

March, 11th 2022

Attention: Donna Gaukler

Donna,

The purpose of this letter is to request for an permanent Emergency Egress Easement to Kiwanis Park. My husband, Matt, and I own MC Real Estate Development that contains two separate parcels located at 333 and 401 E. Front St. These parcels are bordered on two sides by Kiwanis Park. An emergency access only floating easement would benefit the community by increasing housing options to Missoula residents while building a beautiful building complimenting character of the park and neighborhood.

Currently these two properties have two very dilapidated and run-down houses, photos of which are attached, located on them which consist of a total of five (5) rental units. Due to decades of neglect, my wife and I believe these structures are blight to the city's beautiful downtown corridor and Kiwanis Park. We purchased these properties in 2018 with the intent of eventually developing them to provide housing to a greater number of Missoula residents and improve the character of the downtown corridor. As a husband-and-wife team, we do not have deep pockets (Matt works full time in another industry and I manage our properties full time) but have managed through hard work, self-management and saving our pennies to develop several other modest housing projects in Missoula's urban core. We have a track record of providing safe, secure and attractive housing for Missoula residents and improving the charming character of the city, e.g., 1725-1755 S 3rd St W or 740-748 Sussex Ave. We have finally saved enough money to develop this site and fund its operations for ~2 years (all our development projects in Missoula operated at a negative cash flow for the ~2 years primarily due to building costs and property taxes). We are hopeful to work with you and your team to secure this easement which will provide 18 charming apartment homes downtown to Missoula residents and, at the same time, protect Kiwanis Park and the public's recreation values.

It is our understanding from our Architect, Tony Moretti, and city and parks employees copied that our proposed project would require a Parks granted easement to the specific park area which would need to be always free and clear for emergency only use of the gate. As you can see from the included rendered images of the proposed project, we have three (3) at grade units planned on the lower section of the proposed new building. Building code requires that these three units have access to two means of emergency egress. Originally Tony was assuming that we could simply provide a gate at the south end of the property that would allow residents to enter the park to safety (see site plan attached and aerial image with red box). However, we now understand that Kiwanis Park is technically not a public way and hence our requirement of a easement on to the Kiwanis Park property. Therefore, we are formally requesting from the Parks Board for a permanent easement to locate a required emergency egress gate to open into Kiwanis Park on the south end of the parcel.

We understand that the majority of Kiwanis Park, including this area of interest that abuts our property, has two deed restrictions. One from the original Kiwanis Club land gift and the other a Federal deed restriction under the Land and Water Conservation Fund program. The park deed's restrictive language require the parkland be used and available for public outdoor recreation at all time and in perpetuity. This may make future development of this requested emergency only access easement difficult for parks and may make the grant of the easement therefor possible. We also understand Parks may require a range of conditions to protect park and recreation values, promote public safety, limit City liability, and ensure compliance with deed restrictions. We have reviewed and are agreeable to possible conditions or requirements for granting such an easement to our property which could include but not be limited to:

1. The easement will only grant egress from the building's south side to Kiwanis parks northwest (see attached arial of proposed easement)
2. The easement must meet the minimum City of Missoula requirements for pedestrian easement
3. Easement is a 'floating' easement and therefore is subject to relocation by Parks Department to avoid potential conflicts with future parks projects

4. The easement is subject to modifications should any future utility requirement need to be accommodated
5. No permanent paving materials will be used on the easement
6. Gate will be not used for general use by occupants or guests
7. Egress gate being signed as a private emergency exit only
8. Gate would need an emergency alarm
9. Safety/security lighting would need to be provided at the gate
10. Any fence adjoining the park would likely need to be visually open to the park
11. Park trees exist at or near the common property line that may be negatively impacted by project grading there from we will partner with the City/Parks for park tree removals and/or replacements
12. The easement shall not change the use of the landscape or intended use of the park activities
13. Fire Department and equipment access is not an anticipated use for this easement

We understand from prior communications that the DRT is supportive of this request for a public access easement based on the conditions above. Based on reviews from this department and the current building design we are requesting a 20'-0" wide floating emergency only easement that extends from the south property line of our property to the edge of the existing pavement at the park to allow for safe dispersal. See building code in appendix.

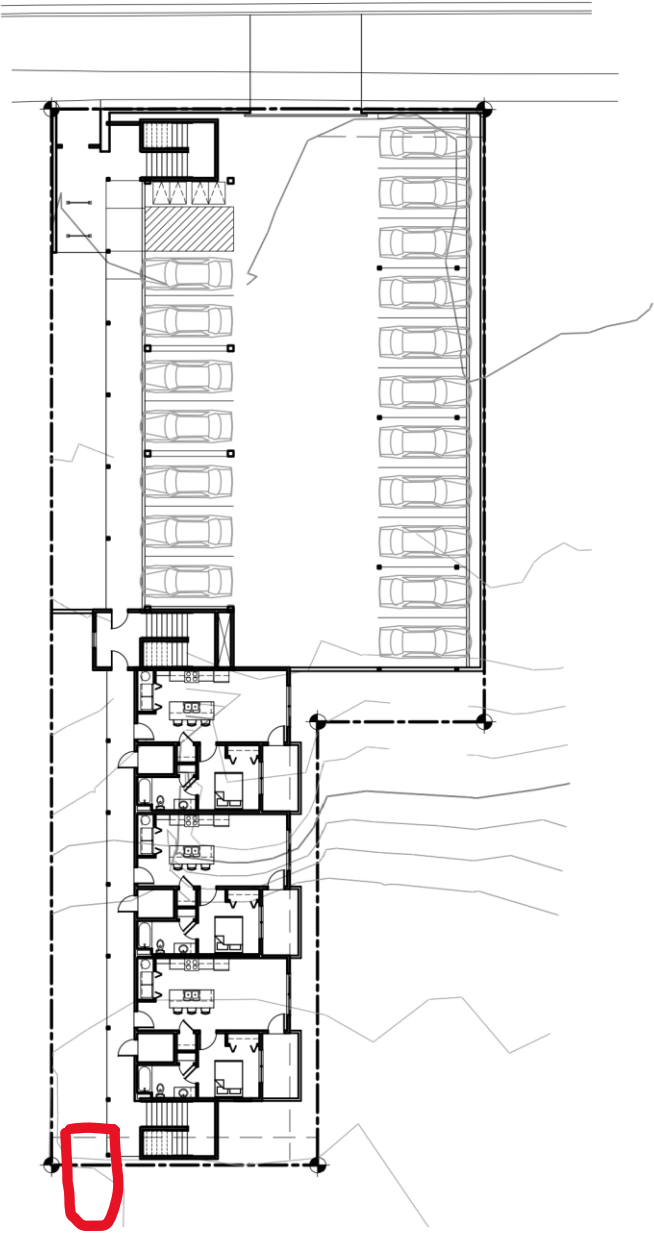
We do have one area of concern. There has been a suggestion made by the Parks Department that in consideration for granting of this emergency access only easement, that Matt and I should financially partner with parks to construct a north/south path through the park from E. Front St to the Basketball courts. We are unsure this is the right approach. As noted above, from our previous experience building costs and taxes prevent any return on investment for a number of years. Given today's building costs and inflation rates, we anticipate this project to cost ~\$3.4 to \$4M. We must be cost conscious to reduce financial risk and would ask Parks to remove this requirement. By developing this property we believe that we are improving the neighborhood district and providing high quality housing options to the Missoula community.

Thank you for considering the above request for this permanent emergency access easement into Kiwanis Park.

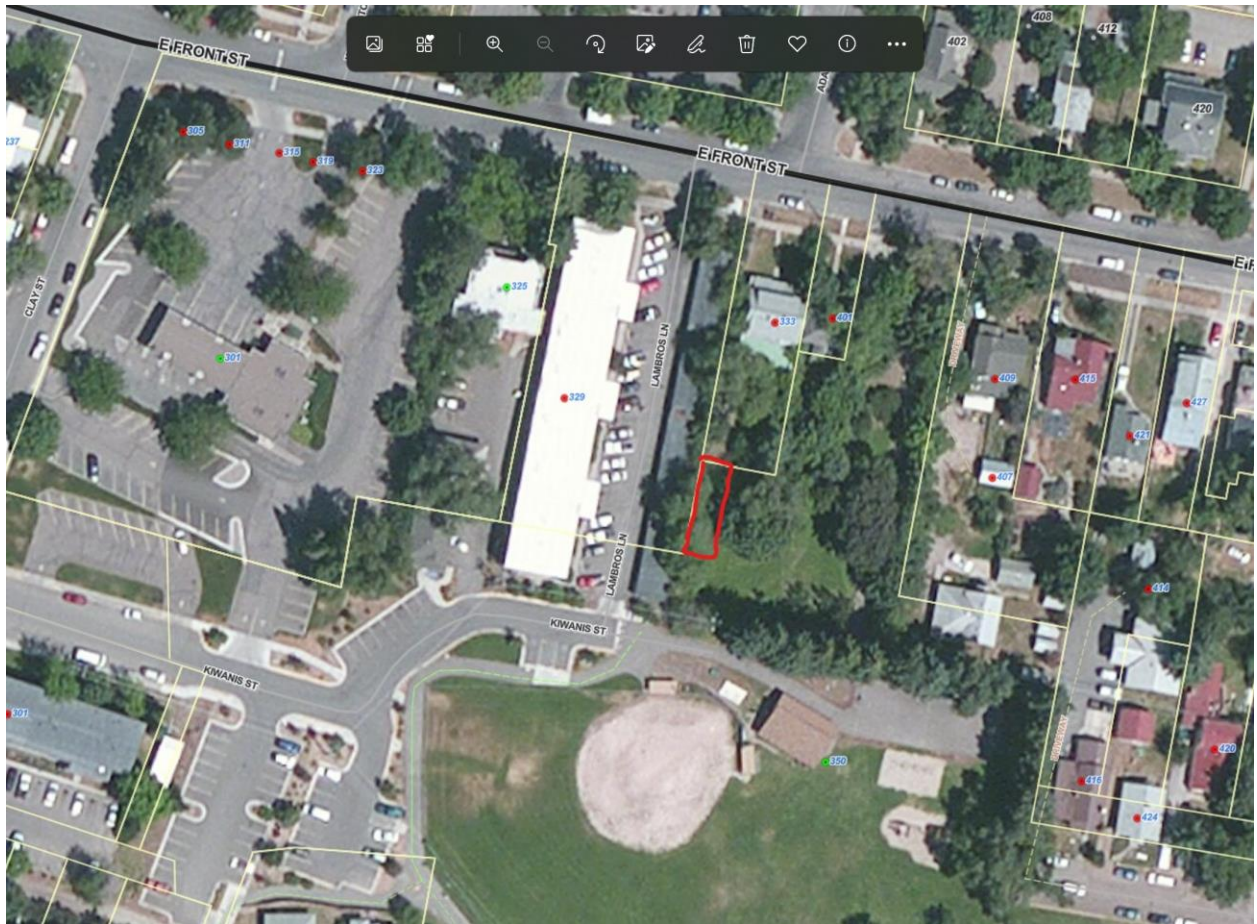
Sincerely,

Caroline McCauley

Site Plan:



Arial description of the size of the easement:



Building rendering:



1028.5 Access to a public way. The *exit discharge* shall provide a direct and unobstructed access to a *public way*.

Exception: Where access to a *public way* cannot be provided, a safe dispersal area shall be provided where all of the following are met:

1. The area shall be of a size to accommodate not less than 5 square feet (0.46 m²) for each person.
2. The area shall be located on the same lot not less than 50 feet (15 240 mm) away from the building

requiring egress.

3. The area shall be permanently maintained and identified as a safe dispersal area.

4. The area shall be provided with a safe and unobstructed path of travel from the building.