

RESOLUTION 10-19014

A RESOLUTION TO EXCLUDE TERRITORY UNDER THE PROVISIONS OF TITLE 7, CHAPTER 2, PART 48 OF THE MONTANA CODE ANNOTATED

WHEREAS, the City Council of the City of Billings has determined that a petition to exclude the territory now within the City of Billings was signed by the requisite number of qualified electors of the City, and that granting of the petition is in the best interest of the City of Billings and will not materially mar the symmetry of the City; and

WHEREAS, the Billings City Council desires to exclude said territory from the City of Billings pursuant to Title 7, Chapter 2, Part 48 of the Montana Code Annotated; and

WHEREAS, the boundaries of the territory that the Billings City Council desires to exclude is particularly described as follows:

1. TERRITORY DEANNEXED. A tract of land situated in the SE1/4 and the SW1/4 of Section 22, and the NE1/4 and the NW1/4 of Section 27, T.1S., R.26E., P.M.M., City of Billings, Yellowstone County, Montana, more particularly described as:

Portions of Certificate of survey 2544, annexed under Resolution No. 02-17819, Recorded April 18, 2002, Under Document No. 3173017, Records of Yellowstone County, Montana,

Said portion being Tract 2A of Amended Tracts 2, 3, 4, 5, 6A-1, 7A, 12 & 13A, of Certificate of Survey No. 2544 4<sup>th</sup> and 5<sup>th</sup> Amended, Recorded December 17, 2004, Under Document No. 3315777, Records of Yellowstone County, Montana,

Said Tract containing 121.78 acres.

(# 10-03) See Exhibit "A" Attached

2. CONDITIONS. The de-annexation is approved, subject to the following condition:
  - An easement shall be executed and recorded by the petitioners that establishes public access for future road and utility infrastructure across the subject property (See Easement Document attached to the City Council De-annexation Memo for October 25, 2010).
  - The petitioners agree to execute a new five (5) year agreement with the City to continue to provide access across Certificate of Survey

2165 for city personnel, approved contractors, and vehicles to service and inspect the Briarwood Water Storage Reservoir as stipulated in the access agreement between the City and the petitioners dated February 6, 2007.

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

- A. The Billings City Council desires to exclude the above described contiguous territory.
- B. All registered voters in the territory to be embraced were immediately notified, in writing.
- C. Notice of the City Council's intent to exclude said territory was passed under Resolution No. 10-18997, and published as provided in Section 7-1-4127, MCA, with notice that for a period of twenty (20) days after first publication of the notice, the Billings City Clerk accepted written comments approving or disapproving the proposed exclusion of the above described territory from the City of Billings from registered voters residing in the area proposed to be excluded.
- D. The City Clerk forwarded all written communication received by the Clerk to the City Council for consideration.
- E. A public hearing on the question of exclusion of said territory was held on October 25, 2010.

APPROVED AND PASSED by the City Council of the City of Billings this 25th day of October, 2010.



THE CITY OF BILLINGS

BY:

Thomas W. Hanel  
Thomas W. Hanel, MAYOR

ATTEST:

BY:

Cari Martin

Cari Martin, CITY CLERK

# EXHIBIT "A"

