

RESOLUTION NO. 04-18121

**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 32, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:
Beginning at a point which is the southwest corner of Zimmerman Subdivision 4th Filing, Recorded March 19, 1965, Under Document No. 751012, Records of Yellowstone County, Montana; thence southeasterly along the south boundary line of said subdivision to a point on the existing City of Billings City Limits (Resolution 00-17594); thence southerly along the west line of the existing City of Billings City Limits to the southwest corner of the annexed, unplatted piece of land (under Resolution 00-17594); thence N 88° 56' 06" W a distance of 850.76 feet; thence S 00° 39' 09" W a distance of 113.17 feet; thence N 84° 28' 03" W a distance of 250.67 feet; thence S 85° 14' 29" W a distance of 72.78 feet; thence S 74° 53' 28" W a distance of 295.54 feet; thence S 78° 04' 10" W a distance of 205.78 feet; thence S 64° 20' 04" W a distance of 66.48 feet; thence S 77° 43' 34" W a distance of 71.14 feet to a point on the east boundary line of Certificate of Survey 1952, Recorded November 26, 1979, Under Document No. 1149507; thence northerly along the east boundary line of said Certificate of Survey to the southeast corner of Certificate of Survey No. 2054, Recorded March 2, 1981, Under Document No. 1191101, Records of Yellowstone County, Montana; thence northerly along the east line of said Certificate of Survey to the southeast corner of Yerger Heights Subdivision, Recorded December 27, 1956, Under Document No. 575291, Records of Yellowstone County, Montana; thence northerly following the east line of said subdivision to the southwest corner of Zimmerman Subdivision 4th Filing which is the point of beginning; Containing 41.222 gross and net acres, more or less.

See Exhibit "A" Attached

(# 04-04)

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

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

- **That prior to development of the site, including the issuance of any building permits, the following shall occur:**
 1. 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
 2. A Subdivision Improvements Agreement (S.I.A.) and Waiver of Protest to SID shall be approved and filed that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

PASSED by the City Council and APPROVED this 26th day of April, 2004.

EXHIBIT A 99

