

RESOLUTION NO. 04- 18140

**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 E1/2 of Section 31, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:
Sunny Cove Fruit Farms, a portion of Lot 65A, of the Plat of Amended Lots 65-68, 93-100 and 125-128, Recorded December 29, 1998, Under Document No. 3033371, Records of Yellowstone County; Montana more particularly described as:
Beginning at a point which is N 00° 08' 25" E for a distance of 25.0 feet from the E1/4 Corner of Section 31, T.1N., R.25E., P.M.M.; thence S 00° 08' 25" W for a distance of 2029.10 feet, along the East section line on Section 31; thence S 89° 53' 22" W for a distance of 880.59 feet, to a point on the west lot line of Lot 65A; thence N 00° 08' 25" E for a distance of 2027.76 feet to a point on the south lot line of Sunny Cove Fruit Farms, Lot 63; thence N 89° 47' 57" E for a distance of 880.59 feet to point of beginning; Including all adjacent Right-Of-Way of 54th Street west and Colton Boulevard.
Containing 41.005 gross acres, and 38.632 net acres, more or less
(# 04-06)

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

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


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 14th day of June, 2004.



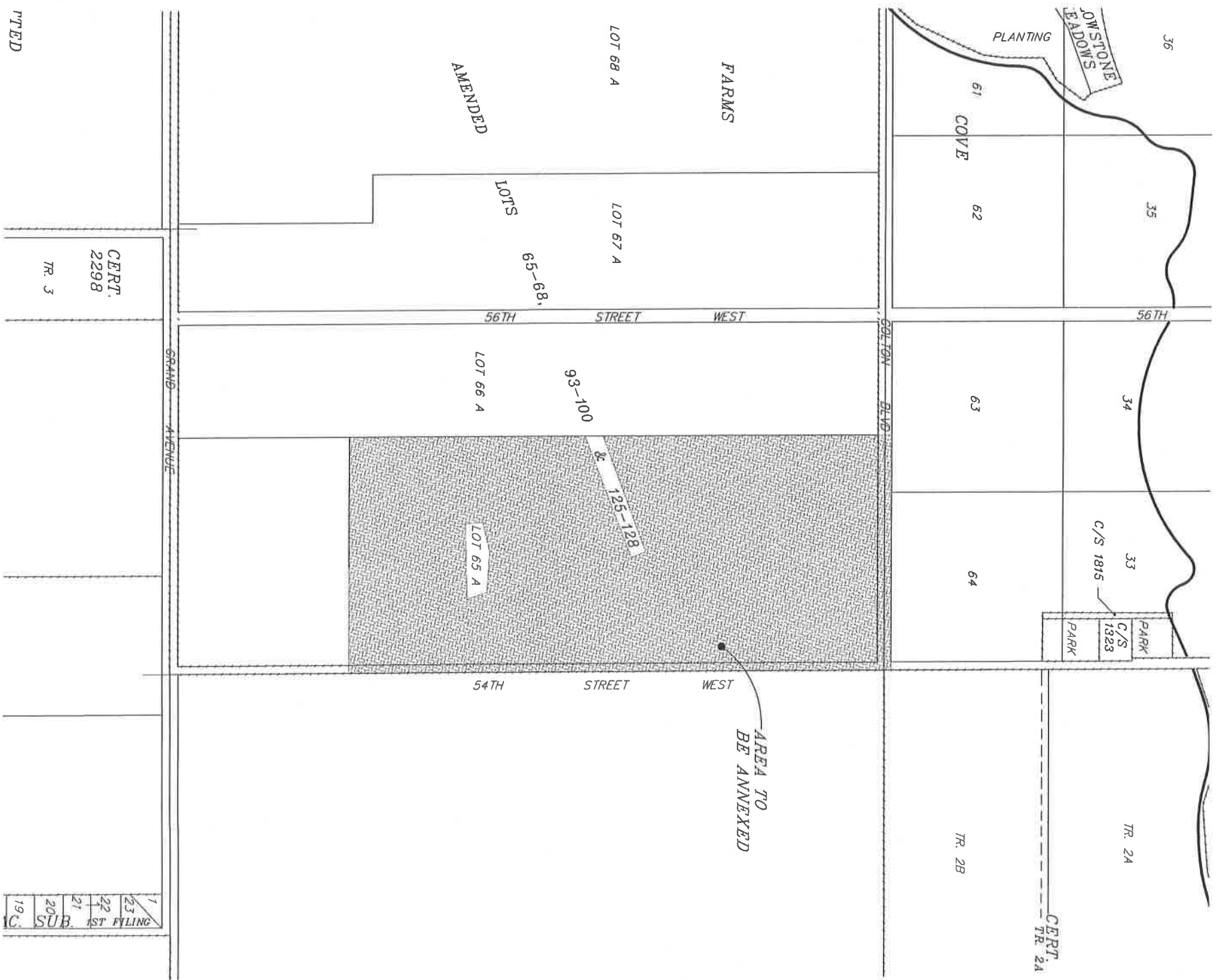
THE CITY OF BILLINGS:

BY: 
Charles F. Tooley, MAYOR



ATTEST:
BY: Marita Herold, CMC/AAE CITY CLERK
Marita Herold
Deputy City Clerk

EXHIBIT "A"



1	23
2	22
3	21
4	20
5	19

C. SUB. 1ST FILING

CERT.
2298
TR. 3

TR. 3

CERT.
TR. 2A

TR. 2B

TR. 2A