

RESOLUTION NUMBER _____

A resolution of the City Council declaring a certain City of Missoula-owned parcel of land totaling approximately 66,950 square feet generally located at 605 Ben Hogan Drive, as surplus and authorizing its disposal and sale to Dennis and Cathy Lower, in the amount of \$160,000.

WHEREAS, the City-owned property legally described as S04, T12 N, R19 W, IN SW4 T10 as shown in Exhibit A is no longer being used and is no longer required by the City; and

WHEREAS, the City does not anticipate using said property at any time in the future; and

WHEREAS, Section 7-8-4201, M.C.A. (2019) provides that:

7-8-4201. Disposal or lease of municipal property -- election. (1) Subject to the provisions of subsection (2), the city or town council may sell, dispose of, donate, or lease any property belonging to the city or town.

(2) (a) Except for property described in subsection (3), the lease, donation, or transfer must be made by an ordinance or resolution passed by a two-thirds vote of all members of the council.

(b) Except for property acquired by tax deed or property described in subsection (3), if the property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose. The election must be held in accordance with Title 13, chapter 1, part 4.

(3) If a city or town owns property containing a historically significant building or monument, the city or town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

(a) requires the property to be preserved in its present or restored state upon any subsequent transfer; and

(b) provides for the reversion of the property to the city or town for noncompliance with conditions attached to the transfer.

(4) This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city that were acquired for parks within the limitations prescribed by **7-16-4223**.

(5) A city or town may donate land or sell the land at a reduced price to a corporation for the purpose of constructing:

(a) a multifamily housing development operated by the corporation for low-income housing;

(b) single-family houses. Upon completion of a house, the corporation shall sell the property to a low-income person who meets the eligibility requirements of the corporation. Once the sale is completed, the property becomes subject to taxation.

(c) improvements to real property or modifying, altering, or repairing improvements to real property that will enable the corporation, subject to the restrictions of Article X, section 6, of the Montana constitution, to pursue purposes specified in the articles of incorporation of the corporation, including the sale, lease, rental, or other use of the donated land and improvements.

(6) Land that is transferred pursuant to subsection (5) must be used to permanently provide low-income housing. The transfer of the property may contain a reversionary clause to reflect this condition.

Now, therefore, be it resolved by the City Council of the City of Missoula, Montana, that the City property described above and shown on Exhibit A is approved for sale to Dennis and Cathy Lower for the sum of \$160,000, and the Mayor is authorized to approve any related documents to effectuate the sale.

PASSED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

Exhibit A