

RESOLUTION NO. 11-19129

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:

TERRITORY DEANNEXED. A tract of land situated in the NE1/4 of Section 36, T.1N., R.24E., and the NW1/4 of Section 31, T.1N., R.25E., P.M.M., Billings, Yellowstone County, Montana, more particularly described as:

Sunny Cove Fruit Farms, Lots 26 and 40, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana, annexed under Resolution No. 06-18392, Recorded March 08, 2006, Under Document No. 3369380, Records of Yellowstone County, Montana;

Sunny Cove Fruit Farms, Lot 27, the west ½ of Lot 28 and Lot 38, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana, (now described as, Amended Plat of Sunny Cove Fruit Farms, Lot 27A, Recorded December 29, 2009, Under Document No. 3536038, Records of Yellowstone County, Montana); Including all adjacent right-of-way of 60th Street West and 62<sup>nd</sup> Street West. Containing 46.579 gross and 44.135 net acres, more or less.

(# 11-04) See Exhibit "A" Attached

1. 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. 11-19123, 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 December 12, 2011.

APPROVED AND PASSED by the City Council of the City of Billings this 12th day of December, 2011.

THE CITY OF BILLINGS



BY: Thomas W. Hanel  
Thomas W. Hanel, MAYOR

ATTEST:

BY: Cari Martin  
Cari Martin, CITY CLERK

# EXHIBIT A

