

## ORDINANCE 23-5830

### AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS, MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD V PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

#### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward V the following described real property:

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. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law, or upon the effective date of Resolution 23-11113 approving the annexation of the above territory, whichever date is later.
3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

PASSED by the City Council on the first reading this 10<sup>th</sup> day of April, 2023.

PASSED by the City Council on the second reading this 24<sup>th</sup> day of April, 2023.

CITY OF BILLINGS:



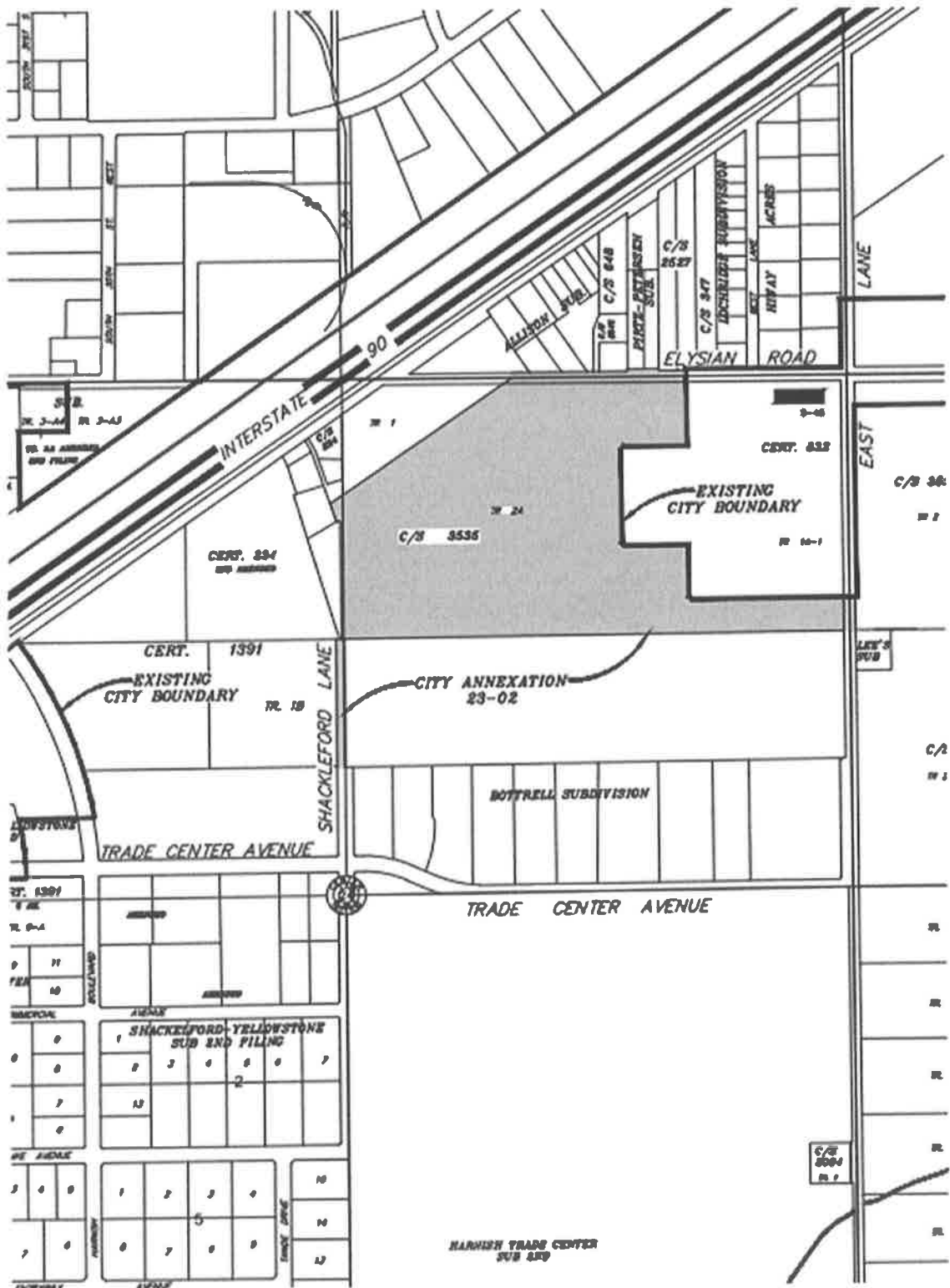
BY: William A. Cole  
William A. Cole, Mayor

ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

(# 23-02)

# EXHIBIT "A"



**Date:** 04/24/2023  
**Title:** Ward Boundary Expansion Ordinance Second Reading - Annexation 23-02  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

#### RECOMMENDATION

Staff recommends the City Council approve this ordinance on second reading, adding recently annexed property to Ward V.

#### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

IMEG on behalf of Development 55, LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of Elysian Road and west of East Lane and north of Shackelford Lane. The land being annexed is described as being 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. Upon Council approval, this annexation requires a change in the boundaries of Ward V. Two readings are required for this action. The first reading and public hearing took place on April 10. Second reading will occur at this meeting.

#### ALTERNATIVES

City Council may:

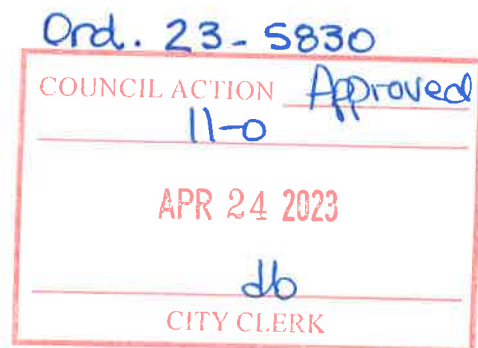
- Approve adding the subject property to Ward V, or; Disapprove adding the subject property to Ward V.
- Disapproval will not modify the boundary of Ward V and will create a problem where property inside the City Limits is not within a City Ward.

#### FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

#### Attachments

Ward Boundary Ordinance



**City Council Regular**

**Date:** 04/10/2023  
**Title:** Public Hearing - Ward Boundary Expansion Ordinance First Reading - Annexation 23-02  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward V.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

IMEG on behalf of Development 55, LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of Elysian Road and west of East Lane and north of Shackelford Lane. The land being annexed is described as being 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.

Upon Council approval, this annexation requires a change in the boundaries of Ward V. Two readings are required for this action. The first reading and public hearing is scheduled for April 10. Upon approval the second reading will occur on April 24, 2023.

**ALTERNATIVES**

City Council may:

- Approve adding the subject property to Ward V, or;
- Disapprove adding the subject property to Ward V. Disapproval will not modify the boundary of Ward V and will create a problem where property inside the City Limits is not within a City Ward.

**FISCAL EFFECTS**

This application has no impact on the Planning Division Budget.

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**Attachments**

Ward Boundary Ordinance

