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550 S. 24<sup>th</sup> STREET W., SUITE 201, BILLINGS, MT 59102 | 406.894.2210

October 7, 2021

County Water District of Billings Heights  
Attn: Peyton Brookshire  
1540 Popelka Drive  
Billings, MT 59105

**Re: Request for Annexation**

Dear Mr. Brookshire,

This letter is being prepared on behalf of our client, Mr. Michalies, to annex a portion of his property, W1/2E1/2 of Government Lot 1, Section 2, T01N, R26E, into the County Water District of Billings Heights. Below are the items requested for the annexation petition:

1. Property Legal Description: W1/2E1/2 of Government Lot 1, Section 2, T01N, R26E  
Property Metes and Boundary Description: Beginning at the northwest corner of the W1/2E1/2 of Government Lot 1, Section 2, T01N, R26E; thence on the west line of said W1/2E1/2 of Government Lot 1, south a distance of 1371 feet to the southwest corner of said W1/2E1/2 of Government Lot 1; thence on the south line of said W1/2E1/2 of Government Lot 1, east a distance of 179 feet; thence north a distance of 187 feet; thence west a distance of 174 feet; thence north a distance of 1184 feet to a point on the north line of said W1/2E1/2 of Government Lot 1; thence on said north line of W1/2E1/2 of Government Lot 1, west a distance of 5 feet to the Point of Beginning. The annexation area is 39,428 square feet.
2. Since the property has not been previously platted, a copy of the deed is enclosed.
3. A copy of the septic system permit from Riverstone Health is enclosed.
4. The current zoning of the property is A-Agricultural 10 acres and over. The current use of the property is for residential.
5. The buy-in fee will be paid directly by Mr. Michalies.

Sincerely,

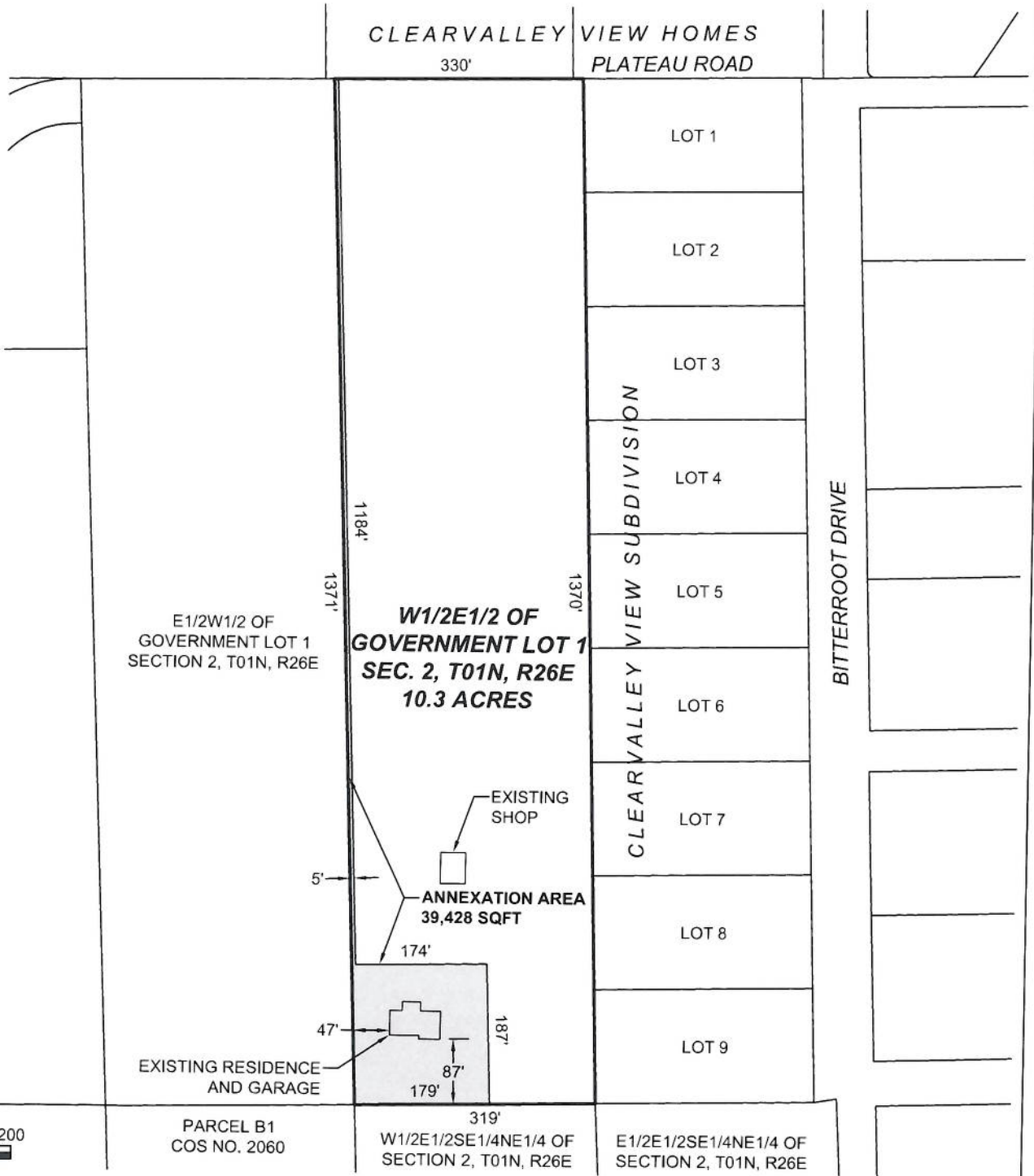
A handwritten signature in blue ink, appearing to read "Aaron Redland", is written over a faint blue circular stamp.

Aaron Redland  
Project Manager

Cc: Mr. Michalies via email

# EXHIBIT A

W1/2E1/2 OF GOVERNMENT LOT 1  
SECTION 2, T01N, R26E  
YELLOWSTONE COUNTY, MONTANA



0 100 200  
SCALE: 1" = 200'

## HEIGHTS WATER ANNEXATION

W1/2E1/2 OF GOVERNMENT LOT 1  
OF SECTION 2, T01N, R26E  
YELLOWSTONE COUNTY, MONTANA

DSGN	DATE	CKD
AMR	10/2021	GTR
REV	DATE	CKD

PREPARED FOR:  
**MR. MICHALIES**

**WWC** ENGINEERING  
550 S. 24TH STREET W, SUITE 201  
BILLINGS, MT 59102  
(406) 894-2210

**EXHIBIT**  
1 OF 1

JOB # 2021-378

PLOT STYLE: WWC\_v7-0.sbr  
19/10/2021 FILE PATH: K:\Billings\Michalies Zach\2021378 Michalies - Heights Water Service\05CAD\Sheets\Microlies Annexation.dwg

**WD****3761704**11/25/2015 11:48 AM Pages: 1 of 2 Fees: 14.00  
Jeff Martin Clerk & Recorder, Yellowstone MT**WHEN RECORDED RETURN TO:**

**Name:** Zackery D. Michalies  
**Address:** 1637 Sagebrush Rd.  
Billings, MT 59105  
**File No.:** 01265-6453

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**WARRANTY DEED**

**FOR A VALUABLE CONSIDERATION**, the receipt of which is acknowledged the undersigned, **Zackery D. Michalies and Brenda R. Barr**, whose address is 1637 Sagebrush Rd., Billings, MT 59105, **GRANTOR(S)** do/does hereby grant, bargain, sell and convey unto:

**Zackery D. Michalies**  
1637 Sagebrush Rd.  
Billings, MT 59105

**GRANTEE(S)**, his/her/their heirs and assigns, the following described premises in Yellowstone County and State of Montana:

**Township 1 North, Range 26 East, of the Principal Montana Meridian, Yellowstone County, Montana**

**Section 2: W1/2E1/2 of Government Lot 1**

**TO HAVE AND TO HOLD** the said premises, with its appurtenances and easements apparent or of record, unto the said **GRANTEE(S)**, his/her/their heirs and assigns, forever. And the said **GRANTOR(S)** do/does hereby covenant to and with the said **GRANTEE(S)**, that the **GRANTOR(S)** is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except for current years taxes, levies, and assessments and except U.S. Patent reservations, restriction, easements of record, and easements visible upon the premises, and the **GRANTOR(S)** will warrant and defend the same from all lawful claims whatsoever.

**SUBJECT TO:**

- A. All reservations, exceptions, covenants, conditions and restrictions of record and in patents from the United States or the State of Montana;
- B. All existing easements, rights of way and restrictions apparent or of record;
- C. Taxes and assessments for the current year and subsequent years;
- D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons; and
- E. Building, use, zoning, sanitary, and environmental restrictions.
- F. Easement reserved in Warranty Deed dated June 28, 1974 from Valley View Properties, Inc. to Robert W. and Jonell M. Boit, over the South 60 feet and the North 40 feet for roads, recorded September 18, 1975, under Document No. 998588.
- G. Clarification of Easement issued by Valley View Properties, Inc. regarding access from Bitterroot Road, recorded February 9, 2001, under Document No. 3117545.

**GRANTOR(S)** covenant with **GRANTEE(S)** that **GRANTOR(S)** are now seized in fee simple absolute of said premises; that **GRANTOR(S)** have full power to convey same; that the same is free from all encumbrances excepting those set forth above; that **GRANTEE(S)** shall enjoy the same without any lawful disturbance; that **GRANTOR(S)** will, on demand, execute and deliver to **GRANTEE(S)**, at the expense of **GRANTORS**, any further assurance of the same that may be reasonably required; and, with the exceptions set forth above, that **GRANTOR(S)** warrant to **GRANTEE(S)** and will defend for him/her all the said premises against every person lawfully claiming all or any interest in same.

DATED this 20<sup>th</sup> day of November, 2015.

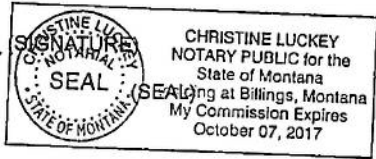
Zackery D. Michalies - Brenda R. Barr  
Zackery D. Michalies Brenda R. Barr

State of Montana  
County of Yellowstone

On this 20<sup>th</sup> day of November, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Zackery D. Michalies and Brenda R. Barr, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Christine Luckey  
Printed Name: Christine Luckey  
Notary Public in and for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_





**YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT  
SUBSURFACE SEWAGE TREATMENT SYSTEM**

**PERMIT**

DATE OF PERMIT 2/20/98 BUILDING PERMIT (A) B Repair #  
 CLASS 1 2  
 Y.C. PERMIT NO. 10416

SITE LOCATION 1637 Sagebrush

LEGAL DESCRIPTION Homestead Sub. LOT      BLK      TRACT       
 Installer Ken Crane  
 Installed For     

Type of Dwelling S.F.R. Constructed/designed for      Bdrms

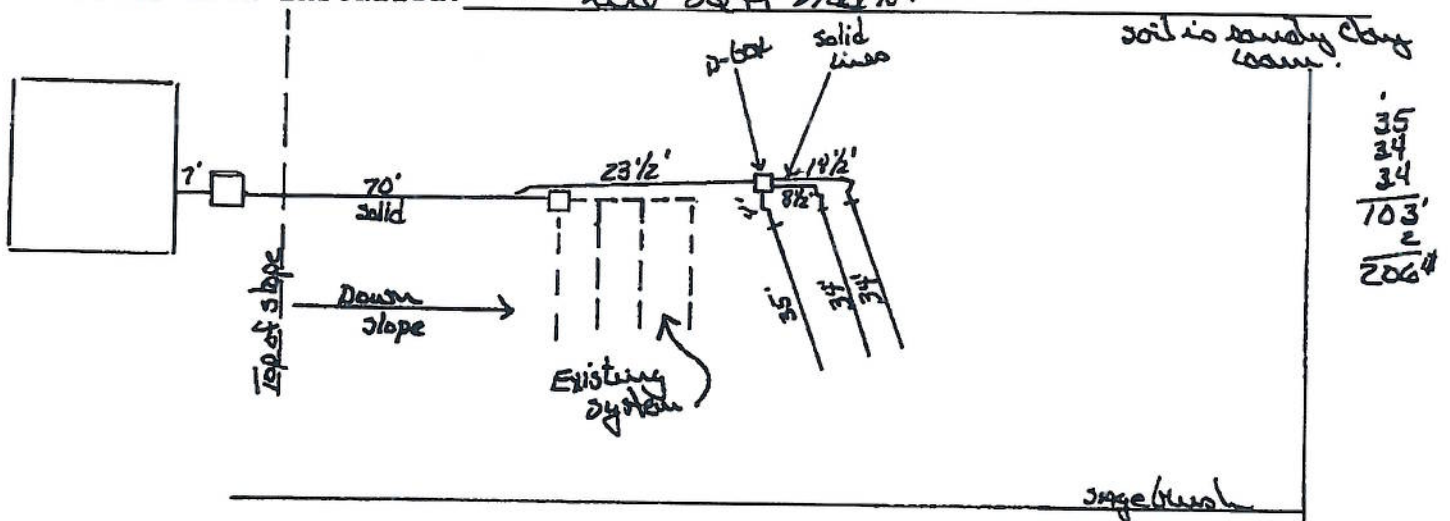
WATER SUPPLY: Well  Cistern      Public       
 Distance to septic tank      Distance to drainfield     

MINIMUM DRAINFIELD REQUIREMENTS: Repair Sq. Ft./Bdrm  
 Percolation Rate      min./in. Depth of Groundwater      Ft.

LAYOUT DETAILS: Existing  
 Tank Size: 1000; 1500; 2000 gal. Material: Concrete  Other       
 Tank to Foundation:      Ft. Trench to property line N.D. Ft.

TRENCH DIMENSIONS:  
 Gravel above pipe 3-4" in. Gravel below pipe 6-8" in.  
 Depth to perf. pipe 24" in. Depth to bottom trench 36" in.  
 Trench width 24" System type Standard

Total Area Installed: 206 sq ft Adj'n.



APPROVED:      DENIED:      REASON:       
 INSTALLER Ken Crane SANITARIAN T. Rylander, A.S.

NOTE: Inspection denotes compliance to plans submitted and to Yellowstone County Rules and Regulations. It does not guarantee performance or longevity of system.

Bill  
2

DIRECTORS  
WYNN PIPPIN, President  
BRANDON HURST, Vice-President  
DONNA DINSMORE  
JAMES E. MILLER  
JON MUESSIG  
ROGER OSTERMILLER  
STEVEN BLOOD



1540 Popelka Drive  
Billings, MT 59105

DUKE NIESKENS  
General Manager  
Phone: 252-0539  
Fax: 252-0518

## PETITION AND REQUEST FOR ANNEXATION OF PROPERTY 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.

Zack Michalies  
1637 Sagebrush Road , Billings, MT 59105  
406-861-3260  
Name, Address and Telephone No.

Name, Address and Telephone No.

Name, Address and Telephone No.

Name, Address and Telephone No.

"Owner"

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

ALL ITEMS BELOW SHALL BE  
COMPLETED BY THE DISTRICT

Date Submitted: 10-19-2021

Received by: D.N.

Petition Number: 005-21

Fee Paid: 13,002.71