

RESOLUTION 22-11024

**A RESOLUTION APPROVING PETITION #21-14 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, the annexation is part of a Planned Neighborhood Development (“PND”) and overall development plan in accordance with BMCC (27-800); and

WHEREAS, the developer desires a phased development; 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 the Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed, subject to the conditions set forth in paragraph 2 and the phased effective dates in paragraph 3, to the City of Billings:

Phase 1

AN IRREGULAR SHAPED PIECE OF LAND BEING A PORTION OF TRACTS A AND B OF CERTIFICATE OF SURVEY NO. 3795, RECORDED AS DOCUMENT NO. 3985813, RECORDS OF YELLOWSTONE COUNTY, LOCATED IN THE NE1/4, SE1/4, SW1/4 AND NW1/4 OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 26 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLYMOST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 3795 ON THE CENTERLINE OF ALKALI CREEK ROAD AND BEING A POINT ON A NON-TANGENT CURVE WITH A RADIAL BEARING OF S34°37'41”W, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EASTERLY BOUNDARY OF SAID TRACT A: AN ARC DISTANCE OF 234.94 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT, OF RADIUS 1400.00 FEET AND DELTA 9°36'55” TO A POINT ON A TANGENT LINE; THENCE ALONG SAID TANGENT LINE, N64°59'13”W, 748.64 FEET TO A TANGENT POINT OF CURVATURE; THENCE AN ARC DISTANCE OF 261.23 FEET ALONG SAID TANGENT CURVE TO THE RIGHT, OF RADIUS 1150.00

FEET AND DELTA 13°00'54" TO A POINT ON A NON-TANGENT LINE; THENCE DEPARTING SAID EASTERLY BOUNDARY, S78°19'53"W, 505.03 FEET; THENCE S03°16'08"W, 164.11 FEET; THENCE S83°30'07"W, 40.12 FEET; THENCE N65°45'25"W, 128.76 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT HAVING A RADIAL BEARING OF N45°39'08"W; THENCE AN ARC DISTANCE OF 55.66 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT, OF RADIUS 50.00 FEET AND DELTA 63°46'57" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, S55°00'01"W, 200.00 FEET; THENCE N34°59'59"W, 141.40 FEET; THENCE S55°00'01"W, 272.10 FEET, THENCE S43°40'41"W, 292.79 FEET, MORE OR LESS, TO A POINT ON THE LINE COMMON TO TRACTS A AND B OF SAID CERTIFICATE OF SURVEY NO. 3795; THENCE ALONG SAID COMMON LINE, S47°53'34"W, 392.21 FEET; THENCE DEPARTING SAID COMMON LINE, S68°55'38"W, 90.76 FEET; THENCE S18°02'15"W, 200.07 FEET; THENCE S35°42'22"E, 98.92 FEET, MORE OR LESS, TO A CORNER COMMON TO SAID TRACTS A AND B; THENCE ALONG THE COMMON LINE OF SAID TRACTS A AND B, S53°01'08"E, 31.79 FEET; THENCE DEPARTING SAID COMMON LINE, S32°07'15"W, 369.88 FEET; THENCE N72°31'48"E, 185.49; THENCE N51°08'15"E, 168.60 FEET; THENCE N36°31'50"E, 263.57 FEET, MORE OR LESS, TO A POINT ON THE COMMON BOUNDARY LINE OF SAID TRACTS A AND B; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID COMMON LINE: N58°12'21"E, 451.31 FEET; THENCE N44°12'09"E, 204.37 FEET; THENCE DEPARTING SAID COMMON LINE, S07°30'20"E, 157.12 FEET; THENCE N89°30'34"E, 145.84 FEET, MORE OR LESS, TO A POINT ON COMMON BOUNDARY LINE OF SAID TRACTS A AND B; THENCE ALONG SAID COMMON BOUNDARY, S41°12'34"E, 143.81 FEET; THENCE DEPARTING SAID COMMON LINE, S34°47'53"E, 154.20; THENCE S48°16'04"W, 280.00 FEET; THENCE S41°43'56"E, 250.93 FEET; THENCE N48°16'04"E, 72.93 FEET; THENCE S41°43'56"E, 179.96 FEET; THENCE S68°11'34"E, 194.22 FEET, MORE OR LESS, TO A POINT ON THE COMMON BOUNDARY OF TRACTS B AND D OF SAID CERTIFICATE OF SURVEY NO. 3795; THENCE ALONG SAID COMMON BOUNDARY, N21°48'26"E, 373.20 FEET TO THE CORNER COMMON TO TRACTS A, B AND D OF SAID CERTIFICATE OF SURVEY NO. 3795; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE COMMON BOUNDARY LINE OF TRACTS A AND D: S84°55'52"E, 410.18 FEET; THENCE N53°25'53"E, 772.89 FEET; THENCE N34°15'15"E, 385.55 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 56.26 ACRES, MORE OR LESS.

Phase 2

AN IRREGULAR SHAPED PIECE OF LAND BEING A PORTION OF TRACT A OF CERTIFICATE OF SURVEY NO. 3795, RECORDED AS DOCUMENT NO. 3985813, RECORDS OF YELLOWSTONE COUNTY, LOCATED IN THE NE1/4 AND NW1/4 OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 26 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 3795 AND BEING A POINT ON A NON-TANGENT CURVE, HAVING A RADIAL BEARING OF N71°37'00"E, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EASTERLY BOUNDARY OF SAID TRACT A: AN ARC DISTANCE OF 533.97 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT, OF RADIUS 2200.00 FEET AND DELTA 13°54'23" TO A POINT ON A TANGENT LINE; THENCE ALONG SAID TANGENT LINE, S32°17'23"E, 940.43 FEET TO A TANGENT POINT OF CURVATURE; THENCE AN ARC DISTANCE OF 395.05 FEET ALONG SAID TANGENT CURVE TO THE LEFT, OF RADIUS 1150.00 FEET AND DELTA 19°40'56"; THENCE DEPARTING SAID EASTERLY BOUNDARY, S78°19'53"W, 505.03 FEET; THENCE S03°16'08"W, 164.11 FEET; THENCE S83°30'07"W, 40.12 FEET; THENCE N65°45'25"W, 128.76 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT HAVING A RADIAL BEARING OF N45°39'08"W; THENCE AN ARC DISTANCE OF 55.66 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT, OF RADIUS 50.00 FEET AND DELTA 63°46'57" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, S55°00'01"W, 200.00 FEET; THENCE N34°59'59"W, 141.40 FEET; THENCE S55°00'01"W, 170.00 FEET; THENCE N34°59'59"W, 335.00 FEET; THENCE N52°16'44"E, 93.03 FEET TO A TANGENT POINT OF CURVATURE; THENCE AN ARC DISTANCE OF 66.32 FEET ALONG SAID TANGENT CURVE TO THE RIGHT, OF RADIUS 170.00 FEET AND DELTA 22°21'13" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, N37°43'16"W, 221.46 FEET; THENCE N25°13'39"W, 128.50 FEET; THENCE N59°36'56"E, 179.07 FEET; THENCE N30°23'04"W, 170.46 FEET; THENCE N44°05'34"W, 61.29 FEET; THENCE N30°26'42"W, 175.05 FEET; THENCE S83°04'46"W, 125.45 FEET; THENCE N00°46'01"W, 344.19 FEET; THENCE N89°13'59"E, 143.99 FEET; THENCE N00°46'01"W, 170.00 FEET; THENCE N89°13'59"E, 102.28 FEET; THENCE N80°10'38"E, 123.26 FEET; THENCE N00°46'01"W, 283.99 FEET, MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY OF SAID TRACT A; THENCE ALONG SAID NORTH BOUNDARY, N89°12'53"E, 183.17 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 32.59 ACRES, MORE OR LESS.

Phase 3

AN IRREGULAR SHAPED PIECE OF LAND BEING A PORTION OF TRACT A OF CERTIFICATE OF SURVEY NO. 3795, RECORDED AS DOCUMENT NO. 3985813, RECORDS OF YELLOWSTONE COUNTY, LOCATED IN THE NE1/4 AND NW1/4 OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 26 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 3795; THENCE ALONG THE NORTH BOUNDARY OF SAID TRACT A, S89°12'53"W, 183.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH

BOUNDARY OF SAID TRACT A, S89°12'53"W, 770.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH BOUNDARY, S00°46'01"E, 243.14 FEET; THENCE S89°13'59"W, 35.00 FEET; THENCE S00°46'01"E, 230.00 FEET; THENCE N89°13'59"E, 417.01 FEET; THENCE S00°46'01"E, 355.56 FEET; THENCE S59°36'56"W, 174.79 FEET; THENCE S78°13'44"W, 128.34 FEET; THENCE S32°04'06"W, 77.07 FEET; THENCE S27°39'09"E, 230.58 FEET; THENCE S59°36'56"W, 61.48 FEET; THENCE S30°23'04"E, 230.00 FEET; THENCE N59°36'56"E, 118.00 FEET; THENCE S68°12'19"E, 171.74 FEET; THENCE S38°12'19"E, 67.20 FEET; THENCE S05°49'29"E, 113.49 FEET; THENCE S37°43'16"E, 60.00 FEET; THENCE N52°16'44"E, 170.34 FEET TO A TANGENT POINT OF CURVATURE; THENCE AN ARC DISTANCE OF 66.32 FEET ALONG SAID TANGENT CURVE TO THE RIGHT, OF RADIUS 170.00 FEET AND DELTA 22°21'13" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, N37°43'16"W, 221.46 FEET; THENCE N25°13'39"W, 128.50 FEET; THENCE N59°36'56"E, 179.07 FEET; THENCE N30°23'04"W, 170.46 FEET; THENCE N44°05'34"W, 61.29 FEET; THENCE N30°26'42"W, 175.05 FEET; THENCE S83°04'46"W, 125.45 FEET; THENCE N00°46'01"W, 344.19 FEET; THENCE N89°13'59"E, 143.99 FEET; THENCE N00°46'01"W, 170.00 FEET; THENCE N89°13'59"E, 102.28 FEET; THENCE N80°10'38"E, 123.26 FEET; THENCE N00°46'01"W, 283.99 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 15.31 ACRES, MORE OR LESS.

(# 21-14) See Exhibit "A" Attached

2. CONDITIONS. The annexations are approved, subject to the following conditions:

Within 45 working days of adoption of this Resolution and prior to site development, a mutually acceptable Development 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, provide guidance for the effectiveness of Phase 2 and 3 of AN #21-14 and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded;

If the above conditions are not satisfied as set forth herein, the annexation will not be effective and this resolution shall be null and void and shall have no effect. Any subsequent requests for annexation of the property legally described within this resolution shall be processed as a new petition for annexation.

3. TERRITORY TO BE ANNEXED IN PHASES. The annexations of the above-described territories shall become effective in phases as described below and as provided in the Development Agreement.
 - a. The annexation of the territory described in paragraph 1 as "Phase 1" shall be effective immediately upon satisfaction of the conditions stated above in

paragraph 2. If the conditions are not satisfied, this resolution shall be null and void and shall have no effect.

- b. The annexation of the territory described in paragraph 1 as “Phase 2” shall be effective on January 10, 2025. Annexation of the territory described in paragraph 1 as “Phase 2” may be effective earlier upon written request of the developer and satisfaction of the terms and conditions of the Development Agreement. Upon acceptance and approval of the written request to be annexed, the City will notify the Montana Department of Revenue (DOR), City of Billings Geographic Information Services (GIS), and the Yellowstone County Clerk and Recorder (“Clerk and Recorder”) of the effective date of annexation prior to any development.
- c. The annexation of the territory described in paragraph 1 as “Phase 3” shall be effective on January 10, 2029. Annexation of the territory described in paragraph 1 as “Phase 3” may be effective earlier upon written request of the developer and satisfaction of the terms and conditions of the Development Agreement. Upon acceptance and approval of the written request to be annexed, the City will notify the DOR, GIS, and the Clerk and Recorder of the effective date of annexation prior to any development.

- 4. EFFECTIVE DATE. This resolution shall be effective upon adoption. However, if the above-described conditions in paragraph 2 are not satisfied, this resolution shall be null and void and shall have no effect.
- 5. 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 10th day of January, 2022.



CITY OF BILLINGS:

DocuSigned by:
William A. Cole
 2CA11D5423334EE...
 BY: _____
 William A. Cole, Mayor

ATTEST:

DocuSigned by:
Denise Bohlman
 D503C2218DC34F0...
 BY: _____
 Denise R. Bohlman, City Clerk

(# 21-14)

EXHIBIT A

