

## RESOLUTION NO. 21 -

### A RESOLUTION APPROVING PETITION 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:

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 NE 1/4 and the SE 1/4 of Section 26, T.1N., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Portions of Tracts 13 and 14, of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840, on file and of record in the Records of Yellowstone County, more particularly described as follows; Beginning at the southwest corner of said Tract 13; Thence N 00°37'33" W and along the west line of said Tract 13 for a distance of 847.83 feet to a point on the east line of Tract 2 of Certificate of Survey No. 1889, recorded May 17, 1979, under Document No. 1129245, on file and of record in the Records of Yellowstone County; Thence N 89°41'30" E for a distance of 1337.25 feet to a point on the east line of said Tract

14; Thence S 00°28'51" E and along said Tract 14 for a distance of 844.53 feet to a point on the north Right-Of-Way line of Montana State Highway No. 3; Thence S 89°33'03" W and along said north Right-Of-Way for a distance of 1335.10 feet to the point of beginning; Basis of bearings being the proposed Amended Plat of Tracts 13 and 14 of Certificate of Survey 2037, being Tract 14-A of said proposed Amended Certificate of Survey 2037, including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 27.488 gross and 25.956 net acres.

(# 20-05A) See Exhibit "20-05 A" Attached

2. CONDITIONS. The annexation is approved, subject to the following condition:
  - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded;
  - Within 30 days of Council's action on the Annexation the petitioner shall grant to the City of Billings and file with the Yellowstone County Clerk and Recorder a perpetual air rights easement in accordance with BMCC 5-400.
3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 22nd day of March, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_

William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

(AN# 20-05A)

# EXHIBIT "20-05 A"

