

**ORDINANCE 21-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BILLINGS, RELATING  
TO THE MODIFICATION OF THE SOUTH BILLINGS  
BOULEVARD URBAN RENEWAL DISTRICT; AND  
ADOPTING A MODIFIED URBAN RENEWAL PLAN,  
INCLUDING A TAX INCREMENT PROVISION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

***Section 1. RECITALS.***

WHEREAS, the City Council on July 12, 2021, conducted a public hearing on a proposal to modify an urban renewal area on specified property (as hereinafter defined, the "Property") to be designated "The South Billings Boulevard Urban Renewal District", and to adopt a modified urban renewal plan, as authorized by Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act").

WHEREAS, the Property is depicted on the attached Exhibit A and legally described on the attached Exhibit B (each of which is hereby incorporated herein and made a part hereof).

WHEREAS, opportunities have been presented to the City that make it desirable for the City to consider an urban renewal project within the District consisting of the acquisition of certain vacant or blighted properties, demolishing the blighted structures thereon, improving such properties with, landscaping, utilities, and other similar improvements, assembling such properties, and making the properties so improved available for private redevelopment in accordance with the Act.

WHEREAS, an urban renewal plan entitled the South Billings Boulevard Urban Renewal Plan is attached hereto as Exhibit C (which is hereby incorporated herein and made a part hereof) (the "Plan"). The Plan contains a tax increment provision and will govern the operation and administration of the District.

WHEREAS, the amendment to the Plan has been reviewed by the Yellowstone County Board of Planning and found to be in conformance with the Billings 2016 Growth Policy, as evidenced by the Board letter from its meeting on April 13, 2021.

***Section 2. ORDINANCE.***

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Billings, Montana, as follows:

1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that:

- a. Some of property to be included in the District with this amendment and property already in the District presently contains structures and property that are in a state of substantial deterioration, are obsolete or defective, pose unsanitary or unsafe conditions, are vacant and unused, and have inappropriate uses, the present condition of the property substantially impairs the sound functioning of the area of the City and its environs, is conducive to juvenile delinquency and crime, poses the threat of vandalism or mischief and fire or loss, constitutes an economic and social liability, and is a menace to the public health, safety, and welfare of the residents of the City. Accordingly, the Council finds that property in the District is blighted within the meaning of Section 7-15-4210 of the Act. This Council finds that the rehabilitation, redevelopment or a combination thereof of the property is necessary in the interest of the public, health, safety, morals or welfare of the residents of the City. This Council finds that undertaking measures to eradicate or diminish the blight will help to foster a more dynamic, livable, and vibrant area.
- b. No housing element or structure is disturbed by this District making no relocation necessary;
- c. The modified Plan conforms to the Growth Policy or parts thereof of the City for the municipality as a whole;
- d. The modified Plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise;

**Section 3. PLAN ADOPTION.** The modified Plan is hereby adopted and approved in all respects, including without limitation, the segregation and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 12<sup>th</sup> Day of July, 2021.

PASSED, ADOPTED and APPROVED on second reading this 26<sup>th</sup> day of July, 2021.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

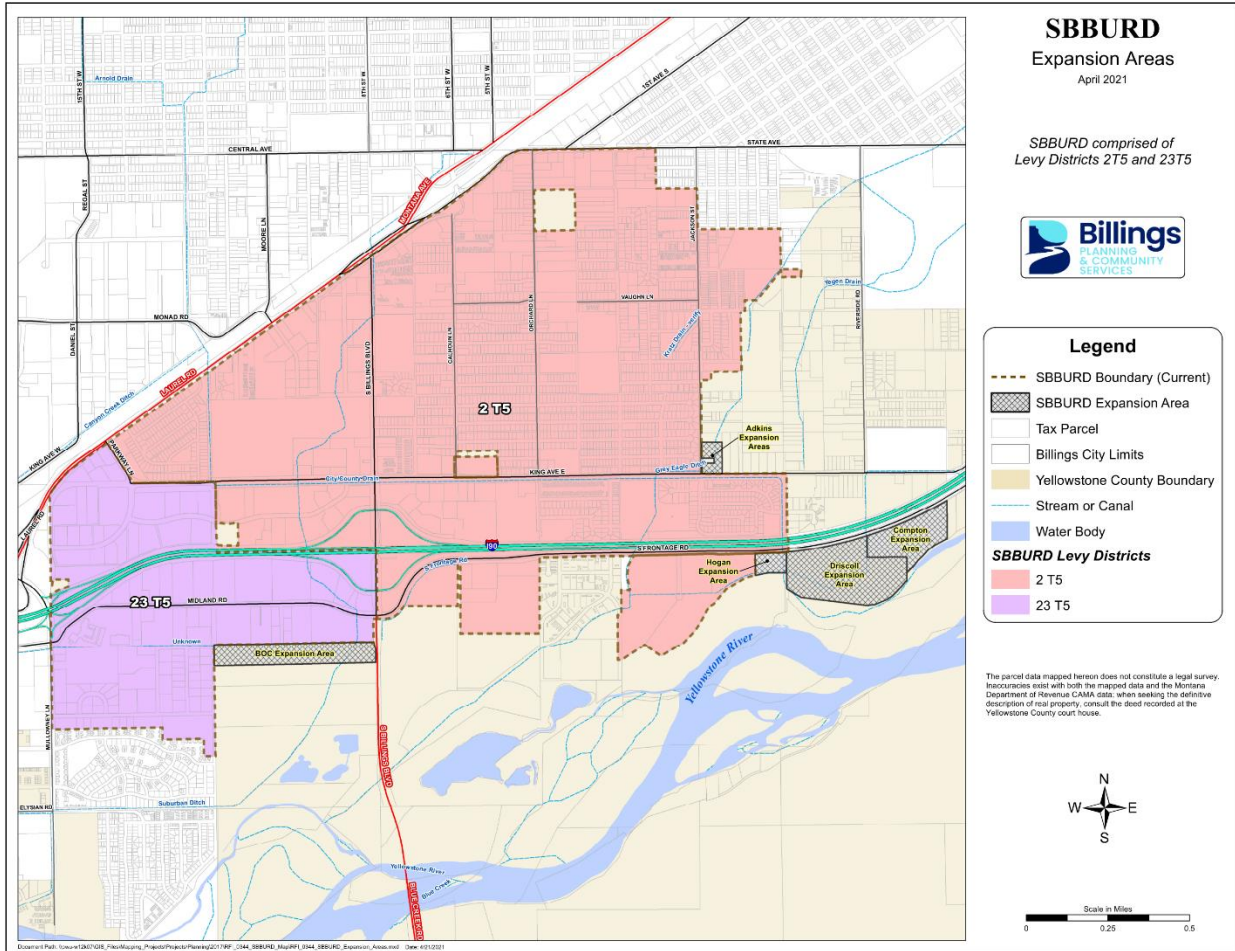
BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

SBBURD Expansion 2021

# EXHIBIT A

## MAP OF THE MODIFIED URBAN RENWAL AREA



## EXHIBIT B

### LEGAL DESCRIPTION OF MODIFIED URBAN RENEWAL AREA

Description of Proposed Modified District. The areas being considered for inclusion in the proposed modified urban renewal area are described as:

#### *Adkins Property*

A tract of land situated in the SW 1/4 of Section 10, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Tracts of land situated in the SW 1/4 of Section 10, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Tract B-2, of Amended Tract B of Certificate of Survey No. 2367 M, recorded September 27, 2012, under Document No. 3640039, on file and of record in the Records of Yellowstone County. Said tract of land containing 3.574 gross and 3.522 net acres more or less.

#### *Hogan Property*

Tract of land situated in the NW1/4 of Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Being Tract 2-A-1 of Amended Tracts 2-A And 2-B, of Amended Tract 2 Certificate of Survey No. 1121, Recorded January 14th, 2008, under Document Number 3451343, on file and of record in the office of the Yellowstone County Clerk & Recorder. Said tract of land containing an area of 3.673 acres more or less.

#### *Compton Property*

Tracts of land situated in the N1/2 of Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Tract 1 of Certificate of Survey Number 1591, Recorded August 20, 1976, under Document No. 1026729, Records of Yellowstone County; Tract 1 of Certificate of Survey Number 1596, Recorded September 16, 1976, under Document No. 1029099, Records of Yellowstone County. Said tracts of land containing an area of 16.937 acres more or less.

#### *Torgerson Property*

Tracts of land situated in the N1/2 of Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Fractions of Government Lots 2 and 3, Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, being unplatted land wholly surrounded on the West by Tract 5 (Washington Street Right-Of-Way) of Certificate of Survey 1121, Recorded June 18, 1969, under Document Number 843148, on the South by the Yellowstone River, on the East by the Yellowstone River and Tract 1 of Certificate of Survey Number 1591, Recorded August 20, 1976, under Document No. 1026729, Records of Yellowstone County, on the North by Tract 1 of Certificate of Survey Number 1596, Recorded September 16, 1976, under Document No. 1029099,

Records of Yellowstone County, and South Frontage Road Right-Of-Way. Said tract of land containing an area of 35.94 acres more or less.

*City of Billings Property*

A tract of land situated in the SE 1/4 of Section 17, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Being the N1/2, N1/2, N1/2, SE1/4 of Section 17, T.1S., R.26E, P.M.M., Yellowstone County, Montana. Said tract of land containing an area of 20.000 acres more or less.

**EXHIBIT C**

**South Billings Boulevard Urban Renewal Plan**