

## 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 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 1**

Lot 1, Block 1, LONG SUBDIVISION, LESS 0.57 acres for Shiloh Road, as recorded under Document No. 1755400, records of Yellowstone County, Montana, including all adjacent Rights-of-Way. Said Annexation boundary containing 76.05 acres net and gross, more or less.

#### **Phase 2**

Lot 2, Block 1, LONG SUBDIVISION, containing 286,433.06 square feet in Zone 8 and 917,129.74 square feet in Zone O23 (Multi-District), as recorded under Document No. 1755400, records of Yellowstone County, Montana, including all adjacent Rights-of-Way. Said Annexation boundary containing 21.18 acres net and gross, more or less.

### Phase 3

Lot 4A, Block 1, LONG SUBDIVISION, containing 40.22 acres, amended plat recorded under Document No. 3898445, records of Yellowstone County, Montana including all adjacent Rights-of-Way. Said Annexation boundary containing 40.22 acres net and gross, more or less.

All situated in Section 15, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana.

Said annexation containing a total area of 144.46 acres net and gross, more or less.

See Exhibit "A" Attached

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

Within 60 working days 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, 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.

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" and "Phase 3" shall be effective on December 31, 2031. Annexation of the territory described in paragraph 1 as "Phase 2" and "Phase 3" 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 11<sup>th</sup> Day of May, 2026.

CITY OF BILLINGS:

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

Mike Nelson, Mayor

ATTEST:

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

Denise R. Bohlman, City Clerk  
(# 26-02)

# Exhibit "A"

