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City of Missoula
435 Ryman Street
Missoula MT 59802-4297

Resolution Number _____

A resolution declaring it to be the intention of the City Council of the City of Missoula, Montana, to close and vacate a portion of public right-of-way known as the “South Sussex Bypass” between South Avenue W and W Sussex Avenue, and between Stephens Avenue and Holborn Street, of the Homevale Addition Subdivision. (Section 28, Township 13 North, Range 19 West, P.M.M.) as described in Exhibit A, and set a public hearing on July 18, 2022.

WHEREAS, the City of Missoula desires to vacate that portion of right-of-way described below and shown on attached Exhibit A:

A TRACT OF LAND BEING A PORTION OF BLOCK 32 OF HOMEVALE, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 32; THENCE S 86°32'41" E ALONG THE NORTHERLY LINE OF SAID BLOCK 32, 155.9 FEET TO THE MOST NORTHERLY NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 739 MICRO, PAGE 1718, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; THENCE ALONG THE NORTHEASTERLY BOUNDARY LINES OF SAID TRACT OF LAND DESCRIBED IN BOOK 739 MICRO, PAGE 1718, THE FOLLOWING FIVE (5) COURSES: 1) S 40°36'10" W, 46.4 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 458.84 FEET, A RADIAL LINE TO LAST SAID POINT BEARS N 40°36'10" E; 2) SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 12°19'03", AN ARC LENGTH OF 98.6 FEET; 3) S 37°04'46" E, 43.9 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 394.82 FEET; 4) SOUTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 22°22'10", AN ARC LENGTH OF 154.1 FEET; 5) S 86°32'41" E, 27.3 FEET TO A POINT ON THE EASTERLY LINE OF SAID BLOCK 32; THENCE S 03°31'02" W ALONG SAID EASTERLY LINE, 27.2 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 32; THENCE N 86°32'16" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 32, 80.9 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 739 MICRO, PAGE 1718, SAID CORNER BEING A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 444.86 FEET, A RADIAL LINE TO LAST SAID POINT BEARS S 35°06'44" W; THENCE ALONG THE SOUTHWESTERLY BOUNDARY LINES OF SAID TRACT OF LAND DESCRIBED IN BOOK 739 MICRO, PAGE 1718, THE FOLLOWING FIVE (5) COURSES: 1) NORTHWESTERLY ALONG LAST SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 17°48'29", AN ARC LENGTH OF 138.3 FEET; 2) N 37°04'46" W, 43.9 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 408.81 FEET; 3) NORTHWESTERLY ALONG LAST SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 27°18'34", AN ARC LENGTH OF 194.9 FEET; 4) S 03°32'23" W, 35.9 FEET; 5) N 86°32'40" W, 5.0 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 32; THENCE N 03°33'48" E ALONG SAID WESTERLY LINE, 60.1 FEET TO THE POINT OF BEGINNING; CONTAINING 22,616 SQUARE FEET, MORE OR LESS.

WHEREAS, Casa Loma, LLC, a Montana Limited Liability Company, are the owners of the property adjacent to the right-of-way and are presumed to own to the center of the road pursuant to Section 70-16-202, MCA; and

NOW THEREFORE, BE IT RESOLVED that it is the intention of the Missoula City Council to close and vacate all that portion of right-of-way described above and shown on the attached Exhibit A, per the conditions of approval or revert to public right-of-way.

BE IT FURTHER RESOLVED that the City Council will conduct a public hearing at its regular meeting to be held on July 18, 2022, at 6:00 P.M. The meeting will be conducted virtually via ZOOM webinar. During the public hearing City Council will hear all matters pertaining to the proposed vacation as set out in this Resolution. Instructions for joining the webinar via phone or computer are available from the City Clerk 552-6079 or on the July 18, 2022 agenda which will be posted on city's website the Friday prior to the public hearing: www.ci.missoula.mt.us/webcasts.

BE IT FURTHER RESOLVED that the City Clerk is directed to give notice of the public hearing as provided by law.

PASSED by the City Council of Missoula, Montana, and approved by the Mayor this ____ day of _____, 2021.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)