

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

**RESOLUTION NUMBER \_\_\_\_\_**

**A resolution to annex and incorporate within the boundaries of the City of Missoula, Montana one certain parcel of land described as Portion 'A' of Lot A-1, Fairway View Addition, Lot A-1 and Lot A-2, Fairway View Addition, located in Section 1, Township 12 North, Range 20 West, P.M.M., as shown on Exhibit A and Exhibit B, and zone the property Fairway View Addition Planned Unit Development, based on the findings of fact in the staff report, subject to the recommended condition of annexation approval by City Council.**

**LEGAL DESCRIPTION:** Portion 'A' of Lot A-1, Fairway View Addition, Lot A-1 and Lot A-2, Fairway View Addition, located in Section 1, Township 12 North, Range 20 West, P.M.M., as shown on Exhibit A and Exhibit B.

**WHEREAS,** Joshua L. Green, owner of 100% of the property described herein as Portion 'A' of Lot A-1 (0.20 acres), has filed Petition No. 10064 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

**WHEREAS,** it is the Missoula City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA); and

**WHEREAS,** the herein described property is within the City of Missoula Utilities Service Area boundary, the City has current and future capacity to serve the property and development; and the owners/developers will pay all costs to extend the municipal sewer and water service to the property; and

**WHEREAS,** the City Council desires the annexation and zoning of the herein described property be conditioned upon annexation subject to the following condition:

1. The applicant shall file the amended plat subject to the conditions of approval for 2020-MSS-SEA-00021 within one hundred and eighty (180) days of annexation approval, subject to review and approval by Development Services and Engineering, otherwise the Resolution to Annex and the zoning upon annexation of the property shall become null and void, and the property shall revert to its original status in the County of Missoula.

**WHEREAS,** Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road rights-of-way that are adjacent to the property being annexed; and

**WHEREAS,** the Lower Miller Creek right-of-way adjacent to Portion 'A' of Lot A-1 of Fairway View Addition, Lot A-1 and Lot A-2 of Fairway View Addition is currently within the municipal boundary of the City of Missoula; and

**WHEREAS,** the municipal sanitary sewer system is available to the parcel described herein; and

**WHEREAS,** the parcel described herein is currently zoned C-RR2 Residential in the County and the recommended zoning in the City is Fairway View Addition Planned Unit Development in accordance with MCA 76-2-303(3)(a) and Missoula Municipal Code criterion 20.85.040(1)(2c), it is the intention of the City of Missoula to annex this property with the recommended city zoning. FURTHER, the parcel is situated

adjacent to City Council Ward Area No. 5 and the Miller Creek Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

**WHEREAS**, Resolution Number 8602 was duly and regularly passed and adopted by the Council of the City of Missoula and approved by the Mayor on 6/20/2022, stating the City's intention to consider extending the City limits to include the within described property and Council set a public hearing for 6/27/2022 at its regularly scheduled City Council meeting to hear all matters pertaining to the annexation and zoning of said property; and

**WHEREAS**, the City published notice of such proposed extension of the city limits on 6/12/2022 and 6/19/2022 as provided by Section 76-2-303 and 7-1-4127 MCA; and

**WHEREAS**, in the judgment of the City Council of the City of Missoula, it is deemed to be in the best interest of the City of Missoula, the inhabitants thereof and the current and future inhabitants of the parcel of land described herein, which have petitioned for annexation and are within the urban growth boundary, that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits.

**NOW, THEREFORE BE IT RESOLVED** that the corporate limits of the City of Missoula are hereby extended to incorporate and annex the property described herein; and

**BE IT FURTHER RESOLVED** that the parcel is hereby zoned Fairway View Addition Planned Unit Development in the City. **FURTHER**, that the parcel is hereby assigned to City Council Ward Area No. 5 and the Miller Creek Neighborhood Council District; and

**BE IT FURTHER RESOLVED** that the minutes of City Council of the City of Missoula, Montana, incorporate this resolution; and

**BE IT FURTHER RESOLVED** that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

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

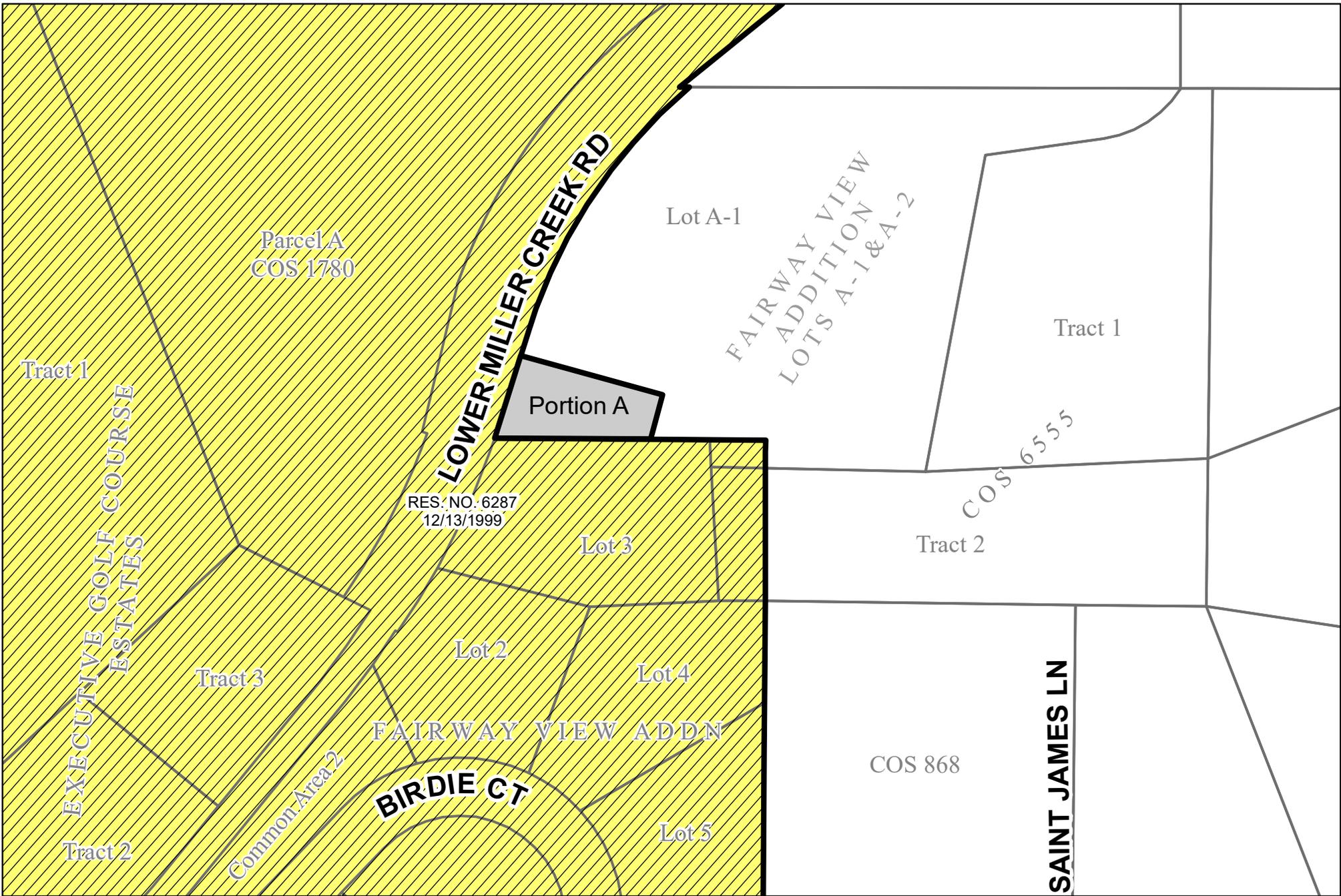
**ATTEST:**

**APPROVED:**

Martha L. Rehbein, CMC  
City Clerk

John Engen  
Mayor

(SEAL)



# EXHIBIT A

## Portion 'A' of Lot A-1 Fairway View Addition, Lots A-1 & A-2

All Located in Section 1, T.12 N., R.20 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES



### Legend

-  Annexation Land
-  Existing Annexation Resolutions
-  City Limits
-  Parcel Boundaries

# ANNEXATION EXHIBIT

PORTION OF LOT A-1, FAIRWAY VIEW ADDITION, LOTS A-1 & A-2,  
AND LOT 3, FAIRWAY VIEW ADDITION, LOCATED IN THE  
SOUTH 1/2 OF SECTION 1, T.12N., R.20W., P.M.M.,  
CITY OF MISSOULA, MONTANA

TRACT 1  
C.O.S. 6570

C.O.S. 694



SCALE

1" = 100 FT.

DATE

JANUARY 18, 2021

PROPOSED  
LOT A-1A  
2.90 ACRES

PRIVATE ACCESS EASEMENT  
FOR THE USE AND BENEFIT  
OF LOT A-2

EXISTING  
1' NO  
ACCESS  
STRIP

LOT A-1

FAIRWAY VIEW ADDITION, LOTS A-1 & A-2

PROPOSED  
1' NO  
ACCESS  
STRIP

PORTION 'A'  
(TO BE ANNEXED)  
8517 SQ. FT.

$N17^{\circ}44'09''E$   
80.37'  
 $S74^{\circ}27'49''E$   
137.05'  
NB  
POB NB  
 $S15^{\circ}01'59''W$   
42.80'

EXISTING  
1' NO  
ACCESS  
STRIP

145.43'  
 $N89^{\circ}24'36''W$   
200.17'

TRACT 2

NOTE: NO BUILD ZONE (SLOPE) AND  
NO ACCESS STRIP TO BE EXTENDED  
THROUGH PORTION 'A'.

15' P.U.E.

LOWER

PROPOSED  
LOT 3A  
0.98  
ACRES

LOT 3  
20' P.U.E.

## PORTION 'A' (TO BE ANNEXED) LEGAL DESCRIPTION

Commencing at the northeast corner of Lot 3, Fairway View Addition; thence along the north boundary of said Lot 3  $N.89^{\circ}24'36''W.$ , 54.74 feet to The True Point of Beginning; thence continuing along said north boundary  $N.89^{\circ}24'36''W.$ , 145.43 to a point on the easterly right-of-way of Lower Miller Creek Road; thence along said right-of-way  $N.17^{\circ}44'09''E.$ , 80.37 feet; thence  $S.74^{\circ}27'49''E.$ , 137.05 feet; thence  $S.15^{\circ}01'59''W.$ , 42.80 feet to The True Point of Beginning, containing 8517 sq. ft. of land, more or less

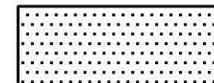
LOT 2

VIEW

ADDITION  
LOT 4

20' P.N.A.E.  
& P.U.E.

OB=OLD BOUNDARY  
NB=NEW BOUNDARY  
POB=POINT OF BEGINNING  
P.U.E.=PUBLIC UTILITY EASEMENT  
P.N.A.E.=PUBLIC NON-MOTORIZED ACCESS EASEMENT



=PROPOSED AREA TO BE ANNEXED



**MONTANA NORTHWEST COMPANY**

SURVEYING MAPPING PLANNING CONSULTING

P.O. BOX 8777, MISSOULA, MT 59807 PHONE 406-721-4033 FAX 406-721-4066 MTNWCO.COM  
P.O. BOX 177, ANACONDA, MT 59711 PHONE 406-539-3005 FAX 406-539-3006 MTNWCO.COM

PREPARED AT THE REQUEST OF JOSH GREEN  
MTNWCO PROJECT NO. 2761-20 D-1571