

RESOLUTION NO. 17 -

A RESOLUTION TO EXCLUDE TERRITORY UNDER THE PROVISIONS OF TITLE 7, CHAPTER 2, PART 48 OF THE MONTANA CODE ANNOTATED

WHEREAS, the City Council of the City of Billings has determined that a petition to exclude the territory now within the City of Billings was signed by the requisite number of qualified electors of the City, and that granting of the petition is in the best interest of the City of Billings and will not materially mar the symmetry of the City; and

WHEREAS, the Billings City Council desires to exclude said territory from the City of Billings pursuant to Title 7, Chapter 2, Part 48 of the Montana Code Annotated; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. TERRITORY DEANNEXED. Tracts of land situated in the S1/2 of Section 20, T.1N., R.26E., P.M.M., City of Billings, Yellowstone County, Montana, more particularly described as:

Portions of Terrace Estates Subdivision, 3rd Filing, Recorded December 3 1986, under Document Number 1420547, of record and on file in the office the Yellowstone County, Clerk and Recorder's, being Lots 1-25, within Block 1, Lots 1-27, within Block 2 and Lots 1-6, 41A, 41B, 42A, 42B, 43-53, 60, 72-76, within Block 3; Including all dedicated Right-Of-Way of Jack And Jill Avenue, Sage Drive, Woodland Trail, Valley Heights Road, Dewdrop Circle, Sun Valley Road and Alkali Creek Road within said Terrace Estates Subdivision, 3rd Filing, Blocks 1-3; All existing dedicated easement covering existing utilities in place will remain per 76-3-305 M.C.A. Containing 31.827 gross acres and 22.630 net acres more or less. (# 17-04) See Exhibit "A" Attached

2. CONDITIONS. The Billings City Council approves the deannexation, subject to the following conditions:
 - 1) Prior to vacation, or replatting, in the County of the Terrace Estates Subdivision, 3rd Filing, the owner will ensure that storm water and sanitary sewer easements are in place and approved by the Billings Public Works Department for the City's infrastructure on the subject property.

- 2) Prior to vacation, or replatting, in the County of the Terrace Estates Subdivision, 3rd Filing, the owner will ensure the Billings Parks, Recreation and Public Lands Department has approved of permanent access to all remaining City park land that is part of the subject property but is remaining within the City limits.

3. PROCEDURE.

- A. The Billings City Council desires to exclude the above described contiguous territory.
- B. All registered voters in the territory to be embraced were immediately notified, in writing.
- C. Notice of the City Council's intent to exclude said territory was passed under Resolution No. 17-10653, and published as provided in Section 7-1-4127, MCA, with notice that for a period of twenty (20) days after first publication of the notice, the Billings City Clerk accepted written comments approving or disapproving the proposed exclusion of the above described territory from the City of Billings from registered voters residing in the area proposed to be excluded.
- D. The City Clerk forwarded all written communication received by the Clerk to the City Council for consideration.
- E. A public hearing on the question of exclusion of said territory was held on October 10, 2017.

APPROVED AND PASSED by the City Council of the City of Billings this 10th day of October, 2017.

THE CITY OF BILLINGS

BY: _____

Thomas W. Hanel, Mayor

ATTEST:

BY: _____

Denise Bohlman, City Clerk

EXHIBIT "A"

