

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

PETITION NO. P 10107
BEFORE THE CITY COUNCIL
CITY OF MISSOULA

**PETITION FOR VACATING A
PUBLIC UTILITY EASEMENT**

SUID#: 1254807 & 281100
GeoCodes# 04-2200-21-3-34-03-0000 &
04-2200-21-3-34-02-0000

Dated this 29th day of September, 2021.

COME NOW the undersigned and respectfully petitions the City Council of the City of Missoula requesting the vacation of the following Public Utility Easement.

The Petitioners hereby:

1. Agrees to comply with any conditions described in the resolution that vacates the herein described public utility easement; and
2. Recognizes the fact that non-compliance will result in the vacation becoming null and void and reverting to public utility easement.
3. Requests that the City reserves a right of maintenance in favor of Northwestern Energy for an existing aerial power line within the Public Utility Easement (line serves an area light), said right continuing until the adjoining property is redeveloped and the aerial power line is removed.
4. Acknowledge that they will grant a 20-foot wide Bicycle & Pedestrian Access and Utility Easement that will create public connectivity between the South Second Street Right-of-Way and the Bitterroot Bicycle and Pedestrian Trail.

Petitioners have prepared a submittal package describing the particulars of the request according to Missoula Municipal Code 12.04 and have attached the same to this petition for City Council review.

LEGAL DESCRIPTION OF EASEMENT(S) TO BE VACATED:

That portion of the right-of-way of South Second Street vacated per City of Missoula Resolution No. 3521, lying westerly of the northwesterly right-of-way line of the Montana Rail Link Bitterroot Branch, and lying east of the southerly prolongation of the lot line common to Lots 3 and 4, Block 87, Knowles Addition No. Three; and being more particularly described and delineated in the attached Exhibit 'A'.

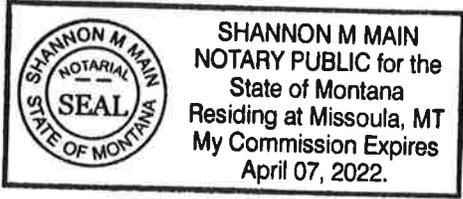
The undersign owner(s) hereby acknowledge that they are the lawful owner(s) and seized of the real property over which and upon said easement lays.

OWNERS(S)

Bricks and Spurs LLC

BY: 
Michael D. Morgan

ITS: Managing Member



State of Montana)
)ss
County of Missoula)

This instrument was acknowledged before me on October 7, 2021, by Michael Morgan, acting as Managing member of Bricks and Spurs LLC.

ss. Shannon M. Main
Notary Signature

Shannon M. Main
Printed Name

Printed Name: Michael D. Morgan
Managing Member of Bricks and Spurs LLC

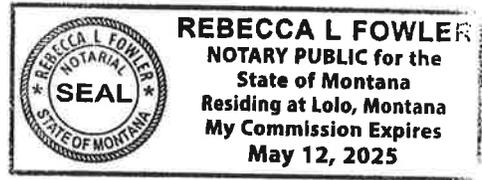
Kelly P Scariano
Kelly P. Scariano,

Franklin Scariano
Franklin Scariano

State of Montana)
)ss
County of Missoula)

This instrument was acknowledged before me on 10-5-2021, by Kelly P. Scariano.

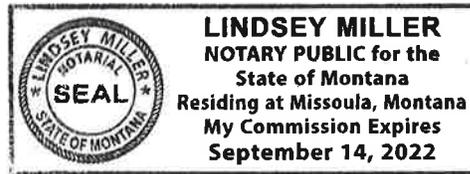
SS Rebecca L. Fowler
Notary Signature
Printed Name: Rebecca L. Fowler

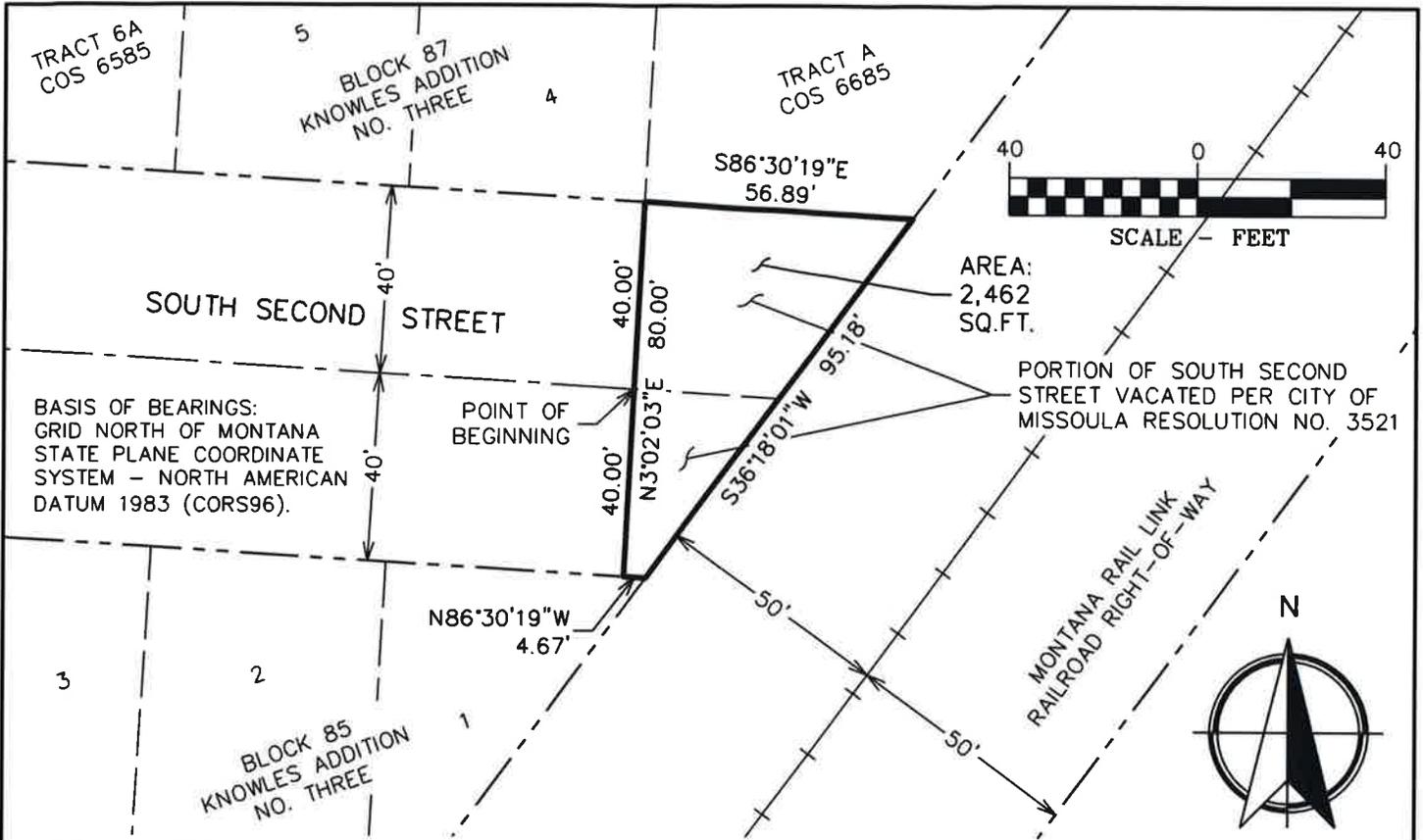


State of Montana)
)ss
County of Missoula)

This instrument was acknowledged before me on 9-29-2021, by Franklin Scariano.

SS Lindsey Miller
Notary Signature
Printed Name: Lindsey Miller





LEGAL DESCRIPTION *****

A TRACT OF LAND BEING THE VACATED PORTION OF SOUTH SECOND STREET PER MISSOULA RESOLUTION NO. 3521, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 6685, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; THENCE N 03°02'03" E ALONG THE WESTERLY LINE OF SAID TRACT A, 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH SECOND STREET; THENCE S 86°30'19" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 56.89 FEET TO A POINT ON THE NORTHWESTERLY LINE OF MONTANA RAIL LINK RAILROAD RIGHT-OF-WAY; THENCE S 36°18'01" W ALONG SAID NORTHWESTERLY LINE, 95.18 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH SECOND STREET; THENCE N 86°30'19" W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 4.67 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID TRACT A; THENCE N 03°02'03" E ALONG SAID SOUTHERLY PROLONGATION, 40.00 FEET TO THE POINT OF BEGINNING; CONTAINING 2,462 SQUARE FEET, MORE OR LESS.

SURVEYOR'S STATEMENT *****

THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION.

Kirk F. Adkins

03/10/2021

KIRK F. ADKINS, P.L.S.
MONTANA LICENSE NO. 16734LS
FOR WGM GROUP, INC.

DATE



UNLESS SIGNED, SEALED, AND DATED, THIS IS A PRELIMINARY OR UNOFFICIAL DOCUMENT AND CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "A"
LOCATED IN THE SW 1/4 OF SECTION 21,
T. 13 N., R. 19 W., P.M., M.
MISSOULA, MONTANA



WGM GROUP
www.wgmgroup.com

PROJECT: 20-09-01
FILE No: 200901_ease-voc.dwg
FILE PATH:
Projects\200901\CAD Data\Exhibits
LAYOUT: Sh11
SURVEYED: ---
DESIGN: ---
DRAFT: CEG
APPROVE: KFA
DATE: MARCH 10, 2021
SHEET: 1 OF 1 SHEETS