

ORDINANCE NO. 97-5039

AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA PROVIDING THAT CERTAIN SURVEYED TERRITORY CONTIGUOUS TO SAID CITY KNOWN AS "LILLIS HEIGHTS SUBDIVISION" MORE PARTICULARLY DESCRIBED HEREIN BELOW BE ANNEXED TO THE CITY OF BILLINGS PURSUANT TO TITLE 7, CHAPTER 2, PART 47, MONTANA CODE ANNOTATED, ALSO KNOWN AS "THE PLANNED COMMUNITY DEVELOPMENT ACT OF 1973."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. Petition Requesting Annexation.

WHEREAS, on June 2, 1997, a petition was filed by the owners of Lillis Heights Subdivision, the Church of Jesus Christ of Latter Day Saints, requesting annexation of certain lots in Lillis Heights Subdivision to the City of Billings, Pursuant to Title 7, Chapter 2, Part 47 of the Montana Code Annotated, also known as "The Planned Community Development Act of 1973."

Section 2. Legal Description.

WHEREAS, that territory known as Lillis Heights Subdivision contained in the petition requesting annexation and contiguous to the City of Billings is particularly described as follows:

Lots 11-14, Block 2; Lots 4-14, Block 4; Lots 2-16, Block 10; Lots 1-14, Block 11; Lots 1-22, Block 12; Lots 2-15, Block 13; Lots 2-8, Block 18; and Lots 1-14, Block 19 according to the official plat thereof on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana, and as further described in Exhibit "A" attached and by this reference made a part hereof.

Section 3. Passing of Resolution Setting Public Hearing.

WHEREAS, on July 14, 1997, the City Council of the City of Billings passed and adopted Resolution #97-17244 stating the intent of the City of Billings to consider annexation of Lillis Heights Subdivision, describing the boundaries of Lillis Heights Subdivision and fixing the date of August 26, 1997, for public hearing on the question of annexation of Lillis Heights Subdivision to the City of Billings. The notice of the public hearing conformed to the requirements of Section 7-2-4708 of the Montana Code Annotated.

Section 4. Public Hearing Findings.

WHEREAS, the public hearing on the question of annexation having conformed with the requirements of Section 7-2-4709 of the Montana Code Annotated and said public hearing having concluded; the City Council of the City of Billings hereby makes the following findings:

1. Lillis Heights Subdivision, particularly described herein and as further described in Exhibit "A" attached is contiguous to the boundaries of the City of Billings and was contiguous to the boundaries of the City of Billings at the time the owners of Lillis Heights Subdivision filed their petition requesting annexation on June 2, 1997;

2. No part of Lillis Heights Subdivision particularly described herein and as further described in Exhibit "A" attached is included within the boundary of another incorporated municipality;

3. Annexation of Lillis Heights Subdivision conforms to a comprehensive plan as described in Title 76, Chapter 1, of the Montana Code Annotated;

4. No part of Lillis Heights Subdivision particularly described herein and as further described in Exhibit "A" attached is included within the boundary of any fire district;

5. Boundaries for Lillis Heights Subdivision particularly described herein and further described in Exhibit "A" attached are set by a platted, discrete area because it is impractical to use natural topographic features in fixing the new municipal boundaries;

6. It is the intent of the City of Billings to provide services to Lillis Heights Subdivision as set forth in the city staff report as specified in Section 7-2-4731 of the Montana Code Annotated.

Section 5. Waiver of Protest.

WHEREAS, property owners of Lillis Heights Subdivision, The Church of Jesus Christ of Latter Day Saints, have formally waived their right to protest annexation under Section 7-2-4710, Montana Code Annotated.

Section 6. Effective Date.

NOW THEREFORE, be it ordained by the City Council of the City of Billings, Montana,

That the Territory commonly known as Lillis Heights

Subdivision, particularly described herein and as further described on Exhibit "A" attached, be and hereby is annexed to the City of Billings effective thirty (30) days following second reading of this ordinance.

Section 7. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 8th day of September, 1997.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of September, 1997.



CITY OF BILLINGS

By Charles F. Tealby
Mayor

ATTEST:

By Marita Herold
City Clerk

“EXHIBIT A”

ANNEXATION DESCRIPTION

BLOCKS 11 AND 12 AND PORTIONS OF BLOCKS 2, 3, 4, 10, 13, 18 AND 19 AND ADJACENT STREET RIGHTS-OF-WAY IN LILLIS HEIGHTS SUBDIVISION, YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

Beginning at a point which is the southwest corner of Lot 1, Block 18, Lillis Heights Subdivision;

thence, from said point of beginning, along the north lines of Lots 9 through 15, Block 18 and Lots 15 through 26, Block 19, in said Lillis Heights Subdivision, crossing the right-of-way of Rim Point Drive and the Alley located in said Block 19, N 89°03'00" W a distance of 1864.93 feet to the northwest corner of said Lot 15, Block 19;

thence, along the west line of said Lot 15, Block 19, S 00°57'00" W a distance of 100.00 feet to the southwest corner of said Lot 15, Block 19, said point being on the north right-of-way line of Rimrock Road;

thence, along the north right-of-way of Rimrock Road, N 89°03'00" W a distance of 124.23 feet to the southeast corner of Tract 3-B, Certificate of Survey No. 1834, Tract 3 Amended;

thence, along the east line of said Tract 3-B, NORTH a distance of 410.00 feet to a bend point in said east line;
thence, continuing along said east line, N 38°40'45" E a distance of 531.11 feet to the point of intersection of said east line with the extension of the south line of Block 3, Lillis Heights Subdivision;

thence, crossing the right-of-way of Clear View Drive and along the south line of Block 3, Lillis Heights Subdivision, S 89°03'00" E a distance of 505.95 feet;

thence, continuing along the south line of said Block 3, along a tangent curve to the left with a radius of 10.00 feet a distance of 18.41 feet (chord bearing N 38°12'51" E, chord length 15.92 feet) to a point on the west right-of way line of Rim Point Drive;

thence, along said west right-of-way line, along a reversing curve to the right with a radius of 776.78 feet a distance of 196.87 feet (chord bearing N 07°15'39" W, chord length 196.35 feet);

thence, continuing along the west right-of-way line of Rim Point Drive, NORTH a distance of 182.88 feet to a point on the south line of Certificate of Survey No. 772, Amended; thence, along the south line of said Certificate of Survey No. 772, Amended, S 89°03'00" E a distance of 451.83 feet to the northwest corner of Lot 10, Block 2, Lillis Heights Subdivision;

thence, along the west line of said Lot 10, Block 2, S 00°57'00" W a distance of 109.85 feet to the southwest corner of said Lot 10, said corner being a point on the north right -of-way line Palisades Park Drive;

thence, along said north right-of-way line, S 89°03'00" E a distance of 200.00 feet to the southeast corner of lot 9, Block 2, Lillis Heights Subdivision;

thence, crossing the right-of-way of Palisades Park Drive, S 00°57'00" W a distance of 60.00 feet to a point on the south right-of-way line of Palisades Park Drive, said point being on the north line of Lot 3, Block 4, Lillis Heights Subdivision;

thence along the south right-of-way of Palisades Park Drive, N 89°03'00" W a distance of 32.28 feet to the northwest corner of said Lot 3, Block 4;

thence, along the west line of said Lot 3, Block 4, S 00°57'00" W a distance of 110.00 feet to the southwest corner of said Lot 3, Block 4, said point being on the north line of Lot 15, Block 4, Lillis Heights Subdivision;

thence, along the north line of said Lot 15, Block 4, N 89°03'00" W a distance of 57.22 feet to the northwest corner of said Lot 15, Block 4;

thence, along the west line of said Lot 15, Block 4, S 00°57'00" W a distance of 110.00 feet to the southwest corner of said Lot 15, Block 4, said point being on the north right-of-way line of Pine Cove Road;

thence, along the north right-of-way of Pine Cove Road, S 89°03'00" E a distance of 290.00 feet to the southeast corner of Lot 17, Block 4, Lillis Heights Subdivision;

thence, crossing the right-of-way of Pine Cove Road, S 00°57'00" W a distance of 60.00 feet to a point on the south right-of-way line of Pine Cove Road, said point being on the north line of Lot 2, Block 10, Lillis Heights Subdivision;

thence, along the south right-of-way line of Pine Cove Road, S 89°03'00" E a distance of 30.60 feet to the northwest corner of Lot 1, Block 10, Lillis Heights Subdivision;

thence, along the west line of said Lot 1, Block 10, S 00°57'00" W a distance of 110.00 feet to the southwest corner of said Lot 1, Block 10;

thence, along the south line of said Lot 1, Block 10,
S 89°03'00" E a distance of 34.35 feet to the northwest
corner of Lot 17, Block 10, Lillis Heights Subdivision;

thence, along the west line of said Lot 17, Block 10 and
crossing the right-of-way of Toyon Drive, S 00°57'00" W a
distance of 170.00 feet to a point on the south right-of-way
line of Toyon Drive;

thence, along the south right-of-way line of Toyon Drive,
S 89°03'00" E a distance of 85.47 feet to the northwest
corner of Lot 1, Block 13, Lillis Heights Subdivision;

thence, along the west line of said Lot 1, Block 13,
S 00°57'00" W a distance of 110.00 feet to the southwest
corner of said Lot 1, Block 13;

thence along the south line of said Lot 1, Block 13,
S 89°03'00" E a distance of 73.39 feet to the northwest
corner of Lot 16, Block 13, Lillis Heights Subdivision;

thence, along the west line of said Lot 16, Block 13 and
crossing the right-of-way of Audubon Way, S 00°57'00" W a
distance of 170.00 feet to a point on the south right-of-way
line of Audubon Way;

thence, along the south right-of-way line of Audubon Way,
S 89°03'00" E a distance of 110.29 feet to the northwest
corner of Lot 1, Block 18, Lillis Heights Subdivision;

thence, along the west line of said Lot 1, Block 18,
S 00°57'00" W a distance of 110.00 feet to the point of
beginning;

said described tract containing an area of 33.9291 acres.

ANNEXATION MAP

ANNEXATION No. 97-03

