

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:

Tracts of Land situated in the NW 1/4 of Section 19, T.1S., R.26E, P.M.M., Yellowstone County, Montana, said tracts being a portion of Tract 2 of Certificate of Survey No. 3592, recorded July 2nd, 2015, under Document No. 3745237 and a portion of Tract 2A-1 of Amended Tract 2A of Amended Tract 2, Certificate of Survey No. 3594, recorded March 2nd, 2022, under Document No. 4009586 on file and of record in the office of the Yellowstone County Clerk and Recorder, more particularly described as follows:

Beginning at the northwest corner of Lot 5, Block 24 of Annafeld Subdivision, Fourth Filing, recorded May 25th, 2022, under Document No. 4018177 on file and of record in the office of the Yellowstone County Clerk and Recorder; Thence S 00°08'35" E along the line common to said Certificate of Survey No. 3594 and Annafeld Subdivision, Fourth Filing a distance of 709.30 feet; Thence N 89°57'58" W for a distance of 185.93 feet; Thence N 00°02'02" E for a distance of 155.58 feet; Thence N 89°57'59" W for a distance of 184.98 feet; Thence N 00°02'02" E for a distance of 355.80 feet; Thence S 89°57'58" E for a distance of 76.01 feet; Thence N 00°02'02" E for a distance of 361.07 feet to a point on the line common to said Certificate of Survey No. 3594 and Certificate of Survey No. 3592; Thence N 00°09'54" W for a distance of 30.00 feet; Thence N 89°58'09" E for a distance of 282.65 feet to a point on the line common to said Certificate of Survey No. 3592 and Annafeld Subdivision, Fourth Filing; Thence along the west line of said Annafeld Subdivision, Fourth Filing, the following three courses and distances: S 00°09'54" E for a distance of 30.00 feet; N 89°58'09" E for a

distance of 9.55 feet; S 00°08'35" E for a distance of 163.49 feet to said Point of Beginning.

Said annexation containing 6.307 gross and net acres, more or less.

(# 23-01) See Exhibit "A" Attached

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

- Within 45 working days and prior to site development, a Subdivision Improvement Agreement shall be approved as part of a Preliminary Plat approval for Annafeld Subdivision, 5th Filing.
- Within 14 working days, a standalone Waiver of Right to Protest, granted in perpetuity, shall be signed by the developer and filed with the Yellowstone County Clerk and Recorder upon the City's approval of the annexation.

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.

3. 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.

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 24th day of April, 2023.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

ATTEST:

BY: _____

Denise R. Bohlman, City Clerk
(# 23-01)

EXHIBIT "A"

