



1540 Popelka Drive
Billings, MT 59105

Phone: 252-0539
Fax: 252-0518

PETITION REQUEST FOR ANNEXATION INTO THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

WE, the undersigned, owners of the following described real property (the "Owner"), which is contiguous to the County Water District of Billings Heights (the "District"), hereby petition to be annexed into the District pursuant to Montana Code Annotated § 7-13-2341, and on the following terms and conditions:

1. **Property Description.** This Petition relates to certain real property in Yellowstone County, Montana, more particularly described as follows (the "Property"):

[SEE ATTACHED EXHIBIT "A"]

2. **Annexation Submittal Package.** In addition to this Petition, the Owner shall submit the following (the "Submittal Package"):

- A. Complete legal description of the Property, including a metes and bounds description;
- B. Proposed plat of the Property in letter or legal size.
- C. Preliminary plans for public improvements to the Property, which must be approved by the District prior to submittal to and approval by the Montana Department of Environmental Quality;
- D. The zoning and use or intended use of the Property and of the real property immediately adjacent to it; and
- E. Buy-In Fee.

The District will not commence review of the Petition until the complete Submittal Package has been delivered.

3. **The Petition and Submittal Package should be submitted to the District at 1540 Popelka Drive, Billings, Montana, during regular business hours, which are generally Monday through Friday, between 8:00 a.m. and 5:00 p.m. Upon presentation, the Petition and Submittal Package will be checked for completeness. The District will not be required to review any submitted Petition and Submittal Package which is not complete. Submission of a Petition and the mandatory Submittal Package does not obligate the District to approve the annexation. The Owner understands and agrees that annexation is subject to review and decision by the District, as well as any and all conditions imposed by the District and the applicable provisions of Montana Code Annotated § 7-13-2341.**

4. **Hydraulic Modeling and Analysis.** By filing this Petition and Submittal Package, the Owner understands and agrees that the review process shall include and be subject to hydraulic modeling to be performed by the District's Engineering Firm or by an engineering firm designated by the District. The Owner shall be solely responsible for any and all costs and fees associated with the hydraulic modeling analysis, whether or not the annexation is approved by the District, which shall be paid immediately upon presentation of an invoice for such costs and fees.

5. **Annexation Agreement.** In the event the Petition is approved, prior to and as a condition precedent to annexation the Owner will be required to enter into an Annexation Agreement setting forth the terms and any conditions of annexation. By approval of this Petition and annexation of the Property, the Owner hereby agrees to be bound by the rules, regulations, ordinances, resolutions and conditions of the District, as the same may be amended or adopted from time to time.

6. **Water Main Extension Agreement.** In the event the District, in its discretion, determines that a water main extension is necessary, the Owner shall also be required to execute (and abide by the terms of) a Water Main Extension Agreement.

7. **Buy-In Fees.** All buy-in fees are payable in advance when the Petition is returned to the District Office signed by all landowners.


JOE K. CLAUSE member
Cherry Island, LLC
5855 Elysian Road
Billings, MT 59101

"Owner"

*NOTE: If property is jointly owned, all owners must sign this Petition.

ALL ITEMS BELOW SHALL BE
COMPLETED BY THE DISTRICT

Date Submitted: 5/4/22
Received by: DPB
Petition Number: 088-22
Fee Paid: \$ 72,334.85

