

## RESOLUTION 21-10985

### A RESOLUTION APPROVING PETITION 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:

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 NW 1/4 of Section 24, T.1N., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Being a portion of Lot 2, Block 1 of Cherry Creek Estates Subdivision, recorded June 12, 2003, under Document No. 3234914, on file and of record in the Records of Yellowstone County, said portion being described as follows:

Wholly surrounded on the east by Lot 4, Block 1 of said Cherry Creek Estates Subdivision, on the north existing City boundary, also being the south line of an existing 60 foot wide access & utility easement through said Lot 2, Block 1 Cherry Creek Estates Subdivision, on the west by Lot 7A, Barry Acreage Tracts Subdivision 3rd Filing, recorded November 14, 1967, under Document No. 809463, Barry Acreage Tracts Subdivision 2nd Filing, recorded May 29, 1964, under Document No. 732009, Barry Acreage Tracts Subdivision, Tracts 1 through 3, recorded May 29, 1964, under Document No. 732008 and Barry Acreage Tracts Subdivision Amended, Tract 4A Amended, recorded January 10, 2001, under Document No. 3114780 to point that is the existing City boundary per Resolution No 03-17967, said point being North 308.00 feet of the SE corner of Tract 4E of said Barry Acreage Tracts Subdivision Amended and on the south by said existing City boundary per Resolution No 03-17967.

Said annexation containing 7.906 gross and net acres, more or less.

(# 21-08) See Exhibit "A" Attached

CONDITIONS. The annexation is approved, subject to the following condition:

- Within 45 working days and prior to site development, a mutually acceptable Subdivision Improvement Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded;

If the conditions are not satisfied, any new requests for the property legally described within this resolution shall be processed as a new petition of annexation

3. EFFECTIVE DATE. Upon satisfaction of the above condition(s), this resolution to annex the above described territory will become effective and shall be filed with the Yellowstone County Clerk and Recorder. If the owner fails to meet the deadline identified above, this resolution to annex shall not become effective, will be null and void, and shall not be filed with the Yellowstone County Clerk and Recorder.

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

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 23rd day of August, 2021.

CITY OF BILLINGS:

BY: William A Cole  
William A. Cole, Mayor



ATTEST:

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

(Annexation # 21-08)

# EXHIBIT 99 A

