

RESOLUTION NO. 02-17818

A RESOLUTION OF THE CITY OF BILLINGS  
AMENDING AND SUPERCEDING RES. NO.  
02-17790, A RESOLUTION APPROVING  
PETITIONS FOR ANNEXATION AND  
ANNEXING TERRITORY TO THE CITY.

WHEREAS, on January 14, 2002, the Billings City Council approved Resolution No. 02-17790 annexing property that had been petitioned for annexation to the City; and

WHEREAS, the description on Resolution No. 02-17790 was incorrectly described as follows:

Unplatted 27 acres in T1N-R25E-S23: SE1/4, NW1/4  
(#01-14)

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,  
and

WHEREAS, annexation of said territory would be in the best interest of the City, and

WHEREAS, it is the desire of the City Council and the intent of this resolution to correct the error in the legal description, and

WHEREAS, no other sections or parts of Resolution No. 02-17790 are being amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Corrected Description:

Unplatted 27 acres in T1N-R26E-S23: SE1/4, NW1/4

(#01-14)

2. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

3. CONDITIONS OF APPROVAL. Annexation is approved subject to the following condition:

(A) That prior to development of the site, including the issuance of any building permits, the following shall occur:

- A Development Agreement be executed between the owner(s) and the City which shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
- A Subdivision Improvements Agreement (SIA) shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

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(B) That all of Hawthorne Lane that is adjacent to the subject property be annexed.

4. AMENDMENT. Resolution No. 02-17790 is hereby amended and superceded.

PASSED by the City Council and APPROVED this 8th day of April, 2002.

THE CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AE CITY CLERK