

Tabled 4/23/24 6-1
Resolution replaced w/
R24-33B

RESOLUTION NO. R24-33

**RESOLUTION OF ANNEXATION OF PROPERTY LEGALLY DESCRIBED AS
THE AMENDED PLAT OF LOTS 1 & 2 OF NUTTING BROTHERS SUBDIVISION,
SECOND FILING, LOT 1A, ADJACENT TO THE CITY OF LAUREL, AS AN
ADDITION TO THE CITY OF LAUREL, YELLOWSTONE COUNTY, MONTANA,
WITH CONCURRENT APPROVAL OF ZONING DESIGNATION UPON
ANNEXATION OF THE PROPERTY.**

WHEREAS, a Petition for Annexation was submitted to the City of Laurel by the Laurel Public Schools, who is the property owner (hereinafter "Petitioner") of certain real property situated in Yellowstone County, Montana;

WHEREAS, the real property is generally described as the Amended Plat of Lots 1 & 2 of Nutting Brothers Subdivision, Second Filing, Lot 1A, Yellowstone County, Montana. The real property is generally reflected on the Exhibits to the Petition for Annexation, which is incorporated by reference herein, and it includes all contiguous roadways and rights-of-way;

WHEREAS, the property is currently unzoned, and Petitioner intends to utilize the property, if annexed, for a Public Elementary School;

WHEREAS, the property is currently outside of City of Laurel City limits, and Petitioner seeks annexation of the property and a concurrent Zoning Designation as "Public";

WHEREAS, pursuant to the City of Laurel's Annexation Policy, the City Council shall consider various criteria when it receives a written Petition for Annexation, which are fully incorporated by reference herein;

WHEREAS, further pursuant to the City of Laurel's Annexation Policy, the City Council may decide to either condition the approval of the annexation in order to meet the criteria listed in the City of Laurel's Annexation Policy or require an Annexation Agreement;

WHEREAS, Petitioner currently seeks annexation of its property into the City of Laurel, contingent upon completion of the terms of the Annexation Agreement, attached hereto and fully incorporated herein, which identifies required off-site infrastructure improvements and guarantees of those improvements;

WHEREAS, the Laurel City-County Planning Board held a duly advertised public hearing on Petitioner's Petition for Zoning Designation on March 20, 2024. At the conclusion of the hearing, the Planning Board voted to recommend approval to the City Council of the Zoning Designation, conditioned upon approval of the proposed annexation; and

WHEREAS, the City Council held a duly advertised public hearing regarding Petitioner's Petition for Annexation and Concurrent Approval of Zoning Designation on April

23, 2024. At the conclusion of the hearing, the City Council determined that approval of the Petition for Annexation and Concurrent Approval of Zoning Designation is in the best interests of the City at this time;

WHEREAS, the annexation of the property and zoning is subject to an Annexation Agreement by and between the City of Laurel and the Petitioner, which will be executed by and between the Petitioner and the City of Laurel and will be attached hereto and fully incorporated as part of this Resolution.

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

1. The owner of record of the territory annexed to the City of Laurel has executed a Petition of Annexation.
2. Pursuant to Mont. Code Ann. § 7-2-46, 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 Petitioner's Petition for Annexation and all attached Exhibits.
3. The following described territory is hereby annexed to the City of Laurel: Amended Plat of Lots 1 & 2 of Nutting Brothers Subdivision, Second Filing, Lot 1A, Yellowstone County, Montana. The real property is generally reflected on the Exhibits to the Petition for Annexation, which is incorporated by reference herein, and it includes all contiguous roadways and rights-of-way.
4. The owner of record of the territory annexed to the City of Laurel and the City of Laurel will execute an Annexation Agreement, which terms and conditions are made a part of this Resolution and the Petition for Annexation.
5. That the approval of the annexation is conditioned as follows:
 - A. On all terms, conditions, and requirements of the Annexation Agreement between the City of Laurel and Petitioner.
 - B. The Waiver of Right to Protest, a copy of which is attached hereto and incorporated by reference herein, and this Resolution, shall be recorded with the County Clerk and Recorder within ninety (90) days after the adoption of this Resolution.
 - C. Connections to the City of Laurel Water and Sewer Systems shall be approved by the City of Laurel's Public Works Department.

- D. All improvements and infrastructure connections shall be completed within one calendar year from the date this Resolution is approved.
6. That the approval of the zoning designation is conditioned upon approval of the annexation, and upon approval of the annexation, the property shall be zoned as "Public."
 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 Meeting 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 City Council Meeting Minutes with 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 and the City's responsibility for providing service to the property shall become null and void upon Petitioner's failure to satisfy the conditions imposed by the City Council by and through this Resolution, the Petition for Annexation, and the Annexation Agreement by and between the City of Laurel and the Petitioner.

Introduced at a regular meeting of the City Council on the 23rd day of April 2024, by Council Member Wheeler.

PASSED and APPROVED by the City Council of the City of Laurel the 23rd day of April 2024.

APPROVED by the Mayor the 23rd day of April 2024.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney