note that property immediately west and to the south of the subject property is not included even in the Long Range Planning Area and that this property is surrounded on three sides by County property.*

I respectfully submit the Petition for De-annexation to the City Council.



Thomas E. Romine