CITY REZONE APPLICATION

A. GENERAL INFORMATION
1. One submittal packet is required for Completeness/Sufficiency Review.

2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.

3. Name of proposed Rezone: Edward P. Murphy- Rezone of 2220, 2222, 2224, and 2226 S. 3rd Street W in conjunction with a Subdivision Exemption for Boundary Line Relocation

4. Name(s) of Applicant: Edward P. Murphy
   Mailing Address: 5791 Prospect Drive, Missoula, MT 59801
   Telephone Number: Not Available, Please contact MTNWCO
   Email Address: Not Available, Please contact MTNWCO

5. Name(s) of Owner of Record: Edward P. Murphy
   Mailing Address: 5791 Prospect Drive, Missoula, MT 59801
   Telephone Number: Not Available, Please contact MTNWCO
   Email Address: Not Available, Please contact MTNWCO

6. Name and Company of Representative: Montana Northwest Company
   Mailing Address: PO Box 8777, Missoula, MT 59807
   Telephone Number: 721-4033 Lynne Stanley or Ken Jenkins
   Email Address: Lynne@mtnwco.com OR Ken@mtnwco.com

7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) Yes

8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

Applicant's Signature __________________________ Date ____________

Owner's Signature __________________________ Date ____________

Representative's Signature __________________________ Date ____________

February 4, 2013
CITY REZONE APPLICATION

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      electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The
      packets submitted for governing body review must be exactly the same as the packet that was
      deemed complete.

   3. Name of proposed Rezone: Edward P. Murphy- Rezone from R5.4 to R10 and B3-2, in
      conjunction with BLA.

   4. Name(s) of Applicant: Edward P. Murphy
      Mailing Address: 5791 Prospect Drive, Missoula, MT 59801
      Telephone Number: Not Available, Please contact MTNWCO
      Email Address: Not Available, Please contact MTNWCO

   5. Name(s) of Owner of Record: Edward P. Murphy
      Mailing Address: 5791 Prospect Drive, Missoula, MT 59801
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      in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this
application is true and correct to the best of my knowledge.

Applicant's Signature

Owner's Signature

Representative's Signature

Date 5-16-19

Date 5-16-19

Date 5-21-19

February 4, 2013
B. SUBJECT PROPERTY INFORMATION
General location of subject property and address (if address has been assigned):
2220, 2222, 2224, and 2226 S, 3rd Street W
Legal Description - complete and unabridged: CURTIS AND MAJOR ADDITION, Lot 5,
SUPPLEMENT OF LOT 8 and ALTA ADDITION # 2, BLOCK 4, Lot 1.
Township, Range, Section(s): S20, T13 N, R19 W
Subdivision, Lot(s), Block(s): Curtis and Major Addition, Supplement of Lot 8- Lot 5 & Alta
Addition #2, Block 4, Lot 1
Tract(s), COS#:
Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the
boundaries of the property legally described above):
Geocode: 04-2200-20-3-25-01-0000 & 04-2200-20-3-24-11-0000

C. ZONING AND GROWTH POLICY INFORMATION
1. Complete the following table (where applicable, indicate Unzoned):

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Adjacent (West)</td>
<td>B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2</td>
<td>Single Dwelling Residential</td>
</tr>
</tbody>
</table>

2. What is the current zoning of the property (including intensity designator)? The duplex at 2220 and
2222 S 3rd St W is currently on a split-zoned parcel that is zoned R5.4 Residential and RT10
Residential. The duplex at 2224 and 2226 S 3rd St W straddles two property boundaries on
parcels zoned B3-2 Business Mixed-Use and R5.4 Residential.

3. What is the requested zoning for the property (including intensity designator)? Through approval of
a boundary line relocation, the duplex at 2220 and 2222 S 3rd St W will be on a parcel zoned
RT10 Residential and the duplex at 2224 and 2226 S 3rd St W will be on a separate parcel
zoned B3-2 Business Mixed-Use.

4. What is the applicable comprehensive plan and land use designation for the property? The
applicable regional plan is the Our Missoula City Growth Policy 2035 which recommends a land
use designation of Community Mixed-Use abutting S 3rd St W and Residential Medium, 3 – 11
du/acre for the northern portion of the site. The applicable vicinity plan is the 1995 Reserve

February 4, 2013
Street Plan Update which recommends a land use designation of Special District Corridor along S 3rd St W and Low Density Residential, 4 du/acre for the northern portion.

5. What is the intended use for the property? The property contains two existing duplexes that will remain. The goal is to place each duplex on its own parcel that is not split zoned.

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

Review Criteria. Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;
   Rezoning to RT10 Residential, which has a density of 4 du/acre, for the northern duplex complies with the Residential Medium, 3 – 11 du/acre land use designation. Rezoning to B3-2 Business Mixed-Use for the duplex adjacent to S 3rd Street W complies with the Community Mixed Use land use designation.

2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements
2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;
   There is no future development planned. There are two existing duplexes on these two lots. One is divided in half by the current boundary. The intent of the BLA is to separate the duplexes onto their own lots, in compliance with all policies and procedures. S 3rd Street W is a minor arterial road in this location and has sidewalks and bike lanes. The rezone will not adversely impact the motorized and non-motorized transportation systems. The rezone is designed to facilitate the adequate provision of public infrastructure because the property is located on a minor arterial road and the property is served by public water, sewer and other infrastructure.

3. Whether the zoning considers the promotion of compatible urban growth;
   The proposed zoning is consistent with the surrounding zoning and is compatible with the latest urban growth policy. The B3-2 zoning was just introduced and is consistent with the existing portion of the duplex closest to 3rd Street. The remaining portion of Lot 5 consists mostly of RT10 and is surrounded by RT10, making it the most compatible zoning option.

4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;
4b. Whether the zoning is designed to secure safety from fire and other dangers;
4c. Whether the zoning considers the reasonable provision of adequate light and air;
4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;
   This proposed rezone request if approved, will have no negative effect on the adjacent buildings or jurisdictional area. There is no proposed future growth. The two existing duplexes will remain on the property but will be on individual lots with the approval of the BLA. The re zoning is designed to promote public health and safety, secure safety from fire and other dangers. S 3rd Street W is a minor arterial road in this location and has sidewalks and bike lanes. The property is located on a minor arterial road and the property is served by public water, sewer, City Fire and City Police. The parcel and building standards of the RT10 and B3-2 zoning districts provide adequate light and air through setbacks and height limits.

5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;
   The rezone considers the character of the district through compliance with the recommendations in the Growth Policy. The existing duplexes will stay. The goal of the rezone is to place each duplex on its own parcel that is not split zoned.
E. ATTACHMENTS
As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

☒ A vicinity map showing the subject property and the area within 300 feet of the subject property. Attached in Section 2
☒ A Zoning map of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. Attached in Section 2
☒ An aerial photo of the subject property and vicinity extending at least 300 feet from the property boundaries. Attached in Section 2
☒ A Growth Policy/Comprehensive Plan map of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties. Attached in Section 2
☒ The current plat of the subject property. Attached in Section 2
Aerial Map
2220 - 2226 South 3rd Street West
Rezoning and Boundary Line Relocation

Map created by City of Missoula Development Services
1 inch = 83.33 feet
EXISTING CONDITIONS
LOT 5, SUPPLEMENT OF LOT 8, CURTIS AND MAJORS ADDITION
AND A PORTION OF LOT 1, BLOCK 4, ALTA ADDITION #2,
LOCATED IN SW1/4 OF SECTION 20, T.13N., R.19W.,
P.M.M., CITY OF MISSOULA, MISSOULA COUNTY, MONTANA

1 INCH = 50 FEET

LOT 5, SUPPLEMENT LOT 8 AND
A PORTION OF LOT 1, BLOCK 4
39652 SQ. FT.

LEGEND
Q = POWER POLE
△ = WATER VALVE
O = MANHOLE
© = CENTER LINE
= FENCE
= OVERHEAD ELECTRIC
= SEWER LINE/SERVICE
= WATER LINE/SERVICE
= CONCRETE

LOT 5
31553 SQ. FT.

PORTION OF LOT 1
8099 SQ. FT.

MONDAY NORTHWEST COMPANY
SURVEYING MAPPLING PLANNING CONSULTING
P.O. BOX 877, MISSOULA, MT 59807 PHONES 406-721-4033 FAX 406-721-4055 MTNWCO.com
P.O. BOX 117, ANACONDA, MT 59711 PHONE 406-539-5003 FAX 406-539-5006 MTNWCO.com
PREPARED AT THE REQUEST OF:
EDWARD MURPHY
MTNWCO PROJECT NO. 2810-19
Adjust this boundary to place the duplex on one lot and not be divided between two lots.
LEGAL DESCRIPTION

A tract of land located in and being a portion of the Northwest one-quarter of the Southeast one-quarter (NW 1/4 of the SE 1/4) of Section 20, Township 13 North, Range 19 West, Principal Meridian Montana, Missoula County, Montana (being a portion of that parcel of ground described in Book of Deeds 105, page 485, on file in the Missoula County Clerk and Recorder's Office) and being more particularly described as follows:

Beginning at the Southwest corner of said NW 1/4 SE 1/4; thence N. 00°09'40"W., 339.06 feet to the true point of beginning, said point being in an existing fence line; thence N.00° 09'40"W. along said existing fence line a distance of 454.62 feet to an existing fence corner; thence S.89°23'50"E., along the existing fence line a distance of 178.00 feet to an existing fence corner; thence S.00°09'40"E. along said existing fence line a distance of 454.62 feet; thence N.89°23'50"W., 178.00 feet to the true point of beginning, containing 1.86 acres and all according to the attached plat.

CERTIFICATE OF SURVEY

I hereby certify that the plat hereunto is a true representation of a survey made under my supervision during the month of March, 1973.

Richard A. Anstead
Registered Land Surveyor
Montana Registration No. 2823 S
B/16/73
WARRANTY DEED

This instrument, made this 11th day of June 1973

between LELAND E. JENSEN and RUTH E. JENSEN, husband and wife,

of Missoula, Montana, the parties of the first part, and

EDWARD D. MURPHY and KATHLEEN M. MURPHY, husband and wife,

of Missoula, Montana, the parties of the second part. WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN AND OTHER VALUABLE CONSIDERATION, Dollars ($10.00) CENTS, in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said parties of the second part as joint tenants and not as tenants in common or their assigns,

and to the survivor of said parties and the heirs and assigns of the survivor, forever, all that tract or parcel of land lying and being in County of Missoula, State of Montana, to wit:

A Parcel of Land located in and being a portion of Lot One (1) in Block Four (4) of ALTA ADDITION NO. TWO (2) to Missoula County, Montana, and more particularly described as follows: Beginning at the Southeast corner of said Lot One (1) in Block Four (4) of ALTA ADDITION NO. TWO (2), thence N. 89° 56' W., along the South line of said Lot One (1), a distance of 129.00 feet to the Southwest corner of said Lot One (1), thence W. 00° 09' E., along the West line of said Lot One (1) a distance of 51.86 feet to a point in an existing fence line; thence N. 89° 19' E., along said fence line a distance of 130.88 feet to a point on the East line of said Lot One (1); thence S. 00° 09' W., along said East line of Lot One (1) a distance of 73.95 feet to the point of beginning, containing 8,114 square feet.

TOGETHER with all and singular the heretofore described premises together with all tenements, hereditaments, and appurtenances, thereof belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging; TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said parties of the SECOND PART, or their assigns, and to the survivor of said parties and the heirs and assigns of the survivor, forever, the said parties of the second part taking as joint tenants and not as tenants in common.

And the said parties of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said parties of the SECOND PART and their assigns, and the survivor of said parties and the heirs and assigns of the survivor, against all acts and deeds of the said parties of the FIRST PART, and all and every person and persons whatsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said parties of the FIRST PART hereunto set their hands the day and year first hereabove written.

STATE OF MONTANA,

County of Missoula,

On this 11th day of June in the year 1973, before me, the undersigned a Notary Public for the State of Montana, personally appeared LELAND E. JENSEN and RUTH E. JENSEN known to me personally (or proved to me on oath) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS WHEREOF, I have hereunto set my hand and affixed my Notorial Seal the day and year above written.

[Notary Seal]

[Notary Signature]

[Date]

My Commission expires [Date]

[Commission Number] 333266
QUITCLAIM DEED

THIS INDENTURE, Made the 15\textsuperscript{th} day of August, 2007, between RICHARD P. MURPHY and KATHLEEN M. MURPHY, husband and wife, of 5791 Prospect Drive, PO Box 16295, Missoula, Montana 59808, PARTIES of the FIRST PART; and EDWARD P. MURPHY, of 5791 Prospect Drive, PO Box 16295, Missoula, Montana 59808, PARTIES of the SECOND PART;

WITNESSETH: That the said PARTIES of the FIRST PART do hereby release, release, and forever quitclaim unto the said PARTY of the SECOND PART and to the heirs and assigns of the said PARTY of the SECOND PART, forever, the following described real estate, commonly known as 2224 & 2226 South 3rd Street West, Missoula, Montana, situated in the County of Missoula and State of Montana, to wit:

A parcel of land located in and being a portion of Lot 1 in Block 4 of ALTA ADDITION NO. 2 to Missoula County, Montana, according to the official plan of record in Book 7 of Plats at Page 47, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 1 in Block 4 of Alt Addition No. 2, thence N. 89° 58' W., along the South line of said Lot 1 a distance of 120.00 feet to the Southwest corner of said Lot 1, thence N. 00° 00' E., along the West line of said Lot 1 a distance of 31.85 feet to a point in an existing fence line, thence N. 89° 59' E., along said fence line a distance of 133.38 feet to a point on the East line of said Lot 1, thence S. 00° 00' W., along said East line of Lot 1 a distance of 73.95 feet to the point of beginning.

Recording Reference: Book 49 of Micro Records at Page 791

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, interest, dower, right of dower, property, possession, claims and demands whatsoever, as well in law as in equity, of the said PARTIES of the FIRST PART, of, in or to the said premises and every part and parcel thereof,

Y TO HAVE AND TO HOLD, all and singular the said premises with the appurtenances thereto belonging, unto the said PARTY of the SECOND PART and to her heirs and assigns forever.

DATED this 15\textsuperscript{th} day of August, 2007.

\[\text{Edward P. Murphy}\]

\[\text{Kathleen M. Murphy}\]

STATE OF MONTANA

\[\text{County of Missoula}\]

On this 13\textsuperscript{th} day of August, 2007, before me, the undersigned, a Notary Public for the State of Montana, personally appeared EDWARD P. MURPHY and KATHLEEN M. MURPHY, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

\[\text{Notary Public for the State of Montana}\]

\[\text{Residing at Missoula, Montana}\]

\[\text{My Commission expires: 5-19-05}\]