

RESOLUTION NO. 26 -

**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;

WHEREAS, the annexation is part of a Planned Neighborhood Development ("PND") and overall development plan in accordance with BMCC (27-800); and

WHEREAS, the developer desires a phased development; 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 TO BE ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed, subject to the conditions set forth in paragraph 2 and the phased effective dates in paragraph 3, to the City of Billings:

Phase I

A portion of Lot 3 of Barber Farm Subdivision situated in the E1/2 of the SW1/4 of Section 03, Township 01 South, Range 25 East, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Commencing at the south quarter corner of said Section 3, said point being the Point of Commencement; thence N 89°34 '51"W following the section line common to Section 3 and Section 10 a distance of 333.31 feet; thence N89°34 '51"W following the same line a distance of 70.42 feet; thence N00°25'09"E a distance of 40.00 feet, to Point of Beginning #1; thence S89°34'51"E following the north right-of-way line for Central Avenue a distance of 70.00 feet; thence N 00 °10 '29 "W following the eastern boundary of Barber Farm Subdivision a distance of 1377.35 feet; thence S89°45'43"W a distance of 126. 69 feet; thence N00°14'17"W a distance of 27.88 feet; thence S89°47'16"W a distance of 749.65 feet; thence S 00°14'17" E a distance of 18.65 feet; thence S89°45'43"W a

distance of 124.17 feet; thence S00°18'05"E following the eastern boundary of Sundance Subdivision a distance of 1375.47 feet; thence S89°34'51"E following the north right-of-way line for Central Avenue a distance of 70.01 feet; thence N00°18'05"W a distance of 279.51 feet; thence N44°41'55"E a distance of 14.14 feet; thence N89°41'55"E a distance of 381.62 feet; thence S00°18'05"E a distance of 4.00 feet; thence N89°41'55"E a distance of 456.49 feet; thence S45°14'17"E a distance of 14.13 feet; thence S00°10'29"E a distance of 286.30 feet, back to Point of Beginning #1, including all adjacent rights-of-way.

Said annexation boundary contains gross area of 26.20 acres and a net area of 21.84 acres, more or less.

Phase II

Portions of Lot 3 and all of Lot 4 of Barber Farm Subdivision situated in the E1/2 of the SW1/4 of Section 03, Township 01 South, Range 25 East, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Phase II (South):

Commencing at the south quarter corner of said Section 3, said point being the Point of Commencement; thence N89°34'51"W following the section line common to Section 3 and Section 10 a distance of 333.31 feet; thence N89°34'51"W following the same line a distance of 70.42 feet; thence N00°25'09"E a distance of 40.00 feet, to Point of Beginning #1; thence N89°34'51"W following the northern boundary of the right-of-way for Central Avenue a distance of 197.57 feet; thence N00°11'49"W following the eastern boundary of Lot 2 of Barber Farm Subdivision a distance of 260.74 feet; thence N89°34'51"W following the northern boundary of Lots 1 and 2 of Barber Farm Subdivision a distance of 267.35 feet; thence S00°11'49"E following the western boundary of Lot 1 of Barber Farm Subdivision a distance of 260.74 feet; thence N89°34'51"W following the northern boundary of the right-of-way for Central Avenue a distance of 392.61 feet; thence N00°18'05"W a distance of 279.51 feet; thence N44°41'55"E a distance of 14.14 feet; thence N89°41'55"E a distance of 381.62 feet; thence S00°18'05"E a distance of 4.00 feet; thence N89°34'51"W a distance of 56.49 feet; thence S45°14'17"E a distance of 14.13 feet; thence S00°10'29"E a distance of 286.30 feet back to Point of Beginning #1, including all adjacent rights-of-way.

Said annexation boundary contains a gross area of 4.16 acres and a net area of 3.89 acres, more or less.

Phase II (North):

Commencing at the south quarter corner of said Section 3, said point being the Point of Commencement; thence N89°34'51"W following the section line common to Section 3 and Section 10 a distance of 333.31 feet; thence N00°10'29"W a distance of 40.00 feet; thence N00°10'29"W a distance of 1377.35 feet following the eastern boundary of Barber Farm Subdivision, said point being Point of

Beginning #2; thence S89°45'43"W a distance of 126.69 feet; thence N 00°14'17"W a distance of 27.88 feet; thence S89°47'16"W a distance of 749.65 feet; thence S 00°14'17" E a distance of 18.65 feet; thence S89°45'43"W a distance of 124.17 feet; thence N00°18'05"W following the eastern boundary of Sundance Subdivision a distance of 1225.10 feet; thence S89°39'24"E following the northern boundary of Broadwater Avenue right-of-way a distance of 1003.27 feet; thence S00°10'29"E following the eastern boundary of Barber Farm Subdivision a distance of 1224.48 feet, back to said Point of Beginning #2, including all adjacent rights-of-way.

Said annexation boundary contains a gross area of 27.77 acres and a net area of 23.21 acres, more or less.

Said annexation contains a gross area of 58.13 acres and a net area of 48.94 acres including all adjacent rights-of-way, more or less.

See Exhibit "A" attached.

2. CONDITIONS. The annexations are approved, subject to the following conditions:

Within 45 working days of adoption of this Resolution and prior to site development, a mutually acceptable Annexation Agreement shall be executed between the owner(s) and the City that shall stipulate, among other things, specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, provide guidance for the effectiveness of Phase 2 of Annexation 26-03 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 this resolution shall be null and void and shall have no effect. Any subsequent requests for annexation of the property legally described within this resolution shall be processed as a new petition for annexation.

3. TERRITORY TO BE ANNEXED IN PHASES. The annexations of the above-described territories shall become effective in phases as described below and as provided in the Annexation Agreement.
- a. The annexation of the territory described in paragraph 1 as "Phase 1" shall be effective immediately upon satisfaction of the conditions stated above in paragraph 2. If the conditions are not satisfied, this resolution shall be null and void and shall have no effect.
 - b. The annexation of the territory described in paragraph 1 as "Phase 2" shall be effective on December 31, 2031. Annexation of the territory described in

paragraph 1 as “Phase 2” may be effective earlier upon written request of the developer and satisfaction of the terms and conditions of the Development Agreement. Upon acceptance and approval of the written request to be annexed, the City will notify the Montana Department of Revenue (DOR), City of Billings Geographic Information Services (GIS), and the Yellowstone County Clerk and Recorder (“Clerk and Recorder”) of the effective date of annexation prior to any development.

4. EFFECTIVE DATE.

This resolution 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 27th Day of April, 2026.

CITY OF BILLINGS:

BY: _____

Mike Nelson, Mayor

ATTEST:

BY: _____

Denise R. Bohlman, City Clerk
(# 25-06)

Exhibit "A"

