

# **South-Sussex Bypass Right-of-Way Vacation**

**Public Works Committee**

Public Works & Mobility  
*June 22<sup>nd</sup>, 2022*



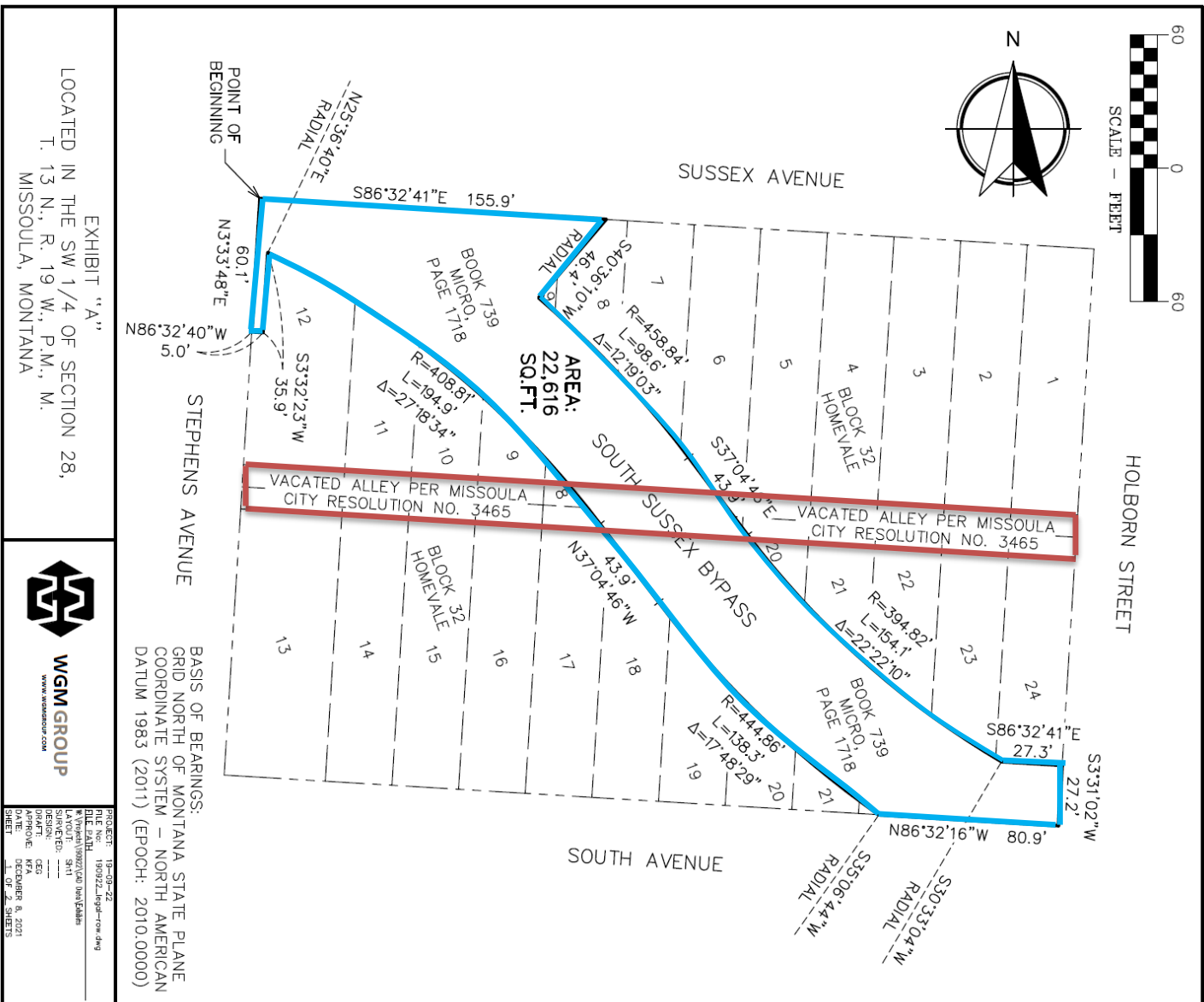


# Vicinity Map



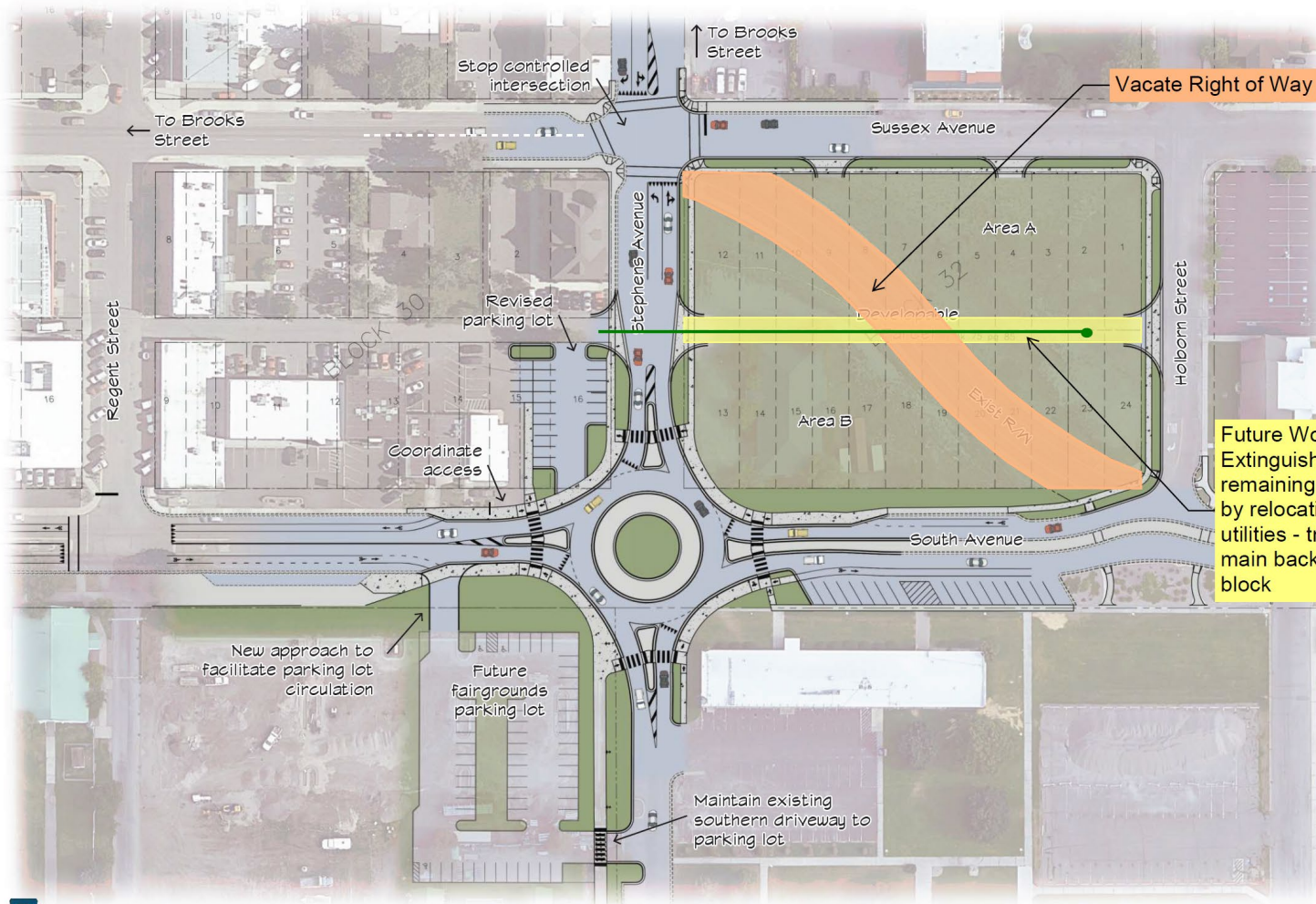
- The South-Sussex Bypass was installed in 2005 to help improve the Brooks/South/Russell intersection.
- Intersection improvements will be installed at both South & Stephens and Sussex & Stephens to maintain flow on the new traffic route.
- This vacation will provide a more useable rectangle area for development as opposed to two triangles.

# Requested Vacation





# Site Layout



## Original Parcel Areas:

A = 39,584 S.F.

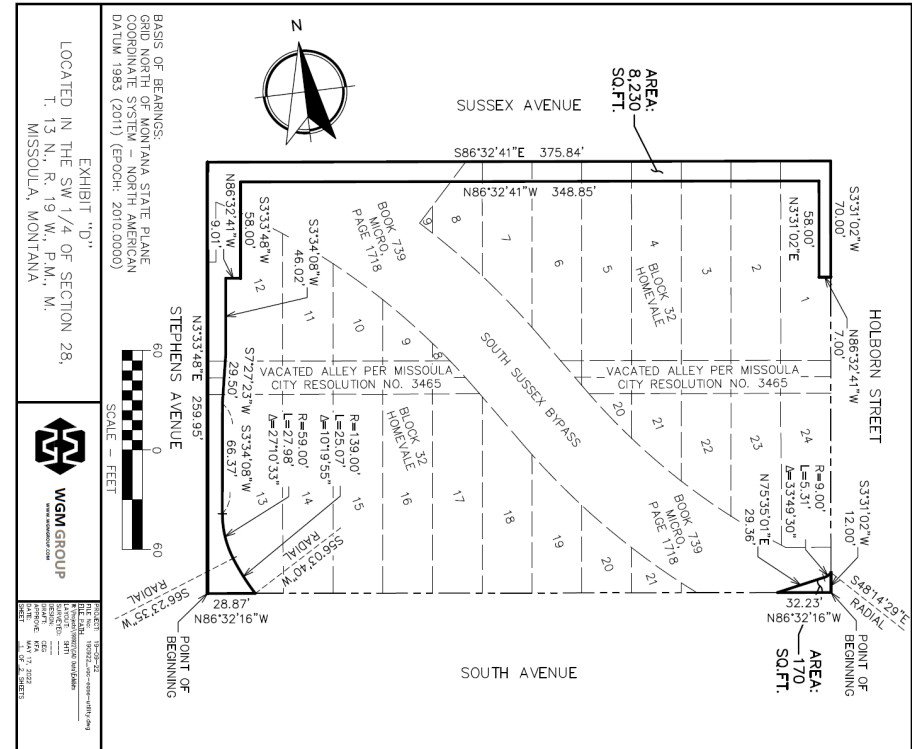
B = 38,829 S.F.

R/W = 19,296 S.F.

## Combined Parcel Areas:

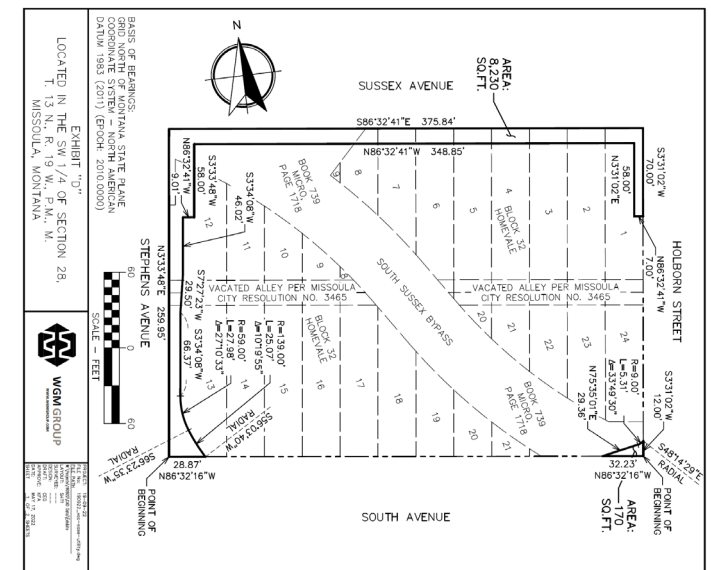
(minus sidewalk improvements)  
94,044 S.F.

**Future Work:**  
Extinguish Utility Easement remaining from Alley Vacation by relocating all existing utilities - trim public sewer main back to west edge of block



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- URD III Funding – Missoula Redevelopment Agency Board
- Urban Route Designation – Montana Transportation Commission
- Right-of-Way Vacation – City Council



2019-2020: Initial Feasibility

2021: Identify Required Improvements & Public Benefits

2022: TIF and ROW Vacation Applications  
Urban Route Designation Change

## Transportation Safety & Mobility

- Re-establishes grid network
- Enhanced access to trails & Fairgrounds
- Increased safety and traffic flow at roundabout
- Completes missing pieces of sidewalk
- Reduced crossing distances at South & Stephens
- Improved sight lines at Sussex & Stephens
- Better bus access to MCPS
- New two-way cycle track or shared use path along Stephens

## Income Restricted Housing:

- CPDI leadership, Councilmembers and the developer explored several scenarios to demonstrate public benefit and maintain project feasibility
  - Setting aside 20 percent of units to be restricted for people earning up to 80 percent of AMI was identified as the most viable and an acceptable return on public benefit for this project



## Income Restricted Housing:

- 22 units with rent restricted to households earning 80 percent of Area Median Income (AMI) or less
  - Equivalent to a household of two (2) earning up to \$52,250/year
- Estimated impact per unit= 11 households over 35-year Period of Affordability (POA)
- Estimated impact by project= 242 households over 35-year POA

## Income Restricted Housing:

Incentive Type	Incentive Type	Incentive Exchange (Cost)	Projected Percentage of Affordable Units Created	Deed Restriction Type	Suggested Duration	Recommended Incentive Combinations
Impact Fee Subsidization	Funding	Affordable Housing Trust Fund to cover 100% of costs associated with impact fees. Current Fees equal to approximately \$1,262 / unit.	Low (5% - 10%)	Resident Occupied / Workforce Development Agreement	10+ years with option of early pay back	Parking Reduction, Density Allowance, ROW Vacation
Utility Infrastructure Subsidization	Funding	Affordable Housing Trust Fund to cover 100% of costs associated with constructing adequate sewer and water connections for the development project.	Low (5% - 10%)	Resident Occupied / Workforce Development Agreement	25+ years with option of early pay back after year 10	Parking Reduction, Density Allowance, ROW Vacation
Density Allowance	Development Allowance	Increase in allowable parcel area per square unit and allowable building height. Increases subject to baseline existing zoning requirements.	High (10% - 20%)	Affordability Development Agreement	30+ Years	Impact Fee Subsidization, Utility Infrastructure Subsidization, Land Cost Subsidization
Parking Reduction	Development Allowance	Decrease in required on-site parking of up to 50% of what is required by area zoning requirements.	High (10% - 15%)	Resident Occupied / Workforce Development Agreement	25+ Years	Impact Fee Subsidization, Utility Infrastructure Subsidization, Land Cost Subsidization
Land Cost Subsidization	Land	Affordable Housing Trust Fund to subsidize up to 20% of land acquisition costs OR land owned by the city sold to a private developer at a maximum discount of 20%.	Medium (5% - 15%)	Affordability Development Agreement	30+ Years	Parking Reduction, Density Allowance, ROW Vacation
ROW Vacation	Land	City to relinquish control over a Right of Way for a development project where affordable units are developed.	Dependent on amount of ROW being vacated and ability to use ROW for additional housing density.	Resident Occupied / Workforce Development Agreement	25+ Years	Impact Fee Subsidization, Utility Infrastructure Subsidization, Density Allowance

## Additional Housing Benefit/Impact:

- Build collaborative relationships with community minded developers
- Strengthen the foundation for the Voluntary Incentives Program
- Adds to the necessary project pipeline that disperses income restricted housing throughout the city
- Directly supports A Place to Call Home Goals
  - Align and leverage existing funding resources to support housing
  - Reduce barriers to new supply
  - Partner to create and preserve affordable homes



## Urban Renewal District III Funding

Grants for public infrastructure and building deconstruction must align with program criteria and include public benefits. The MRA board provided conditional approval of this project based on the following public benefits:

- Ratio of public funding to private investment: 1:13. MRA's Grant Program recommends that a ratio of at least 1:10.
- Property tax generation: an estimated \$278,000/ annually in new property tax
- Job creation: an estimated 250-600 construction jobs as well as permanent jobs associated with the 18,880 SF commercial space

## Urban Renewal District III Funding

Public benefits continued..

- Vacation of the ROW allows for an additional 80 units of housing to be constructed.
- Realignment of South Avenue with a roundabout at South and Stephens Avenue will increase multi-modal safety. The roundabout provides a higher level of connectivity between residential and commercial uses in the neighborhood.
- Alignment with the City Strategic Plan: Sustainable growth  
Redeveloping a block in Midtown, at a primary node close to transit, rather than developing a greenfield at the edge of Missoula. High density residential and commercial uses in and near to the Brooks Street corridor will benefit from the planned Brooks Rapid Transit project.

# Recommended Actions



## A RESOLUTION OF THE MISSOULA CITY COUNCIL TO ADOPT CHANGES TO THE MISSOULA URBAN AREA HIGHWAY SYSTEM

WHEREAS, the City of Missoula (City), in coordination with the Missoula Metropolitan Planning Organization (MPO), requested revisions of the Urban Highway System; and

WHEREAS, in response to the request, the Montana Department of Transportation (MDT) conducted a review of the routes proposed for removal and the surrounding roadway network to determine eligibility and to provide recommended actions to the City; and

WHEREAS, the MPO's recommendations are set forth in the letter dated June 21, 2022 and the Proposed System Highway Urban Area Map which are attached hereto as Exhibit "A", and incorporated herein by this reference; and

WHEREAS, the City concurs with the recommendations by the MPO set forth in attached Exhibit "A"; and

WHEREAS, when routes are proposed for removal from the Urban Highway System, MDT requires the entity with jurisdictional authority adopt and provide a resolution accepting jurisdiction and maintenance for the roadways being removed; and

WHEREAS, the section of the Urban Highway System along Sussex Avenue between South Avenue and Brooks Street, as shown in Exhibit "A", is under the jurisdictional authority of the City; and

WHEREAS, the City is accepting maintenance responsibility for that portion of Sussex Avenue between South Avenue and Brooks Street.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Missoula as follows:

That the City of Missoula concurs with the proposed changes to the Urban Highway System recommendations as set forth in Exhibit "A" and accepts jurisdiction and maintenance for Sussex Avenue which is being removed as set forth in Exhibit "A".

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 2022

I. Request  
removal of Sussex  
Ave between  
South Avenue and  
Brooks Street  
from the Missoula  
Urban Area  
Highway System.



# Recommended Actions



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**, the City of Missoula acquired the property making up the right-of-way to be vacated in fee simple by bargain and sale deed on June 28, 2004, and recorded at Book 739, Page 1718 in the property

2. Adopt a resolution of intention to vacate the South-Sussex Bypass right-of-way and the Public Utility Easement, subject to the conditions of approval, and set a public hearing for July 18, 2022.

Adopt a resolution calling for removal of Sussex Ave between South Avenue and Brooks Street from the Missoula Urban Area Highway System; and,

Adopt a resolution of intention to vacate the South-Sussex Bypass right-of-way that cuts diagonally through Block 32 of Homevale Addition, and the Public Utility Easement that was created when the alley was vacated, as shown in Exhibit A, and subject to the conditions of approval and set a public hearing time July 18, 2022.