



City of Missoula, Montana
Item to be Referred to City Council Committee

Committee: Public Works

Item: Right-of-Way Agreement Amendment with HEH, LLC

Date: September 23, 2021

Sponsor(s): Jeremy Keene

Prepared by: Katie Emery

Ward(s) Affected:

☐ Ward 1	☐ Ward 4
☒ Ward 2	☐ Ward 5
☐ Ward 3	☐ Ward 6
☐ All Wards	☐ N/A

Action Required:

Approve a First Amendment to Right-of-Way Agreement with HEH, LLC.

Recommended Motion(s):

I move the City Council: Approve and authorize the Mayor to sign a First Amendment to Right-of-Way Agreement with HEH, LLC for the City to construct public infrastructure for the Mullan BUILD Project.

Timeline:

Referral to committee:	September 27, 2021
Committee discussion:	September 29, 2021
Council action (or sets hearing):	October 4, 2021
Public Hearing (if required):	N/A
Deadline:	N/A

Background and Alternatives Explored:

The City entered into a Right-of-Way Agreement with HEH, LLC on May 11, 2021 to secure the public rights-of-way and easements necessary to construct the Mullan BUILD Project, as well as specific improvements and cost sharing to be included in the Project. Due to the delay in construction of the Project, an amendment is required to allow HEH to construct a portion of Mary Jane Boulevard in order to serve the Hellgate Villages development HEH is currently constructing.

Public Works and Mobility staff negotiated an agreed cost of \$364,922 for these improvements, based on current cost estimates for the Mullan BUILD Project, which will be applied as a credit toward future development impact fees paid by HEH.

Financial Implications:

The City's financial obligations for the Mullan BUILD Project were established in the FY22 CIP. The credit toward future impact fees will be included in future year CIPs for the Mullan BUILD Project and will be recorded in the year-end accounting entries for FY22.

Links to external websites:

<https://www.mullanbuild.com/>

