

Return to: City Clerk  
City of Missoula  
435 Ryman Street  
Missoula MT 59802-4297

**RESOLUTION NUMBER \_\_\_\_\_**

**A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a certain parcel of land described as Tract 6 of Certificate of Survey #4623 and Lot 3A in Block 2 of Charlies Addition Number 1 and adjacent England Boulevard right-of-way adjacent, located in the Southeast 1/4 of Section 7, Township 13 North, Range 19 West, P.M.M. and zone the property B2-2 Community Business, based on the findings of fact in the staff report, subject to the recommended condition of annexation approval, and set a public hearing for September 13<sup>th</sup>, 2021.**

**LEGAL DESCRIPTION:** Tract 6 of Certificate of Survey #4623 and Lot 3A in Block 2 of Charlies Addition Number 1, and adjacent England Boulevard right-of-way, located in the Southeast 1/4 of Section 7, Township 13 North, Range 19 West, P.M.M, and shown on Exhibit A,

**WHEREAS,** Stewart M Long III and Albert Osellame c/o EL MAR LLC, owners of 100% of the property described herein as Tract 6 of Certificate of Survey #4623 and Lot 3A in Block 2 of Charlies Addition Number 1 (1.73 acres), has filed Petition No. 10077 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

**WHEREAS,** it is the Missoula City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA); and

**WHEREAS,** the herein described property is within the City of Missoula Utilities Service Area boundary, the City has current and future capacity to serve the property and development; and the owners/developers will pay all costs to extend the municipal sewer and water service to the property; and

**WHEREAS,** the City Council desires the annexation and zoning of the herein described property be conditioned upon annexation subject to the following condition:

1. The petitioner shall obtain an avigation easement from the Airport Authority, in compliance with the Airport Influence Area Resolution, and present evidence of the easement, subject to the review and approval of Development Services, prior to issuance of a building permit for the first building to be constructed on the property.

**WHEREAS,** Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road rights-of-way that are adjacent to the property being annexed; and

**WHEREAS,** the England Boulevard right-of-way adjacent to Lot 3A in Block 2 of Charlies Addition Number 1 is not within the municipal boundary of the City of Missoula, therefore the City has included the full width of the England Boulevard right-of-way in the annexation boundary; and

**WHEREAS,** the parcel described herein is currently zoned C-C2 General Commercial in the County and the recommended zoning in the City is B2-2 Community Business in accordance with

MCA 76-2-303(3)(a)(iii) and Missoula Municipal Code criterion 20.85.040(I)(2c), it is the intention of the City of Missoula to annex this property with the recommended city zoning. FURTHER, the parcel is situated adjacent to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

**WHEREAS**, in the judgment of the City Council of the City of Missoula, it is deemed to be in the best interest of the City of Missoula, the inhabitants thereof and the current and future inhabitants of the parcel of land described herein, which have petitioned for annexation and are within the urban growth boundary, that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits.

**BE IT FURTHER RESOLVED** that the City shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on 8/15/2021 and 8/22/2021, a notice of the public hearing date and that such resolution of intent will appear on the City Council agenda for the meeting scheduled on 8/23/2021 and that the City will receive expressions of approval or disapproval in writing of this proposed alteration of the boundaries of the city and zoning until 5:00 p.m. on 9/20/2021 and that a City Council public hearing shall be held Monday, 9/13/2021 at 6:00 p.m. at the regularly scheduled City Council meeting with final consideration on the resolution at the regularly scheduled City Council meeting Monday, 9/20/2021; and

**BE IT FURTHER RESOLVED** that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of August, 2021.

**ATTEST:**

**APPROVED:**

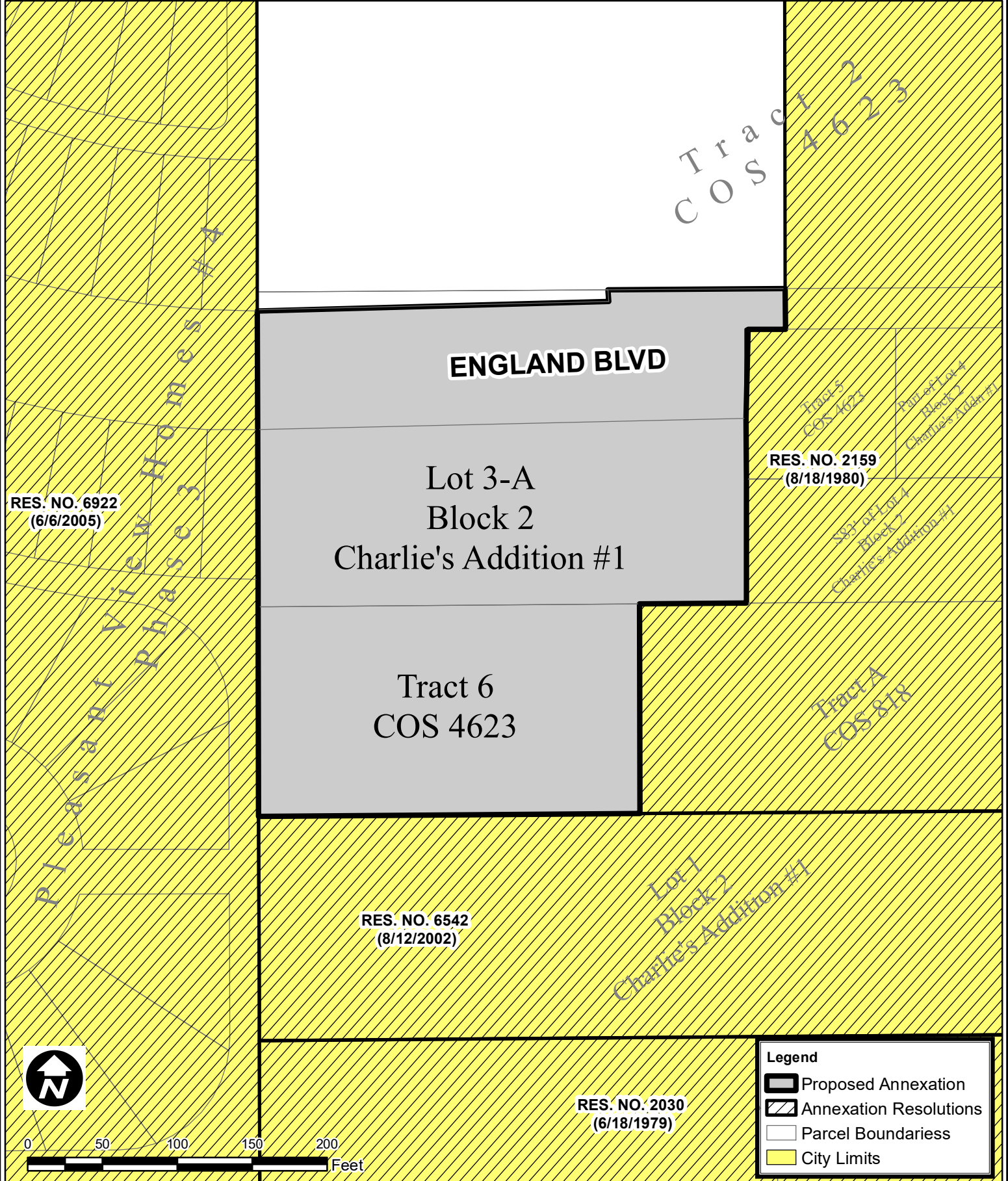
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Martha L. Rehbein, CMC  
City Clerk

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John Engen  
Mayor

(SEAL)



**Lot 3-A of Block 2 Charlie's Addition #1 & Tract 6 of C.O.S. 4623  
and Adjacent England Blvd. Right-of-Way**

**EXHIBIT 'A'**

All Located in Section 7, T.13 N., R.19 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES