

## RESOLUTION NO. 23 -

### 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:

Parcels of Land situated in the SE 1/4 of Section 13, the NW 1/4 and the NE 1/4 of Section 24, T.1S., R.25E., and the NW 1/4 of Section 19, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Tract 2A of Amended Certificate of Survey No. 3535, recorded August 31st, 2022, under Document No. 4028466;

A portion of Tract 12 of Certificate of Survey No. 1391, said portion being known as Shackelford Lane adjacent to Tract 1B of said Certificate of Survey No. 1391, recorded March 13th, 1974, under Document No. 957584, said documents on file and of record in the office of the Yellowstone County Clerk and Recorder.

Including adjacent Right-Of-Way of East Lane, Elysian Road and said portion of Shackelford Road.

Said annexation containing 50.765 gross acres and 48.582 net acres, more or less.

(# 23-02) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

- Upon annexation a standalone Waiver of Right to Protest shall be filed with the Yellowstone County Clerk and Recorder.
- Within 45 working days and prior to site development, a mutually acceptable Subdivision Improvement Agreement shall be preliminarily approved 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 which will be recorded with the Yellowstone County Clerk and Recorder.

If the above conditions are not satisfied as set forth herein, the annexation will not be effective and any subsequent requests for annexation of the property legally described within this resolution shall be processed as a new petition for annexation.

4. EFFECTIVE DATE. This resolution to annex the above-described territory shall be effective immediately upon satisfaction of all conditions. If the above condition(s) are not satisfied, this resolution shall be null and void and shall have no effect.
5. 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 10<sup>th</sup> day of April, 2023.

CITY OF BILLINGS:

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

William A. Cole, Mayor

ATTEST:

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

Denise R. Bohlman, City Clerk  
 (# 23-02)

# EXHIBIT "A"

