



**MISSOULA**

**COMMUNITY PLANNING, DEVELOPMENT & INNOVATION**

Development Services Division

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# MEMO No. 1

**TO:** City Council

**DATE:** October 21, 2021

**FROM:** Dave DeGrandpre, Development Services

**RE:** **Annexation of Linda Vista 11<sup>th</sup> and 18<sup>th</sup> Supplements and Tract 3A of COS No. 6798**

Staff received additional comment from the City Public Works and Mobility Department requesting the dedication of public access easements on the internal streets within Tract 3A of Certificate of Survey No. 6798. Tract 3A is developed with 200 dwelling units in a 17-building apartment complex. This memo is provided to show revisions in the conditions of approval, findings of fact, and motion, in order to incorporate the recommendations from the Public Works and Mobility staff.

The internal streets are Maritsa Court, Audrey Court, Uncle Robert Lane, Alex Lane, and Jim Loop. The right-of-way easement for Jim Loop has already been dedicated to the public: a 150-foot long portion was annexed into the City in 1999 as part of the Miller Creek View Addition Phase 1, and the landowner dedicated to the public a 54-foot right-of-way easement along the remainder of Jim Loop in 2020 via recorded document No. 202007865 (highlighted in yellow on the photo to the right).

The City of Missoula currently maintains the 150-foot portion of Jim Loop but the remainder of the road is privately maintained, which is planned to continue as per recommended annexation condition number two. The Public Works & Mobility Department requested public access easements that range across the internal streets from one-foot back of sidewalk to one-foot back of sidewalk.

Per Missoula Municipal Code Section 12.10.110(D) Requirements for Right-of-Way Improvements, private streets include accesses that serve three or more single-dwelling residential units, two or more duplexes, one or more multi-dwelling (triplex or larger), and any non-residential use. Per



the City of Missoula Public Works Standards and Specifications Manual Section 7.3.1.H.2, private streets shall be located within a 'public access with private maintenance easement.'

If City Council supports the requirement for public access easements with private maintenance easements for the internal roads within Tract 3A, condition of annexation number one from the staff report could be modified as follows to support this change:

1. The applicant and owner of Linda Vista 18<sup>th</sup> Supplement and Tract 3A of Certificate of Survey No. 6798, at the time of petition for annexation, shall file easements with the Missoula County Clerk and Recorder for all public water and sewer mains, fire hydrants, ~~and~~ City storm drainage facilities, and public access with private maintenance easements for Maritsa Court, Audrey Court, Uncle Robert Lane, and Alex Lane within Tract 3A of Certificate of Survey No. 6798, subject to review and approval by the City Engineer and City Geographic Information Systems office, prior to approval of the first sewer connection permit on any lot within Linda Vista 18<sup>th</sup> Supplement or within ninety (90) days of annexation, whichever comes first. Annexation will be null and void if this condition is not met and all the property within this annexation will revert to the County.

Finding of Fact number 10 could be amended as follows to support the amended condition:

10. According to the City Public Works & Mobility Department, the internal streets were not built to City of Missoula specifications. City Public Works recommends a condition of annexation approval requiring the annexation petitioner and owner of Tract 3A to provide a private maintenance agreement for Jim Loop Road and the other internal streets recorded with the Missoula County Clerk and Recorder. This has been included as a condition of approval. Public Works & Mobility staff also requested public access with private maintenance easements along Maritsa Court, Audrey Court, Uncle Robert Lane, and Alex Lane from one-foot back of curb to one-foot back of curb as per MMC Section 12.10.110(D) and City Public Works Standards and Specifications Manual Section 7.3.1.H.2.

Finally, Staff provides the following amendment to the motion for Council's consideration in the event City Council chooses to amend the condition as recommended by Public Works & Mobility:

Adopt/Deny a resolution to annex incorporate within the boundaries of the City of Missoula Lots 2 through 8 in the Linda Vista 11th Supplement and a portion of Joy Drive adjacent, Lots 1 through 41, Common Area 1 and 2, and portions of Max Drive, Maggie Mae Drive and Guinevere Drive in the Linda Vista 18th Supplement and portion of Miller Creek Road, and Tract 3A of Certificate of Survey No. 6798 and a portion of Jim Loop Drive within the tract, all shown on Exhibits A and B and located in Section 13, Township 12 North, Range 20 West, and zone the property PUD Miller Creek View Addition, subject to conditions of annexation as amended and shown in the Memo dated October 21, 2021, based on the findings of fact in the staff report.