

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

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

**A resolution to annex and incorporate within the boundaries of the City of Missoula, Montana three certain parcels of land described in Book 1040 Page 253, Book 960 Page 1011, and Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M., and zone the property M1-2 Limited Industrial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval as amended by City Council.**

**LEGAL DESCRIPTION:** Tracts described in Book 1040 Page 253, Book 960 Page 1011, and Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M., and shown on Exhibit A,

**WHEREAS,** Diversified Real Estate, LLC, owner of 100% of the property described herein as three tracts located at the southwest corner of Howard Raser Drive and Grant Creek Road, has filed Petition No. 10100 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 Utility 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,** 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 portion of Howard Raser Drive adjacent to the north boundary of the subject parcels currently exists within the municipal boundaries of the City of Missoula; and

**WHEREAS,** the portion of Grant Creek Road adjacent to the east boundary of the subject parcels currently exists within the municipal boundaries of the City of Missoula; and

**WHEREAS,** the municipal sanitary sewer system is available to the parcel described herein; and

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

Road Improvements

1. The petitioner shall install end curb and gutter improvements and an ADA compliant crosswalk and curb ramp on Howard Raser Drive at the point of curvature of the new southwest curb radius

to connect with the existing curb ramp across Grant Creek Road prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.

2. The petitioner shall install half street improvements on Grant Creek Road to include sidewalk, boulevard, curb and gutter, and asphalt bike lane and drive lane, prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility and City Parks and Recreation.
3. The petitioner shall construct the driveway entrance to the property on Grant Creek Road as a commercial entrance prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.
4. The petitioner shall execute a waiver of SID for future improvements and maintenance to Howard Raser Drive and Grant Creek Road, including but not limited to the installation of paving, drainage facilities, curbs and gutters, traffic control devices, motorized and nonmotorized facilities, and street widening, subject to the review and approval of the City Attorney and City Public Works and Mobility prior to the effective date of the annexation, to be filed with the Missoula County Clerk and Recorder.

#### Utilities

5. The petitioner shall connect to City water and City sewer and abandon the existing private well and septic system prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.

#### Fire

6. The petitioner shall install a fire hydrant adjacent to the northeast corner of the subject property as shown in the Water Systems Map Exhibit prior to new combustible construction or included in an improvements agreement guaranteed with a security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Fire and City Public Works and Mobility.

**WHEREAS**, the parcels described herein are currently zoned CI-2 Heavy Industry in the County and the recommended zoning in the City is M1-2 Limited Industrial and in accordance with MCA 76-2-303(3)(a)(i) and Missoula Municipal Code criterion 20.85.040(l)(2a), it is the intention of the City of Missoula to annex this property with the recommended City zoning. FURTHER, the parcels are situated adjacent to City Council Ward Area No. 2 and the Grant Creek Neighborhood Council District, and it is the intention of the Council to add these parcels to said Ward and Neighborhood Council District; and

**WHEREAS**, there was duly and regularly passed and adopted by the Council of the City of Missoula and approved by the Mayor on 11/29/2021, Resolution Number 8568 stating the City's intention to consider extending the City limits to include the within described properties and Council set a public hearing for 12/06/2021 at its regularly scheduled City Council meeting to hear all matters pertaining to the annexation and zoning of said property; and

**WHEREAS**, the City Clerk published notice of such proposed extension of the city limits on 11/21/2021 and 11/28/2021 as provided by Section 76-2-303 and 7-1-4127 MCA; 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

parcels 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.

**NOW THEREFORE BE IT RESOLVED** that the corporate limits of the City of Missoula are hereby extended to incorporate and annex the property described herein; and

**BE IT FURTHER RESOLVED** that the parcel is hereby zoned M1-2 Limited Industrial in the City. FURTHER, that the parcel is hereby assigned to the City Council Ward Area No. 2 and the Grant Creek Neighborhood Council District; and

**BE IT FURTHER RESOLVED** that the minutes of City Council of the City of Missoula, Montana, incorporate this resolution; 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 \_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**APPROVED:**

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Martha L. Rehbein, CMC  
City Clerk

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John Engen  
Mayor

(SEAL)