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City Clerk
City of Billings
PO Box 1178,
Billings, MT 59103

DECLARATION OF NO-BUILD EASEMENT

This No-Build Declaration (“Declaration”) is made this _____ day of _____, 2025, by The City of Billings, Montana, a Montana Municipal Corporation, (the “City”), the Owner and Developer of the real property described herein.

RECITALS

- A. The City is the owner of Tract 1 of Certificate of Survey No. 2783, situated in the SE1/4 of Section 8, Township 1 South, Range 26 East, P.M.M. within the City of Billings, Yellowstone County, Montana, filed respectively under Document No. 1708248 at the Office of the Clerk and Recorder of said county. Tract 1 shall hereinafter be referred to as “Amend Park”.
- B. The City is also the owner of lots 3A-4A and 3A-5A of the Amended Plat of Popelka Commerce Center Subdivision, Second Filing, situated in the SE1/4 of Section 8, Township 1 South, Range 26 East, P.M.M. within the City of Billings, Yellowstone County, Montana, filed respectively under Document No. _____ at the Office of the Clerk and Recorder of said county. The City intends to construct a building for an indoor ice rink on lot 3A-5A and a building for an indoor sport complex on lot 3A-4A. Lots 3A-4A and 3A-5A shall hereinafter be referred to as “Amend Park Recreation Center”.

WHEREFORE, the City makes the following declaration:

1. The City executes this No-Build Declaration in order to ensure that there will be a 60 foot wide No-Build Area between the proposed structures within the Amend Park Recreation Center and any future developments within Amend Park as shown on the Amended Plat of Popelka Commerce Center Subdivision, Second Filing and labeled as “60’ WIDE NO-BUILD EASEMENT”. No building or other structure shall be erected, constructed, or permitted within the sixty-foot No-Build Area so long as the buildings remain EXCEPTING parking lots, roadways, sidewalks or trails, underground utility lines and other typical common area improvements and facilities on those portions of the properties with the No-Build Area.
2. The purpose of these restrictions is for the limited purpose of establishing a restricted area of development in conformity with the Uniform Building Codes applicable to the construction of the buildings proposed as shown on the Amended Plat of Popelka Commerce Center Subdivision, Second Filing. Subsequent changes in the governmental regulations shall not obligate the City or any subsequent developers or owners to modify or alter an existing building.
3. The City declares that this No-Build Declaration shall be recorded against the real property described herein and henceforth shall be binding against the City and its successors and assigns. All future owners of Tract 1, lot 3A-4A, and lot 3A-5A shall accept ownership subject to this No-Build Declaration.

