

RESOLUTION NO. R21-51

RESOLUTION OF ANNEXATION AND ZONING FOR NUTTING BROTHERS SUBDIVISION, BLOCK 6, LOTS 1-12 AND BLOCK 7, LOTS 1-12 AND THE ABANDONED PORTION OF HAZEL AVENUE AND ALLEYWAYS LOCATED BETWEEN BLOCKS 6 AND 7 AND ADJOINING RIGHTS OF WAY, AS AN ADDITION TO THE CITY OF LAUREL, YELLOWSTONE COUNTY, MONTANA.

WHEREAS, an annexation application was submitted to the City of Laurel by the owner (“Petitioner”) of Block 6, Lots 1-12, and Block 7, Lots 1-12, Nutting Brothers Subdivision, seeking approval for annexation to the City of Laurel with zoning as provided by the Laurel Municipal Code; and

WHEREAS, Petitioner constitutes the owner of the entire property proposed to be annexed, as described below; and

WHEREAS, the Laurel City-County Planning Board reviewed the Annexation and Zone Change application at a duly advertised public hearing that was held on May 19, 2021 and a subsequent public hearing that was held on August 18, 2021; and

WHEREAS, the Petitioner submitted an application for a Planned Unit Development (PUD) and variance to the project size requirements within the Laurel Municipal Code.

WHEREAS, the Laurel City-County Planning Board reviewed the Planned Unit Development and Variance application at a duly advertised public hearing that was held on May 19, 2021 and a subsequent public hearing that was held on August 18, 2021, in conjunction with the public hearings for annexation and zoning.

WHEREAS, the Laurel City-County Planning Board heard testimony from Petitioner and his Agents who spoke as proponents of the requests and testimony from individuals who resided near the proposed annexation area; and

WHEREAS, based on the evidence and testimony provided at the hearing, the Laurel City-County Planning Board approved a motion to recommend a conditional approval of annexation and zoning to the Laurel City Council.

WHEREAS, the City Council of the City of Laurel has determined that it is in the best interest of the City and the inhabitants thereof, and of Petitioner, that the following described territory be annexed to the corporate limits of the City of Laurel, with the zoning changed to Residential Limited Multi-Family (RLMF) upon annexation of the property and such annexation is conditioned as follows:

1. The property and adjacent rights-of-way shall be cleared of personal property, debris, and refuse within 90-days of annexation approval.
2. The Annexation Agreement, Waiver of Right to Protest, and the City Council Resolution approving annexation shall be filed with the Yellowstone County Clerk & Recorder within 90-days of annexation approval.
3. All construction and installation of public improvements must be completed within two years of annexation.
4. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city.

WHEREAS, annexation of the property is conditioned on the satisfactory completion of all requirements and conditions imposed by the City Council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, as follows:

1. Pursuant to MCA Section 7-2-Part 46 the incorporated boundaries of the City of Laurel shall be and the same hereby is extended and/or expanded to include the territory described in the application for annexation as additionally described below.
2. The owner of record of the territory annexed to the City of Laurel has executed an application seeking such annexation.
3. The following described territory is hereby annexed to the City of Laurel:

Block 6, Lots 1-12, and Block 7, Lots 1-12, and abandoned Hazel Avenue and the alleyways therein, Nutting Brothers Subdivision, and adjoining rights of way for East 7th Street, East 8th Street, Juniper Ave, and Fir Ave, according to the records on file and of record in the office of the Clerk and Recorder of Yellowstone County.


4. That upon annexation the zoning designation of the above-described property shall be Residential Limited Multi-Family (RLMF), as provided by City Ordinance.
6. Petitioner shall provide a signed annexation agreement as a condition of annexation as provided herein.
7. This Resolution shall be incorporated into the official minutes of the City Council, and upon said incorporation, the City Clerk-Treasurer shall file a true and correct, certified copy of this Resolution and of said minutes with the Yellowstone County Clerk and Recorder.
8. From and after the date that the City Clerk-Treasurer files such certified copy of this Resolution and of the Council minutes in the office of the Yellowstone County Clerk and Recorder, this annexation of the above-described territory to the City of Laurel shall be deemed complete and final.
9. Annexation of the property is conditioned on the City Council's approval of the satisfactory completion of all requirements and conditions imposed by the City Council with such approval; and

Introduced at a regular meeting of the City Council on September 14, 2021, by Council Member Stokes.

PASSED and APPROVED by the City Council of the City of Laurel this 14th day of September 2021


APPROVED by the Mayor this 14th day of September 2021.

CITY OF LAUREL



Thomas C. Nelson, Mayor

ATTEST:



Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:



Sam Painter, Civil City Attorney