

RESOLUTION NO. 21 -

**A RESOLUTION APPROVING PETITION FOR
ANNEXATION 20-05B AND ANNEXING
TERRITORY TO THE CITY.**

WHEREAS, Lupine Holdings, LLC., owner of one hundred percent (100%) of the property to be annexed and described herein, and who constitutes more than fifty percent (50%) of the resident freeholder electors, has petitioned the City for annexation as set forth in Petition # 20-05B; and

WHEREAS, the territory was described in the petition as required by law;

WHEREAS, a development agreement between the City and the owner is necessary in order to provide for specific improvements and infrastructure of the territory described herein; and

WHEREAS, upon execution of a development agreement, annexation of said territory is 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 the 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:

Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, recorded December 28, 2010, under Document No. 3574908, on file and of record in the Records of Yellowstone County;

Including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 21.852 gross and 20.016 net acres.

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

2. CONDITIONS. This resolution to annex the above described territory shall be effective upon satisfaction of the conditions set forth below. The City Administrator shall determine, in his discretion, whether the conditions set forth below have been satisfied. If the City Administrator determines any of the conditions have not been satisfied by April 26, 2021, this resolution shall not be effective and will be null and void.

This resolution shall only become effective upon satisfaction of the following conditions:

- A mutually acceptable 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 that will be recorded;
- The owner 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.

If the conditions are not satisfied, any new requests for the property legally described as Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, recorded December 28, 2010, under Document No. 3574908, on file and of record in the records of Yellowstone County; including all adjacent rights-of-way of Montana State Highway No. 3 shall be processed as a new petition for annexation.

3. EFFECTIVE DATE. Upon satisfaction of the above conditions, this resolution to annex the above described territory will become effective and shall be filed with the

Yellowstone County Clerk and Recorder. If the owner fails to meet the deadline identified above, this resolution to annex shall not become effective, will be null and void, and shall not be filed with the Yellowstone County Clerk and Recorder.

4. 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# 20-05B)

EXHIBIT "20-05 B"

