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

RESOLUTION NUMBER _____

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana two certain parcels of land legally described as Tract E-1 of Certificate of Survey No. 6889 and Tract D of Certificate of Survey No. 6850, located in the Northwest Quarter and Southwest Quarter of Section 7 and the Northeast Quarter and Southeast Quarter of Section 12, Township 13 North, Range 19 West, P.M.M., as shown on Exhibit A, and zone the property OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, and T4-R Neighborhood General - Restricted, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, and set a public hearing for December 19, 2022:

WHEREAS, Dougherty Ranch, LLC, owner of 100% of the property described herein as Tract E-1 of COS 6889, and Justin Metcalf and Fletcher Ray, owners of 100% of the property described herein as Tract D of COS 6850, have filed Petition No. 10121 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 Utility 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 conditions:

<u>Zoning</u>

1. Approval of the annexation shall be contingent upon City Council approval of the West End Homes Subdivision and Master Site Plan.

<u>Road and Alleys</u>

2. In the event the City of Missoula has not completed primary and secondary improvements to England Boulevard prior to submittal of the Phase 1 final plat, the applicant shall provide plans for and installation of primary and secondary improvements for England Blvd. per the existing right-of-way agreement, prior to phase 1 final plat approval, subject to review and approval of Public Works and Mobility and Parks and Recreation. The City is responsible for the cost of installation of the primary road improvements for England Blvd. In the event the applicant installs primary improvements to England Boulevard prior to the City project for installation of improvements, the applicant shall receive reimbursement or credit on impact fees and the existing right-of-way agreement must be amendment, prior to final plat approval for Phase 1, subject to review and approval by Public Works & Mobility. The City will pay the cost of secondary improvement

installation only if it first has development impact fees to offset that cost. The applicant shall provide plans for and installation of boulevards for England Boulevard.

3. The applicant shall provide plans for and install half street improvements to Flynn Lane, a Neighborhood Bike Street (Two-Way Track), including pave back to drive lane, curb and gutter, boulevard with bioswale, and a two-way pedestrian and bike track, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1.
4. The applicant shall dedicate an additional 3 feet of right-of-way width for Flynn Lane on the west side of the existing right-of-way, along the eastern property boundary of the subject property, subject to review and approval by Public Works & Mobility, prior final plat approval for Phase 1.
5. The applicant shall provide plans for and install improvements to Tansy Lane, a neighborhood street, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1.
6. The applicant shall provide plans for and install improvements to rear lanes, including paving and valley gutter, subject to review and approval by Public Works & Mobility, City Fire, and Parks and Recreation, prior to final plat approval for each phase.
7. The applicant shall provide plans for and install improvements to alleys and Sumac Lane, including paving and valley gutter, subject to review and approval by Public Works & Mobility, City Fire, and Parks and Recreation, prior to final plat approval for each phase. Improvements to Sumac Lane shall include 20-foot-wide pavement for fire truck access.
8. The applicant shall provide 5 feet of additional easement width on each side of the existing Dougherty Drive road easement, subject to review and approval by Public Works & Mobility, prior to final plat approval of Phase 1.
9. The applicant shall provide plans for and install improvements to Dougherty Drive, a neighborhood collector, from England Boulevard to Lot 207, including two drive lanes, bike lanes, parking lanes, curb and gutter, boulevards with bioswales, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 2.
10. The applicant shall provide plans for and install improvements to neighborhood streets Bellflower Way from England Boulevard to Lot 81 and Barberry Street from England Boulevard to Lots 88 and 89, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 2.
11. The applicant shall provide plans for and install improvements to neighborhood streets Bellflower Way from Lot 81 through Burnet Drive, Barberry Street from Lots 88 and 89 through Burnet Drive, and Burnet Drive from Flynn Lane to Lots 155 and 219, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 3.
12. The applicant shall provide plans for and install improvements to neighborhood streets Bellflower Way from Burnet Drive to OS 1 and Barberry Street from Burnet Drive to Lots 124 and 125, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 4.
13. The applicant shall provide plans for and install improvements to neighborhood streets Bellflower Way from OS 1 through Mariposa Drive, Barberry Street from Lots 124 and 125 to Mariposa Drive, and Mariposa Drive from Flynn Lane to Bellflower Way, including two drive lanes, parking

lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 5.

14. The applicant shall provide plans for and install improvements to Bellflower Way, a neighborhood street, from Mariposa Drive to Flynn Lane, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 6.
15. The applicant shall provide plans for and install improvements to Burent Drive, a neighborhood street, from Lots 155 and 219 through Sumac Lane, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 7.
16. The applicant shall provide plans for and install improvements to neighborhood streets, Burnet Drive from Sumac Lane to the northern property boundary and Camden Street from the western property boundary through Burnet Drive, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 8.
17. The applicant shall provide plans for and install improvements to Dougherty Drive, a neighborhood collector, from OS 3 to the northern property boundary, including two drive lanes, bike lanes, parking lanes, curb and gutter, boulevards with bioswales, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 8.
18. The applicant shall provide plans for and install improvements to Camden Street, a neighborhood street, from Burnet Drive to Flynn Lane, including two drive lanes, parking lane, curb and gutter, sidewalks, and boulevards with bioswales, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 9.

Non-Motorized

19. The applicant shall provide plans for and installation of improvements to mid-block pedestrian paths through blocks with faces exceeding 600 feet in length, subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 1.
20. The applicant shall provide plans for and installation of improvements to a mid-block pedestrian path through blocks with faces exceeding 600 feet in length, subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 2.
21. The applicant shall provide plans for and installation of improvements to the pedestrian path in OS #3 along the frontage of abutting lots to the north, subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 2.
22. The applicant shall provide plans for and installation of improvements to the pedestrian path in OS #2 along the frontage of abutting lots to the north, subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 4.
23. The applicant shall provide plans for and installation of improvements to a mid-block pedestrian path through blocks with faces exceeding 600 feet in length, subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 7.
24. The applicant shall provide plans for and installation of improvements to mid-block pedestrian paths through blocks with faces exceeding 600 feet in length, subject to review and approval by Development Services, prior to final plat approval for Phase 9.

Transit

25. The applicant shall petition for the property to be included in the Missoula Urban Transportation District, subject to review and approval by Development Services, prior to final plat approval for Phase 1.

Avigation Influence Area

26. The applicant shall obtain an avigation easement from the Airport Authority, in compliance with the Airport Influence Area Resolution, and present evidence of the easement, subject to review and approval by Development Services, prior to final plat approval for Phase 1.

Fire Protection

27. The applicant shall provide plans for fire suppression water flow and hydrant placement, subject to review and approval by City Fire Department and Public Works & Mobility, prior to final plat approval for each phase. The applicant shall install fire hydrants prior to combustible construction for each phase, subject to review and approval by City Fire Department and Public Works & Mobility.

Utilities

28. The applicant shall provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality prior to final plat approval for each phase. Construction of all water supply and sewer systems shall be in accordance with City policies.
29. The applicant shall pay the Mullan BUILD Water and Special Sewer Development Fee prior to release for construction plans for Phase 1, subject to review and approval by Public Works & Mobility.
30. The applicant shall submit plans for solid waste disposal for review and approval of Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase

Boulevard Landscaping

31. The applicant shall provide plans for and installation of boulevard landscaping, subject to review and approval by Parks and Recreation, prior to final plat approval for each phase.

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 Flynn Lane right-of-way adjacent to the eastern boundary of the parcel is already within the municipal boundary of the City of Missoula; and

WHEREAS, the full width of the England Boulevard and Dougherty Drive county road easements within the area to be annexed, as shown on Exhibit A, are proposed to be annexed into the municipal boundary of the City of Missoula;

WHEREAS, the parcel described herein is currently within the Sxwtpqyen Neighborhoods Crossroads Center Neighborhood Unit Type of the Sxwtpqyen Neighborhoods Master Plan. The Sxwtpqyen Neighborhoods Master Plan is the applicable regional plan and the recommended zoning in the City is OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, and T4-R Neighborhood General - Restricted in accordance with MCA 76-2-303(3)(a) and Missoula Municipal Code criterion 20.85.040(I)(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. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; 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 tracts and parcels 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 it is the intention of the City Council of the City of Missoula to incorporate and annex into the City's jurisdictional boundary the herein described property, apply city zoning as stated within, and assign the property to the said Ward and Neighborhood Council District; and

BE IT FURTHER RESOLVED that the City shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on November 20, 2022 and November 27, 2022, a notice of the public hearing date and that such resolution of intention will appear on the City Council agenda for the meeting scheduled on November 28, 2022 and that the City will receive expressions of approval or disapproval in writing of this proposed alteration of the boundaries of the city and zoning until 5:00 p.m. on January 9, 2023 and that a City Council public hearing shall be held Monday, December 19, 2022 at 6:00 p.m. at the regularly scheduled City Council meeting with final consideration on the resolution at the regularly scheduled City Council meeting on Monday, January 9, 2023; 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 28th day of November, 2022.

ATTEST:

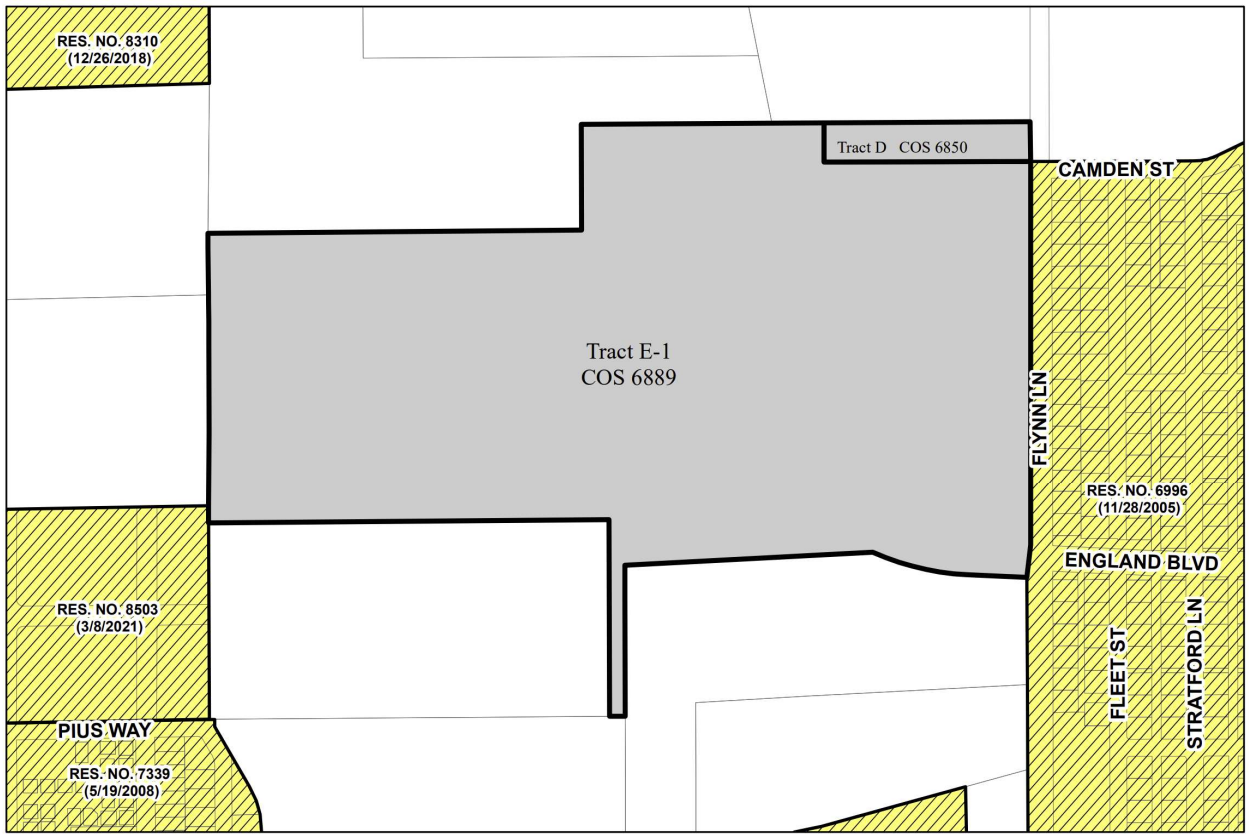
Martha L. Rehbein, CMC
City Clerk

APPROVED:

Jordan Hess
Mayor

(SEAL)

Exhibit A: Annexation Map



Tract E-1 of Certificate of Survey 6889
&
Tract D of Certificate of Survey 6850

All Located in Section 7, T.13 N., R.19 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES