

RESOLUTION NO. 06-18405

A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS 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, 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, 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:

A tract of land situated in the NE1/4 of Section 5, T.1S., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

Certificate of Survey 3139, Tracts 1 and 2, Recorded April 18, 2003, Under Document No. 3225759, Records of Yellowstone County, Montana; Certificate of Survey 2379, Tract 1, Recorded June 2, 1986, Under Document No. 1395571; Along with a portion of unplatted land in the NE1/4 of Section 5, T.1S., R.25E., P.M.M. beginning at the SW corner of Certificate of Survey No 3139; Thence S 00° 11' 15" E for an approximate distance of 1321.06 feet to a point on the mid E-W Section line of said Section 5; Thence at an easterly direction along the said mid section line to the SW corner of Certificate of Survey 2379; Thence N 00° 15' 45" W for a distance of 660.00 feet to the NW corner of said Certificate of Survey 2379; Thence N 89° 51' 58" E for a distance of 660.00 feet to the NE corner of said Certificate of Survey 2379; Thence N 00° 15' 08" W for an approximate distance of 658.24 feet along the east section line of Section 5 to the N1/16 corner of said Section 5; Thence S 89° 56' 55" W for an approximate distance of 1304.60 feet to the SE corner of Certificate of Survey 3139; Thence S 89° 56' 55" W for a distance of 652.30' to the Point of Beginning. Containing 78.749 gross and net acres, more or less.

(# 06-03) See Exhibit "A" Attached

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

That prior to development of the site the following shall occur:

- a. A Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements; or
- b. A Subdivision Improvements Agreement (SIA) and Waiver of Protest the Creation of an SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements. The subdivider will be responsible for forming a Park Maintenance District at the time of subdivision.

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

PASSED by the City Council and APPROVED this 10th day of April, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing, MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK

[illegible]