

## ORDINANCE NO. 04-5285

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON THE SOUTH 1728 FEET OF TRACT 3A, CERTIFICATE OF SURVEY 3217, AMENDED. **THE SUBJECT PROPERTY IS LOCATED NORTH OF MARY STREET, BETWEEN HAWTHORNE LANE AND BITTERROOT DRIVE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.

2. DESCRIPTION. A Portion of Tract 3A, Certificate of Survey 2317, Amended Tracts 1, 2, and 3, of Certificate of Survey 2317, Recorded December 12, 2002, Under Document No. 3204917, Records of Yellowstone County, Montana, Commencing at the east  $\frac{1}{4}$  corner of Section 11;  
Thence S  $03^{\circ} 19' 15''$  W a distance of 911.64 feet to a point on the west right-of-way line of Bitterroot Drive also the existing City of Billings city limits, to the true point of beginning;  
Thence S  $00^{\circ} 10' 49''$  W a distance of 1,668.79 feet along the said west right-of-way line;  
Thence along a curve to the right with a radius of 10.00 feet a distance of 15.67 feet (chord bearing S  $45^{\circ} 03' 49''$  W a distance of 14.11 feet) to a point on the north right-of-way line of Mary Street;  
Thence S  $89^{\circ} 56' 50''$  W a distance of 2,493.35 feet along the said north right-of-way line;  
Thence along a curve to the right with a radius of 10.00 feet a distance of 15.70 feet (chord bearing N  $45^{\circ} 04' 55''$  W a distance of 14.13 feet) to a point on the west property line of Tract 3A Certificate of Survey 2317;  
Thence N  $00^{\circ} 06' 40''$  W a distance of 810.85 feet along said west property line;  
Thence along a non-tangent curve to the right with a radius of 270.00 feet a distance of 96.71 feet (chord bearing N  $25^{\circ} 47' 31''$  E a distance of 96.19 feet) to a point on line of Tract 3A Certificate of Survey 2317;  
Thence S  $88^{\circ} 29' 04''$  E a distance of 639.12 feet following the property line of Tract 3A Certificate of Survey 2317;  
Thence N  $30^{\circ} 21' 27''$  E a distance of 391.91;  
Thence N  $45^{\circ} 13' 35''$  E a distance of 262.10;  
Thence N  $17^{\circ} 35' 26''$  E a distance of 285.39 to a point on the existing City of Billings city limits;  
Thence S  $89^{\circ} 49' 11''$  E a distance of 1369.00 to the true point of beginning  
is presently zoned Residential 9600 and is shown on the official zoning map within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9600** to **Residential 7000** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Residential 7000** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading May 24, 2004.

PASSED, ADOPTED AND APPROVED on second reading June 14, 2004.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley, Mayor

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk

ZC#731