

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 one certain portion of a parcel of land legally described as follows and shown on Exhibit B, and zone the property RT5.4 Residential (two-unit/townhouse), 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 5, 2022:**

**LEGAL DESCRIPTION:** A Portion of Tract 1 of Certificate of Survey 6449, located in the Northeast One-Quarter of Section 11, Township 12 North, Range 20 West, P.M.M., Missoula County, Montana, being more particularly described as follows, and shown on Exhibit B attached hereto and made a part hereof,

Beginning at the Southeast Corner of said Tract 1, thence N03°15'37"E, a distance of 1,315.75 feet; thence N87°01'05"W, a distance of 1,315.49 feet; thence S03°15'23"W, a distance of 834.44 feet; thence S86°59'23"E, a distance of 728.52 feet; thence S03°00'39"W, a distance of 480.65 feet; thence S86°59'22"E, a distance of 584.81 feet to the point of beginning. Said area containing 31.67 acres, more or less.

**WHEREAS**, Tollefson Properties, LLC., owner of 100% of the property described herein as Tract 1 of COS 6449, has filed Petition No. 10112 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:

Zoning

1. Approval of the annexation shall be contingent upon City Council approval of the rezoning and Riverfront Trails PUD Subdivision.

Road and Alleys

2. The applicant shall install improvements meeting city standards for an urban collector (with parking) for Lower Miller Creek Road that are not included in the City initiated improvements to Lower Miller Creek Road and shall provide security for full improvements required for Lower Miller Creek Road to meet city standards for an urban collector (with parking), subject to review and

approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A. Installation of improvements to Lower Miller Creek Road by the applicant shall include landscaped boulevard and sidewalk and on the western half of Lower Miller Creek Road from the intersection of Lower Miller Creek Road and Old Bitterroot Road to where Lower Miller Creek Road turns southwest, at which point the subdivider is responsible for landscaped boulevard and sidewalk and on both sides to the point where Lower Miller Creek Road exits the subject property.

3. The applicant shall dedicate an additional 20 feet of right-of-way width for Lower Miller Creek Road on the west side of the existing easement for that portion along the western property boundary of the subject property and shall dedicate an additional 10 feet of right-of-way width on both sides of the existing easement from the point where Lower Miller Creek Road turns southwest to the edge of the subject property, subject to review and approval by Public Works & Mobility, prior final plat approval for Phase 1A.
4. The applicant shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks from the eastern property line to Riverfront Place, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A.
5. The applicant shall provide plans for and install improvements to Old Bitterroot Road, an urban collector (with parking), including two travel lanes, bike lanes, parking lanes, curb and gutter, boulevards, and sidewalks from the eastern property line to the western boundary of Lot 97, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
6. The applicant shall provide plans for and install improvements to urban local streets within the subdivision, including Riverfront Place south of Old Bitterroot Road and Drago Lane between Lower Miller Creek Road and Riverfront Place, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1A.
7. The applicant shall provide plans for and installation of improvements to urban local streets within the subdivision including Naomi Lane south of Old Bitterroot Road and Drago Lane, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
8. The applicant shall provide plans for and installation of improvements to local residential street, Anders Way, including two-travel lanes, curb and gutter, parking lanes, boulevards, and sidewalks, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
9. The applicant shall provide plans for and installation of improvements to ten short courts within the annexation area, shown on Exhibit B, including two travel lanes, curb, valley gutter, overflow parking, and a scored, textured, or stamped pedestrian path along the length of the short court equal to 25% of the short court surface area, all within a 26 foot wide public access and utility easement, subject to review and approval by Public Works and Mobility, prior to final plat approval for Phase 1B.
10. The applicant shall provide plans for and installation of improvements to Alley A and Alley B in accordance with Missoula City Public Works Standards and Specifications Manual and Missoula City Subdivision Regulations, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B.

11. The applicant shall obtain approval from Missoula County Public Schools for the connection of School Way to Parcel A of C.O.S. 6568, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1B.
12. If approval for connection is obtained from Missoula County Public Schools, the applicant shall provide plans for and installation of improvements to the School Way access drive including two travel lanes, curb and gutter, and boulevard and sidewalk on one side, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.

#### Non-Motorized

13. The applicant shall obtain approval from Missoula County Public Schools for the connection of the mid-block pedestrian path to Parcel A of C.O.S. 6568, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.
14. The applicant shall provide plans for and installation of improvements to the mid-block pedestrian path that runs to the southern boundary of the subject property, extending through Phase 1B to Old Bitterroot Road, including a 10-foot-wide ADA compliant paved path within a 20-foot-wide right-of-way, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval for Phase 1B.

#### Transit

15. 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 1A.

#### Fire Protection

16. 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. 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

17. 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 for each phase. Construction of all water supply and sewer systems shall be in accordance with City policies.
18. The applicant shall transfer sufficient water rights to the City of Missoula prior to final plat approval for each phase, subject to review and approval of Public Works and Mobility.
19. The applicant shall obtain a utility easement through properties adjacent to the subdivision for utility main extension from the Sweet Grass Addition of Maloney Ranch Phase II, subject to review and approval by Public Works & Mobility, prior to final plat approval of Phase 1A.

#### Boulevard Landscaping

20. 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 Lower Miller Creek Road right-of-way adjacent to the eastern and southeastern boundary of the parcel is already within the municipal boundary of the City of Missoula; and

**WHEREAS**, the full width of Old Bitterroot Road within and extending along the northern property boundary of the area to be annexed, as shown on Exhibit B, is proposed to be annexed into the municipal boundary of the City of Missoula;

**WHEREAS**, the parcel described herein is currently zoned Residential, Medium in the County and the recommended zoning in the City is RT5.4 Residential (two-unit/townhouse) 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**, 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 October 30, 2022 and November 6, 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 14, 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 December 12, 2022 and that a City Council public hearing shall be held Monday, December 5, 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, December 12, 2022; 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 14th day of November, 2022.

**ATTEST:**

**APPROVED:**

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Martha L. Rehbein, CMC  
City Clerk

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Jordan Hess  
Mayor

(SEAL)