

# **TROY & KRISTINA HANNINEN**

2160 Carol Ann Court, Missoula, MT 59801

**A Proposed ReZoning From RT10 To RT5.4**

**Hansen Addition #2, Lot 2**

**City of Missoula, Missoula, Montana**

## **DEVELOPMENT SERVICES COPY**

**Presented By:**



**MONTANA NORTHWEST COMPANY**

**Surveying • Mapping • Planning • Consulting**

**Missoula: PO Box 8777, 59807 • Phone 406.721.4033**

**Anaconda: PO Box 177, 59711 • Phone 406.559.5005**

**[www.mtnwco.com](http://www.mtnwco.com)**

# **REZONING APPLICATION**

**Troy & Kristina Hanninen  
2160 Carol Ann Court, Missoula, MT 59801**

## **INDEX OF SECTIONS INCLUDED IN THIS SUBMITTAL:**

1. City of Missoula ReZoning Application
2. Maps:
  - 1.0 Vicinity Map
  - 2.0 Aerial Map
  - 3.0 Zoning, Comprehensive Plan and Land Use Maps
  - 4.0 City Sewer Mainline Map & Ditch Card
  - 5.0 City Water Connection Card
  - 6.0 Existing Conditions Map
  - 7.0 Proposed Map
  - 8.0 Deed of Distribution to Kristina & Warranty Deed
  - 9.0 Hansen Addition #2 BK18 PG98
  - 10.0 Agreement to Terminate Water Well & DF Easement
  - 11.0 Termination of Easement
  - 12.0 City of Missoula Resolution #8528- Carol Ann Court
3. Agency Review

# REZONING APPLICATION

**Troy & Kristina Hanninen**  
**2160 Carol Ann Court, Missoula, MT 59801**

**A Proposed ReZoning From RT10 To RT5.4**  
**Hansen Addition #2, Lot 2**  
**City of Missoula, Missoula, Montana**

- Scope/PreApp Meeting: May 17, 2022
- Submittal Submitted: August 3, 2022, Revised 10/13/22
- Governing Body Review: \_\_\_\_\_

**Presented By:**



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# MONTANA NORTHWEST COMPANY

Surveying • Mapping • Planning • Consulting

August 3, 2022

Madson Matthias & Cassie Tripard  
Development Services  
435 Ryman - City Hall  
Missoula, Montana 59802

**RE: Hanninen Re-Zoning Submittal.**

Dear Madson & Cassie:

Please find the enclosed check #14410 in the amount of \$4,179 per your calculations from the May 17, 2022 meeting. Please find the completed submittal for Troy & Kristina Hanninen.

Please let us know if there is something we have not provided for your review process.

Thank you in advance for your assistance and attention to our project.

Sincerely,

Lynne M. Edens  
Staff Planner - Office Manager

Enclosures





## CITY REZONE APPLICATION

### A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **Troy & Kristina Hanninen- Rezone from R10 to RT5.4**
4. Name(s) of Applicant: **Troy & Kristina Hanninen**  
Mailing Address: **2160 Carol Ann Court, Missoula, MT 59801**  
Telephone Number: **Not Available, Please contact MTNWCO**  
Email Address: **Not Available, Please contact MTNWCO**
5. Name(s) of Owner of Record: **Troy & Kristina Hanninen**  
Mailing Address: **2160 Carol Ann Court, Missoula, MT 59801**  
Telephone Number: **Not Available, Please contact MTNWCO**  
Email Address: **Not Available, Please contact MTNWCO**
6. Name and Company of Representative: **Montana Northwest Company**  
Mailing Address: **PO Box 8777, Missoula, MT 59807**  
Telephone Number: **721-4033 Lynne Edens or Ken Jenkins**  
Email Address: **Lynne@mtnwco.com OR Ken@mtnwco.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) **Yes**
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

Applicant's Signature

Date

Owner's Signature

Date

Representative's Signature

Date

## B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned):

2160 Carol Ann Court, Missoula, MT 59801

Legal Description - complete and unabbreviated: Hansen Add, Lot 2

Township, Range, Section(s): **S20, T13 N, R19 W**

Subdivision, Lot(s), Block(s): **Hansen Addition #2, Lot 2**

Tract(s), COS#:

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above):

Geocode: **04-2200-20-3-29-04-0000**

## C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	<b>RT10-Residential 10 two unit/townhouse</b>	<b>single family dwelling</b>
Adjacent (South)	<b>R5.4-Residential</b>	<b>School</b>
Adjacent (East)	<b>RT5.4-Residential two unit/townhouse</b>	<b>Two unit residential - duplex</b>
Adjacent (West)	<b>RT10</b>	<b>Residential</b>

2. What is the current zoning of the property (including intensity designator)? **RT10**

3. What is the requested zoning for the property (including intensity designator)? **RT5.4**

4. What is the applicable comprehensive plan and land use designation for the property? **2035 City of Missoula Growth Plan, land use designation of "Residential medium Density (3-11 units/acre)"**

5. What is the intended use for the property? **Continued residential use and potential additional residential use.**

## D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

**Review Criteria.** Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;

**RT5.4 is one of the relatable zoning designations for the land use designation of Residential Medium Density, along with RT10, R8, R5.4. RT5.4 meet the criteria of the growth policy. In order for future development options and to make consistant with adjacent properties East on Carol Ann Court, the current property meets the criteria of the current policy and would best be served under RT5.4 to be consistant with adjacent properties.**

2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

**THIS ANSWER IS FOR 2a: 2a will not let us add a narative.**

**The subject property is accessed by Carol Ann Ct. The nearest bus stop is ¼ mile away at S 3rd St W and Johnson St served by the Route 2. The property is served by city sewer and water. The subject property is within the MCPS school district, specifically the Hawthorne Elementary**

School, the C.S. Porter Middle School, and the Big Sky High School districts. The subject property is near the Milwaukee Trail and both Bentley and Lafray parks. All of these conditions will remain consistent before and after the requested rezoning. Any future modifications to the site will comply with Public Works and Development Services regulations.

**THIS ANSWER IS FOR 2b:**

The proposed zoning would increase the maximum density of the subject property from 2 to 4 units. Any future modifications to the site will comply with Public Works and Development Services regulations. The site is accessed by Carol Ann Ct, a local city street with a ~30ft ROW, and there are sidewalks along this right-of-way. These sidewalks continue to the East and connect directly to the Milwaukee Trail. The ROW and trail are maintained by the City of Missoula

3. Whether the zoning considers the promotion of compatible urban growth;

**The proposed zoning is consistent with the surrounding zoning and is compatible with the latest urban growth policy.**

4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;

4b. Whether the zoning is designed to secure safety from fire and other dangers;

4c. Whether the zoning considers the reasonable provision of adequate light and air;

4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

**4a-4d DO NOT LET US ADD A NARRATIVE. HERE ARE THE FOLLOWING ANSWERS.**

**4a. The proposed zoning is consistent with the surrounding zoning and is compatible with the latest urban growth policy. The closest hospitals are: Community Medical Center (2.5 miles away) and Providence St. Patrick Hospital (2.4 miles away). The uses allowed in the RT5.4 zoning district will remain consistent with those allowed in RT10, with the exception of allowing Residential Storage Warehouses through a Conditional Use approval. Any future modifications to the site will comply with Public Works and Development Services regulations.**

**4b. The closest fire stations are: Missoula Rural Fire District Station 1 at 2521 South Avenue West (2 miles away) and Missoula Fire Department Station 2 at 247 Mount Avenue (2.3 miles away). All future modifications to the site will comply with the requirements of City Fire.**

**4c. The rezoning will not affect the current provision of light and air. The proposed zoning is consistent with the zoning of adjacent parcels. All vehicular use areas on the subject property are currently paved. Any future modifications to the site will comply with Public Works and Development Services regulations.**

**4d. This proposed rezone request if approved, will have no negative effect on the adjacent buildings or jurisdictional area. The existing home will remain on the property.**

5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

**The proposed zoning already exists on the East adjacent properties on Carol Ann Court. The existing residential home meets the particular use and are compliant with both zoning criteria.**

**E. ATTACHMENTS**

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- ☒ **A vicinity map** showing the subject property and the area within 300 feet of the subject property. **Attached in Section 2**
- ☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. **Attached in Section 2**
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries. **Attached in Section 2**
- ☒ **A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties.  
**Attached in Section 2**
- ☒ **The current plat** of the subject property. **Attached in Section 2**



## DEVELOPMENT SERVICES

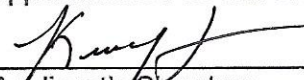
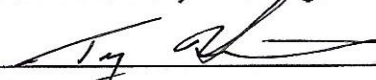
435 RYMAN • MISSOULA, MT 59802 • 4297 • (406) 552-6630 • FAX: (406) 552-6053

### CITY REZONE APPLICATION

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Telephone Number: **Not Available, Please contact MTNWCO**  
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6. Name and Company of Representative: **Montana Northwest Company**  
Mailing Address: **PO Box 8777, Missoula, MT 59807**  
Telephone Number: **721-4033 Lynne Edens or Ken Jenkins**  
Email Address: **Lynne@mtnwco.com OR Ken@mtnwco.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) **Yes**
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

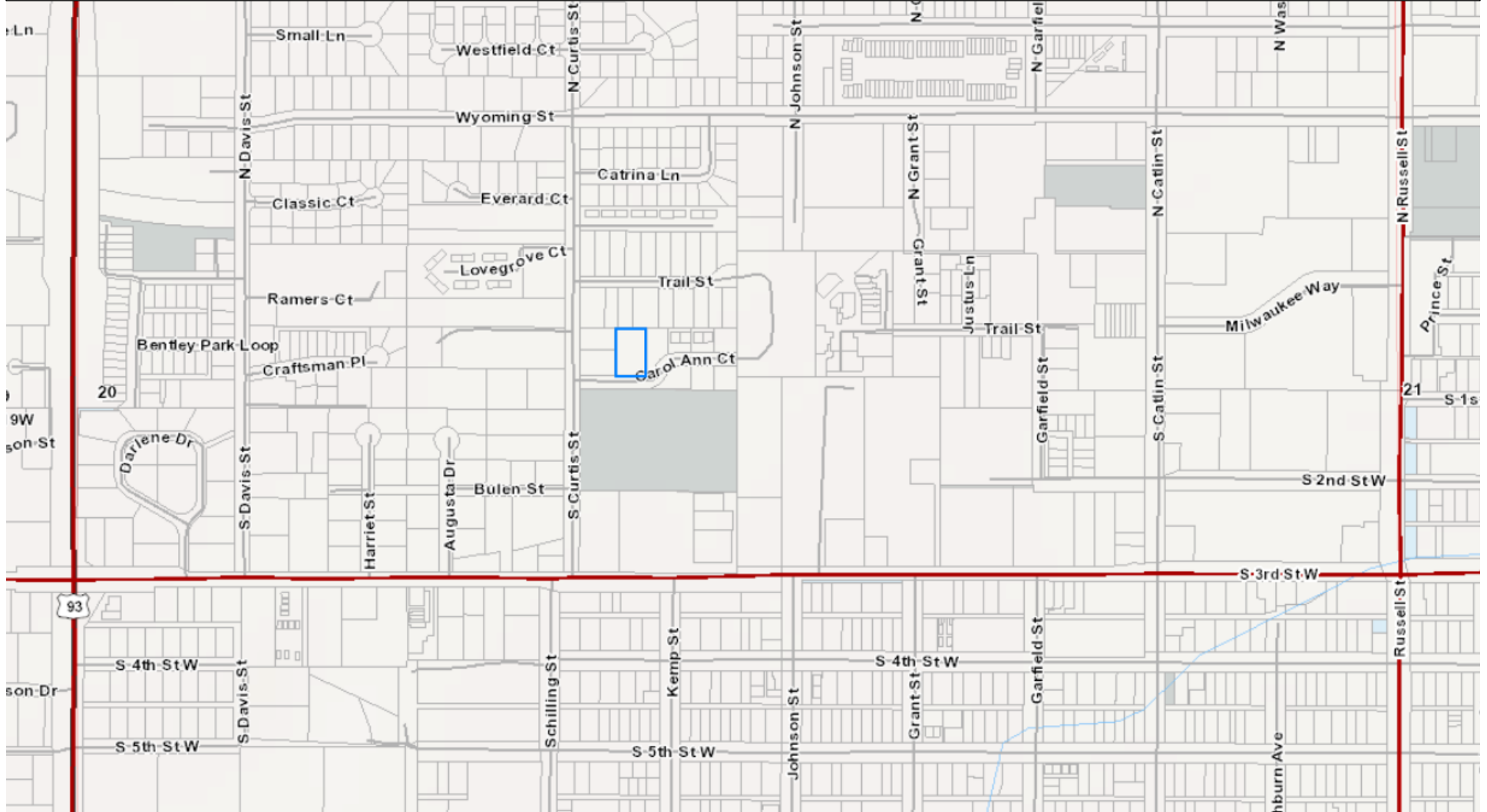
Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

  9/1/21  
Applicant's Signature Date

  9/1/21  
Owner's Signature Date

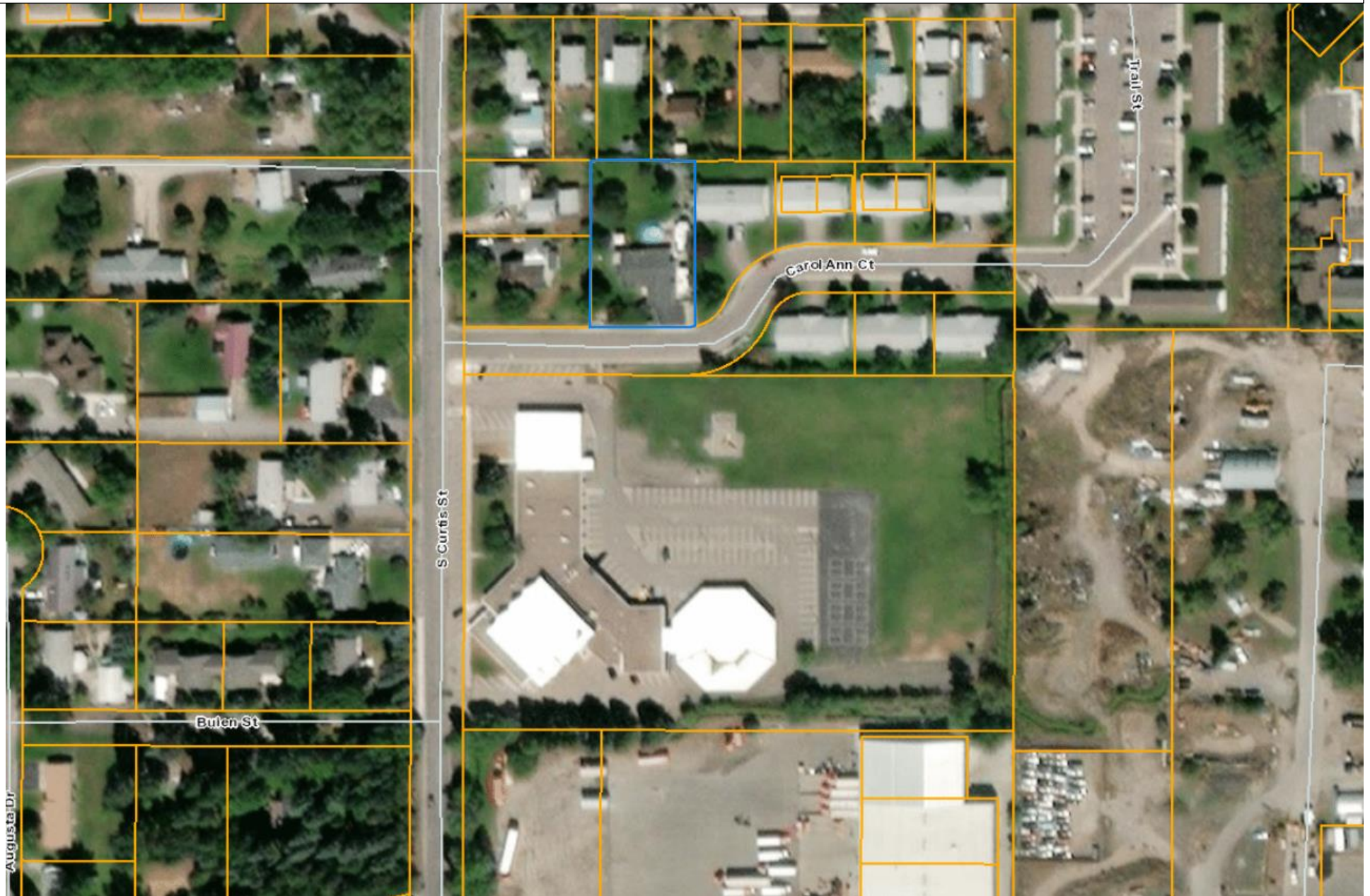
 KEN E. JENKINS, PRESIDENT MTNWCO, 9330LS 8-3-2022  
Representative's Signature Date

# Hanninen Proposed REZONE VICINITY MAP





# Hanninen Proposed REZONE AERIAL MAP









# Hanninen Proposed REZONE LAND USE

**What's My Zoning?** Missoula Maps City of Missoula Title 20 Zoning Code

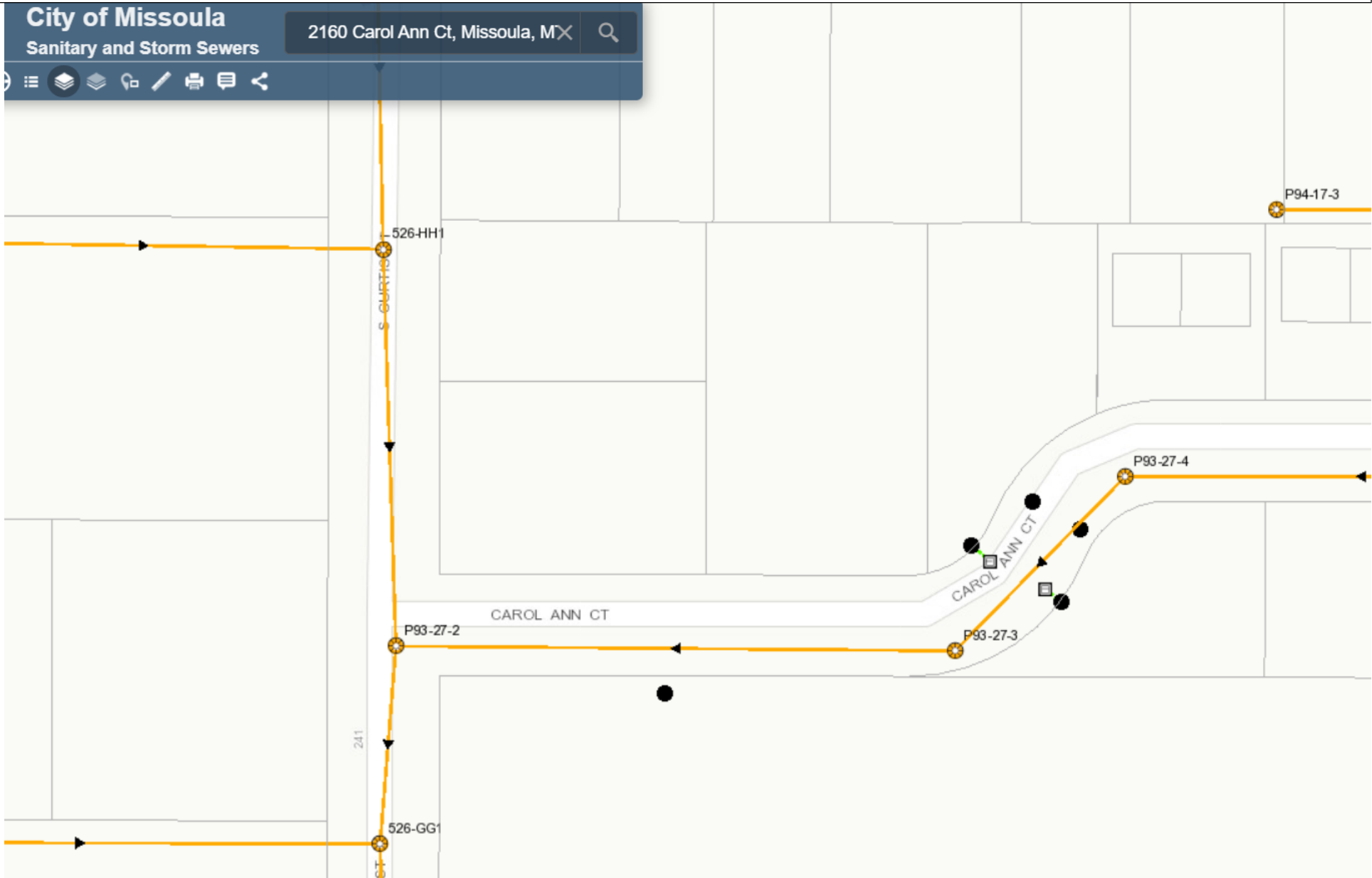
The screenshot shows a web application interface for zoning information. The top navigation bar includes the City of Missoula logo and the title 'What's My Zoning?'. Below the navigation bar, there are several icons for map interaction: a home button, an information button, a location pin button, a compass button, and a full-screen button. The main map area displays an aerial view of a residential neighborhood with red lines indicating property boundaries and zoning districts. A pop-up window titled '(2 of 3)' is open, showing details for the 'Residential Medium' zoning code. The pop-up window has a close button in the top right corner. The details include the land use, abbreviation, description, minimum and maximum density in units per acre, ordinance number, ordinance date, and resolution number. A 'Zoom to' button is also present at the bottom of the pop-up window. The map shows various street names and lot numbers, including 'S COURT ST', 'TRAIL ST', 'AUGUSTA ST', and 'CAROLANN CT'. A scale bar indicates 100 feet. The bottom of the map shows the coordinates -114.031 46.869 Degrees.

City Land Use	
Land Use	Residential Medium
Abbreviation	Residential Medium
Description	Density - 3 to 11 units per acre
Minimum DU/Acre	3.00
Maximum DU/Acre	11.00
Ordinance Number	
Ordinance Date	
Resolution Number	8027
Zoom to	11/22/2015 5:00 PM

Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS

# Hanninen Proposed REZONE

## City of Missoula Sewer Mainline Map



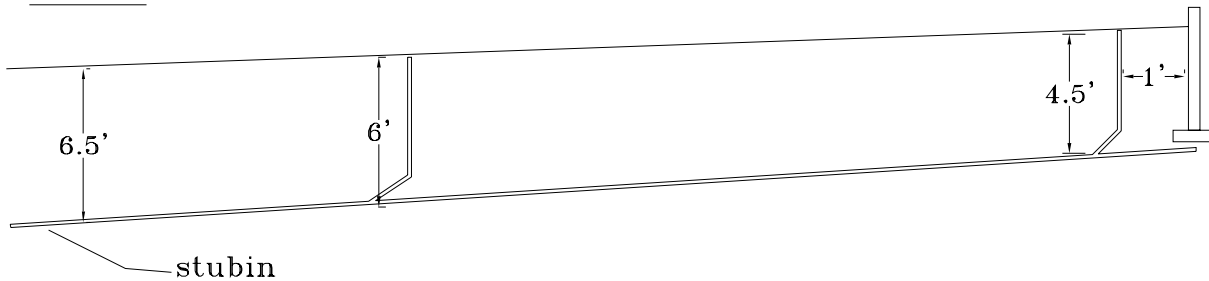
# SANITARY SEWER CONNECTION

PERMIT NO. 02-1270 DATE 7/2/02 CONTRACTOR Simon Excavating  
 LEGAL Lot 2, hansen # 2  
 STREET ADDRESS 220 South Curtis MATERIALS 4" SCH 40 PVC  
 TYPE OF CONNECTION C DYE TEST#        DATE \*\*/\*\*/\*\* STATUS         
 (DS) Drystub (C) Connection (RC) Repair (STS) STEP System (DLS) Dry Laid STEP  
 (SD) Sand & Dil (GT) Grease Trap DYE TEST: (C) Connected (NC) Not Connected  
 Main Location Street Station used stubin

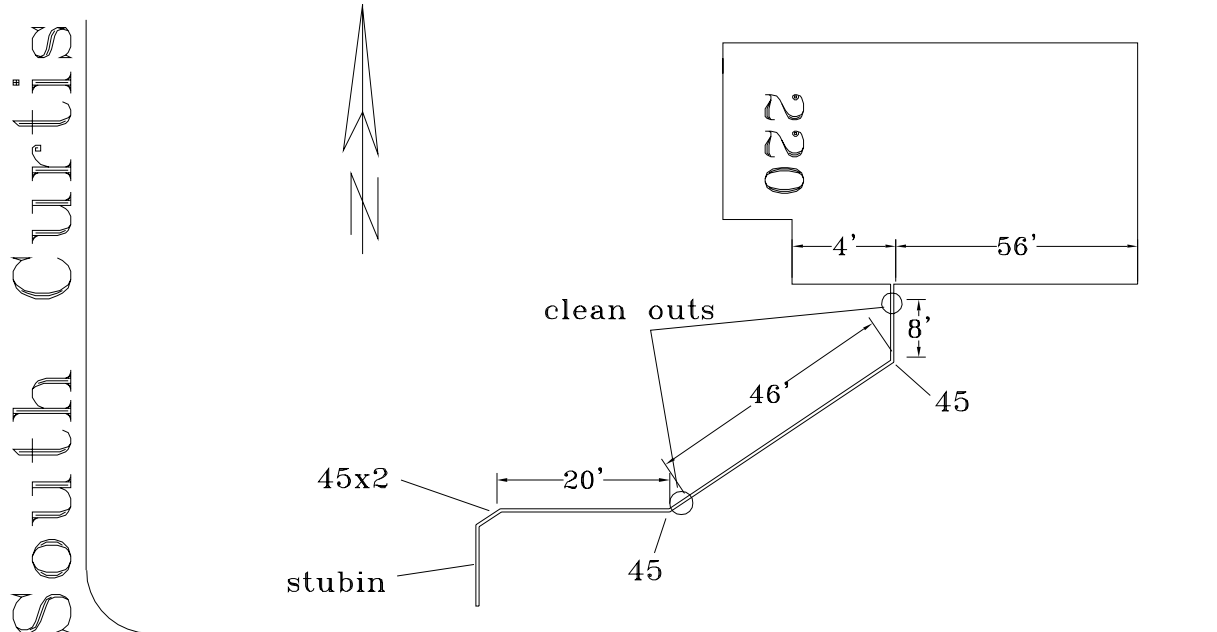
STEP SYSTEM INFORMATION			
TEST	DATE	PASSED	Serial #
WATER	<u>**/**/**</u>	<u>Y or N</u>	<input type="text"/>
AIR	<u>**/**/**</u>	<u>Y or N</u>	
FINAL	<u>**/**/**</u>	<u>Y or N</u>	

REMARKS

## PROFILE



## DRAWING



Carol Ann Ct.

WARNING: The City of Missoula is not responsible for insuring or guaranteeing the accuracy of the compilation of this information and shall not be held accountable for the accuracy of these records and/or for any expenses or damages incurred from any reliance on these records by anyone. On-site field verification by excavation or detection methods is always necessary to locate any sanitary sewer line.



## Chapter 20.05 Residential Districts

20.05.010	General .....	20.05-1
20.05.020	Allowed Uses .....	20.05-2
20.05.030	Residential Building Types .....	20.05-4
20.05.040	Development Options .....	20.05-7
20.05.050	Parcel and Building Standards .....	20.05-9
20.05.060	Other Regulations .....	20.05-12

### 20.05.010 General

#### A. Districts

##### 1. List

The city's residential zoning districts are listed below. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to these districts.

Map Symbol	District Name
R215	Residential 215
R80	Residential 80
R40	Residential 40
R20	Residential 20
RT10	Residential 10 (two-unit/townhouse)
R8	Residential 8
R5.4	Residential 5.4
RT5.4	Residential 5.4 (two-unit/townhouse)
R3	Residential 3
RT2.7	Residential 2.7 (two-unit/townhouse)
RM2.7	Residential 2.7 (multi-dwelling)
RM1.5	Residential 1.5 (multi-dwelling)
RM1	Residential 1 (multi-dwelling)
RM0.5	Residential 0.5 (multi-dwelling)
RMH	Residential Manufactured Housing Park

[1] There are two versions of the RM1 district: RM1-35 and RM1-45. Whenever this ordinance refers to the "RM1" district, the reference is referring to both the RM1-35 and RM1-45 districts.

##### 2. Deciphering the District Names and Map Symbols

The "R" district names and map symbols are intended to provide a general indication of what is allowed in the district. The first letter, "R," denotes the residential orientation of the district. When a second letter following the "R" is present, that is an indication of a residential district that allows building types in addition to detached houses. "RT" districts allow two-unit and townhouse buildings, while "RM" districts allow multi-dwelling buildings in addition to other building types. The numeral following the "R," "RT," or "RM" is a shorthand reference to the allowed density, expressed in terms of the required minimum land area per dwelling unit (in thousands of square feet). The R5.4 district, for example, refers to a residential (detached house) zoning district that generally allows one dwelling unit per 5,400 square feet of parcel area.



Table 20.05-1

## Uses Allowed in Residential Districts

Use Category ↳ specific use type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1	RM0.5	RMH	Standards
<b>RESIDENTIAL</b>																
Household Living (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.05.030
↳ Manufactured Housing Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Title 16
Group Living (except as noted below)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	20.40.070
↳ Community Res. Facility (8 or fewer)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳ Community Residential Facility (9+)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	20.40.070
↳ Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	20.40.070
<b>PUBLIC/CIVIC</b>																
College/University	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	
Day Care																
↳ Residential Day Care (1-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳ Day Care Center (13+)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Library/Cultural Exhibit	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	
Park/Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Safety Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
School	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utilities and Services																
↳ Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳ Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>COMMERCIAL</b>																
Lodging																
↳ Bed and Breakfast	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	20.40.030
Office	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Parking, Non-accessory	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Personal Improvement Service	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Residential Support Services	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-	20.40.120
<b>INDUSTRIAL</b>																
Residential Storage Warehouse	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	20.40.110
<b>OTHER</b>																
Agriculture, Animal	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water Testing Laboratory	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Wireless Communication Facility																
↳ Ground mounted support structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	20.40.160
↳ Roof-mounted & structure mounted support structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.160

[1] Allowed (as conditional use) in RM1-35 district only.



(Ord. 3471, 2011; Ord. 3439, 2010; Ord. 3410, 2009)

## 20.05.030 Residential Building Types

### A. Allowed

Residential uses allowed in R districts must be located in residential buildings. The following residential building types are allowed in R districts. All residential buildings are subject to the parcel and building standards of 20.05.050 (Table 20.05-3) except as modified or supplemented by the building type-specific standards referenced in the final column of Table 20.05-2.

Table 20.05-2

Building Types Allowed in Residential Districts

Building Type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1	RM0.5	RMH	Additional Standards
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.080
Lot line house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.080
Townhouse																
L2-unit	P/C	P/C	P/C	P/C	P	-	-	P	-	P	P	P	P	P	P	20.40.140
townhouse																
L3+-unit	P/C	P/C	P/C	P/C	P/C	-	-	-	-	-	P	P	P	P	P	20.40.140
townhouse																
Two-unit house	-	-	-	-	P	-	-	P	-	P	P	P	P	P	P	20.40.100
Multi-dwelling house	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	20.40.090
Multi-dwelling building	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	20.40.090

P = permitted; P/C = permitted in cluster/conservation development (see 20.05.040B); and  
 - = prohibited

### B. Described

Descriptions of the residential building types and references to applicable regulations follow:

#### 1. Detached House

A detached house is a principal residential building containing one dwelling unit located on a single parcel with private yards on all sides. Detached houses are subject to the parcel and building standards of 20.05.050 (Table 20.05-3). More than one detached house may be located on a single parcel, subject to compliance with all parcel and building standards, including minimum-parcel-area-per-dwelling-unit and building setback/separation standards.



Table 20.05-3: Parcel and Building Standards (Residential Districts)

Standards	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1-35	RM1-45/RMH [1]	RM0.5
<b>CONVENTIONAL DEV'T</b>															
Min. District Area (sq. ft.)	None	None	None	None	None	None	None	None	30,000	None	None	None	None	None	None
Minimum Parcel Size															
LArea (square feet)	215,000	80,000	40,000	20,000	10,000	8,000	5,400	5,400	3,000	3,000	3,000	3,000	3,000	3,000	3,000
LArea per unit (sq. ft.)	215,000	80,000	40,000	20,000	10,000	8,000	5,400	5,400	3,000	2,700	2,700	1,500	1,000	1,000	500
Minimum Setbacks (feet)															
LFront	25	25	25	25	20	20	20	20	10[3]	20	20	20	20	20	20
LSide (interior)	25	25	15	15	7.5 [4]	7.5 [4]	7.5 [4]	7.5 [4]	3	5	5	5	5	5	7.5
LSide (street)	12.5	12.5	12.5	12.5	10	10	10	10	10	10	10	10	10	10	10
LRear	25	25	25	25	20	20	20	20	10[3]	20	20	20	20	20	20
Max. Building Height (feet) [5]	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	45	30/35	45	125
<b>CLUSTER DEV'T</b>															
Overall Site															
LMin. open space (% site)	30	30	30	30	30	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LMin. area per unit (sq. ft.)	215,000	80,000	40,000	20,000	10,000	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum Parcel Area (sq. ft.)	None	None	None	None	None	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum Setbacks (feet)															
LFront [2]	25	25	25	25	20	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LSide (interior)	20	15	10	10	7.5	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LSide (street)	12.5	12.5	12.5	12.5	10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LRear	25	25	25	25	20	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Building Height (feet) [5]	30/35	30/35	30/35	30/35	30/35	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>CONSERVATION DEV'T</b>															
Overall Site															
LMin. area (acres, gross)	100	40	20	10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LMin. open space (% site)	60	60	60	60	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LMin. area per unit (sq. ft.)	177,000	66,000	33,000	16,500	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum Parcel Area (sq. ft.)	None	None	None	None	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum Setbacks (feet)															
LFront [2]	25	25	25	25	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LSide (interior)	20	15	10	10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LSide (street)	12.5	12.5	12.5	12.5	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LRear	25	25	25	25	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Building Height (feet) [5]	30/35	30/35	30/35	30/35	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>PERMANENTLY AFFORDABLE DEV'T [6]</b>															
Minimum Parcel Size															
LArea (sq. ft.)												None	None	None	None
LArea per unit (sq. ft.) [7]												2,160	1,200	800	400
Minimum Setbacks (feet)															
LFront												20	20	20	20
LSide (interior)												3	3	3	3
LSide (street)												10	10	10	10

Standards	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1-35	RM1-45/RMH [1]	RM0.5
LRear												20	20	20	20
Max. Building Height (feet) [5]												30/35	45	30/35	125

- [1] RMH standards do not apply to manufactured housing parks. Manufactured housing parks are subject to Title 16.
- [2] In a cluster or conservation development, when a contiguous set of parcels is served by a rear alley and no building line has been established by existing buildings on the subject block face, the minimum front setback requirement is 10 feet.
- [3] Combined total front and rear setback depths must equal at least 30 feet (e.g., 10' front and 20' rear or 15' each).
- [4] Minimum interior side setbacks for principal buildings must equal at least 33% of the height of the subject building.
- [5] Maximum height limit is 30 feet for buildings with primary roof pitch of less than 8 in 12 and 35 feet for buildings with primary roof pitch of 8 in 12 or greater.

(Ord. 3439, 2010; Ord. 3410, 2009)

1	Curtis Carol Ann Ct	2160	
ACC'T NO.	STREET	ADDRESS	STANDARD

# WATER SERVICE PIPE STATISTICS - MISSOULA

DATE TAP MADE 2-27-94 19' SSNL CB 49' WWHL

C.B. TO MAIN MEAS. 23'

SIZE OF TAP 1"

SIZE AND KIND OF MAIN 6" C-900

SIZE OF SERVICE PIPE 1" Poly w/Tracer

DEPTH OF MAIN 6'

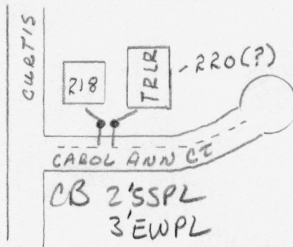
DEPTH OF SERVICE AT MAIN 6'

DEPTH OF SERVICE AT C. BOX 6'

DEPTH OF SERVICE AT HOUSE 6'

INSULATION \_\_\_\_\_ THAW WIRE \_\_\_\_\_

SKETCH



2 in 1 ditch

218 is on a well. Off at CB. 220 has a MP

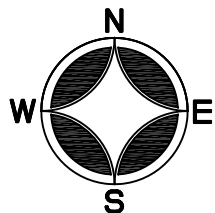
43/14 Address changed to 2160 Carol Ann Ct from

220 S Curtis. LW

7/2/02 GF

Mike W. JACK

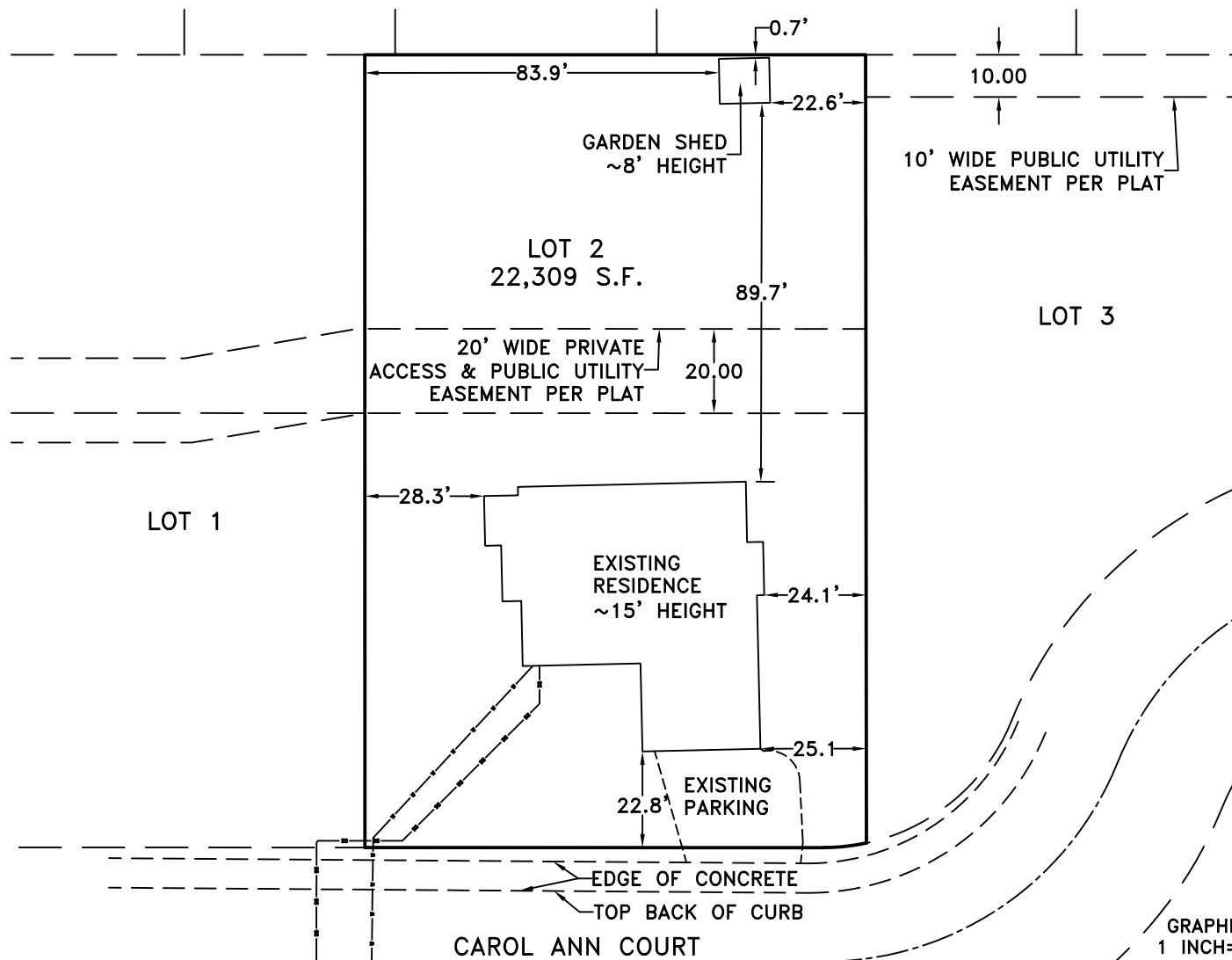




## EXISTING CONDITIONS

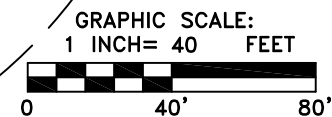
LOT 2, HANSEN ADDITION NO. 2  
LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 20,  
T.13N., R.19W., P.M.M., MISSOULA COUNTY, MONTANA.

CURRENT ZONING  
RT 10

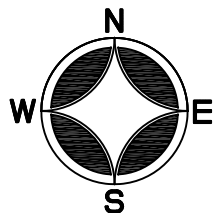


**MONTANA NORTHWEST COMPANY**

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 59802 PHONE 406-559-5005 FAX 406-559-5006 MTNWCO.COM



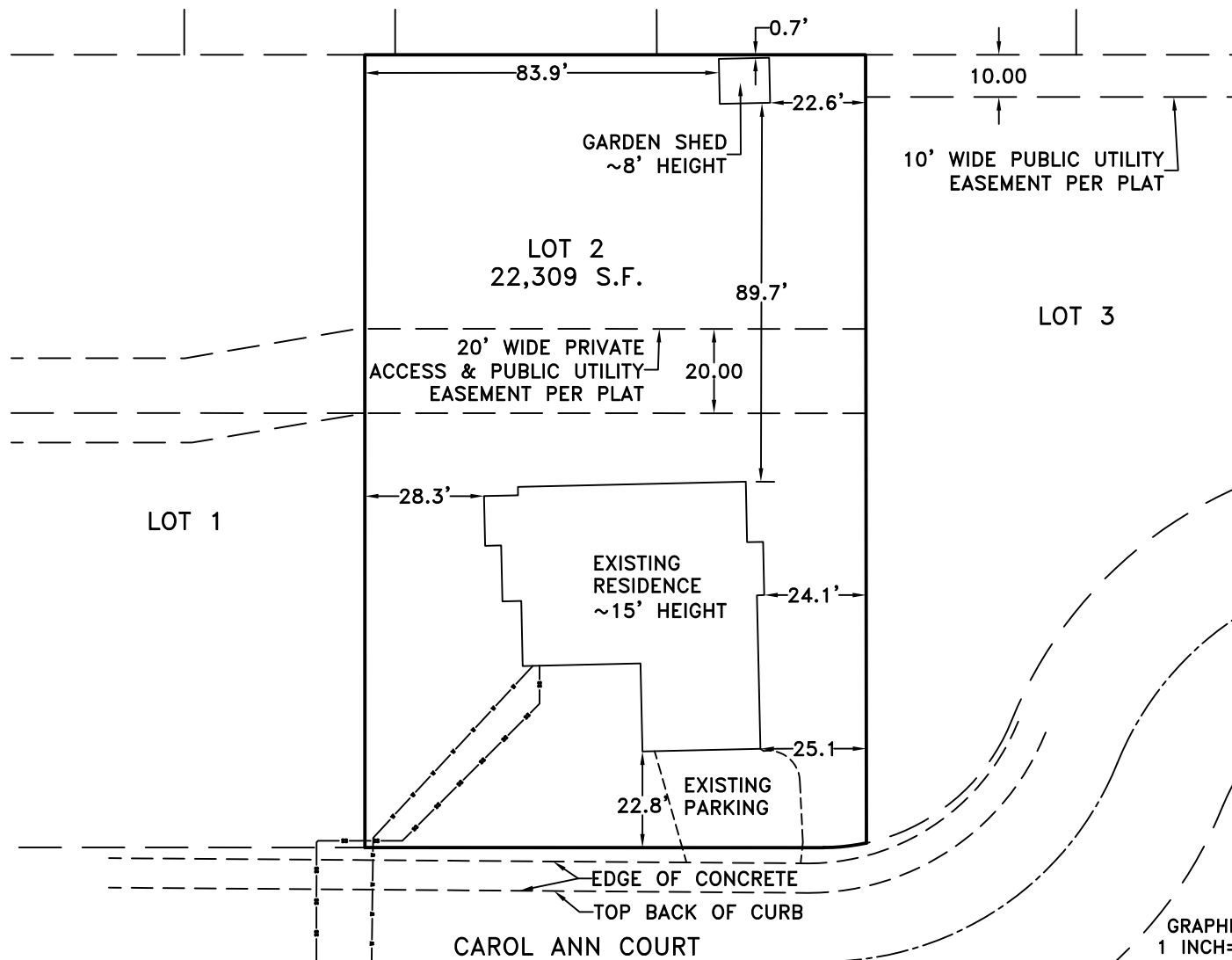
PREPARED AT THE REQUEST OF  
KRISTINA AND TROY HANNINEN  
MTNWCO PROJECT NO. 3015-21 D-1825



## PROPOSED CONDITIONS

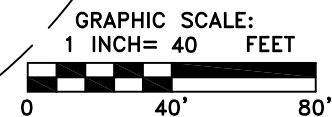
LOT 2, HANSEN ADDITION NO. 2  
LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 20,  
T.13N., R.19W., P.M.M., MISSOULA COUNTY, MONTANA.

CURRENT ZONING  
RT 5.4



**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 59802 PHONE 406-559-5005 FAX 406-559-5006 MTNWCO.COM



PREPARED AT THE REQUEST OF  
KRISTINA AND TROY HANNINEN  
MTNWCO PROJECT NO. 3015-21 D-1825

## Hanninen Proposed REZONE PROPOSED REZONE MAP



2  
LS

201407242 B: 929 P: 165 Pages: 2  
06/02/2014 02:53:47 PM Deed  
Vickie M Zeier, Missoula County Clerk & Recorder



WHEN RECORDED RETURN TO:  
Joanne McCormack Law Office, PLLC  
1800 South Russell, Suite 300  
Missoula, MT 59801

TS1-34893

### PERSONAL REPRESENTATIVE'S DEED

This instrument is executed the 2<sup>ND</sup> day of JUNE, 2014, by the undersigned in the capacity of a duly-appointed, qualified, and acting Personal Representative of the Estate of David Evans, deceased.

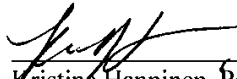
Proceedings for the administration of the Estate are filed as Cause No. DP-14-94 in the Montana Fourth Judicial District Court, County of Missoula, at Missoula, Montana, and the undersigned, as Personal Representative, has sold to the Grantee hereafter named the property of said estate as hereafter described, pursuant to authority as provided by law.

NOW, THEREFORE, for the purpose of completing said sale by and from said Estate, the undersigned Personal Representative of the Estate of David Evans, deceased, c/o Joanne McCormack Law Office, PLLC, 1800 South Russell, Suite 300, Missoula, Montana 59801 ("Grantor") hereby sells, assigns, transfers, and conveys all of the right, title, and interest of said estate unto: Troy Hanninen and Kristina Hanninen, 2160 Carol Ann Court, Missoula, Montana 59801 ("Grantee"), as joint tenants with right of survivorship, in and to the real property situated in Missoula County, Montana, and particularly described as follows:

Lot 2 of Hansen Addition No. 2, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the recorded plat thereof.

Together with the improvements situated thereon and all tenements, hereditaments and appurtenances whatsoever to the same belonging or in anywise appertaining; subject, however, to any and all easements, reservations and restrictions of record. To have and to hold the same unto the said Grantee and the heirs and assigns of the Grantee forever.

IN WITNESS WHEREOF, the undersigned executes and acknowledges this instrument as of the date above stated.


  
Kristina Hanninen, Personal Representative  
Estate of David Evans, Deceased

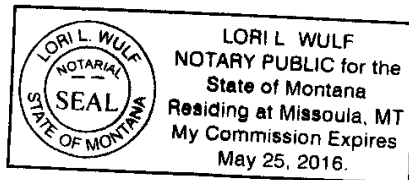
STATE OF MONTANA           )  
  : ss  
County of Missoula           )

On this 2<sup>nd</sup> day of June, 2014, before me, a Notary Public for the State of Montana, personally appeared Kristina Hanninen, Personal Representative of the Estate of David Evans, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

(Notarial Seal)

  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_ MONTANA  
My commission expires \_\_\_\_\_





WHEN RECORDED RETURN TO:  
Joanne McCormack Law Office, PLLC  
1800 South Russell, Suite 300  
Missoula, MT 59801

TS L 34893

### WARRANTY DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned Debra K. Evans 2160 Carol Ann Court, Missoula, Montana 59801 ("Grantor") forever hereby conveys unto Troy Hanninen and Kristina Hanninen, 2160 Carol Ann Court, Missoula, Montana 59801 ("Grantee"), as joint tenants with right of survivorship as fee simple forever, all of Grantors' right, title and interest in the real estate and related interests situated in and to the real property situated in Missoula County, Montana, and particularly described as follows:

Lot 2 of Hansen Addition No. 2, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the recorded plat thereof.

Together with all improvements, rights, privileges, easements, rights of way, fixtures, reversions, remainders, rents, royalties, issues, and profits which are appurtenant to or obtained from that real property including, without limitation, all water, water rights, ditches, ditch rights, timber rights, and mineral rights appurtenant to that real property, all right, title, and interest of the Seller in any strips and gores between that real property and adjacent properties, and all right, title, and interest of the Seller in any rights-of-way for public roads, streets, and alleys, either currently in existence or vacated, which adjoin or pass through that real property.

SUBJECT TO reservations, restrictions and exceptions in patents from the United States or the State of Montana, prior conveyances, mineral reservations, all real property taxes and assessment for the current year and subsequent years, and all building and use restrictions, covenants, easements, agreements, conditions and rights of way of record and those which would be disclosed by an examination of the property. EXCEPT for the items referred to above, this deed is given with the usual covenants expressed in Mont. Code Ann. § 30-11-109.

TO HAVE AND TO HOLD, the said real estate with all of its tenements, hereditaments, and appurtenances thereunto belonging, unto the said Grantee and its assigns forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this 2<sup>nd</sup> day of June, 2014.

GRANTOR

Debra K Evans  
Debra K. Evans

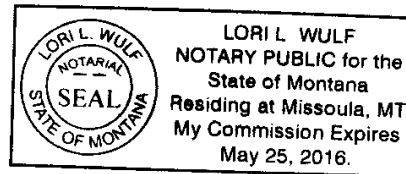
STATE OF MONTANA     )  
                                      : ss  
County of Missoula     )

On this 2<sup>nd</sup> day of June, 2014, before me, a Notary Public for the State of Montana, personally appeared Debra K. Evans known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

(Notarial Seal)

Lori L. Wulf  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_ MONTANA  
My commission expire \_\_\_\_\_

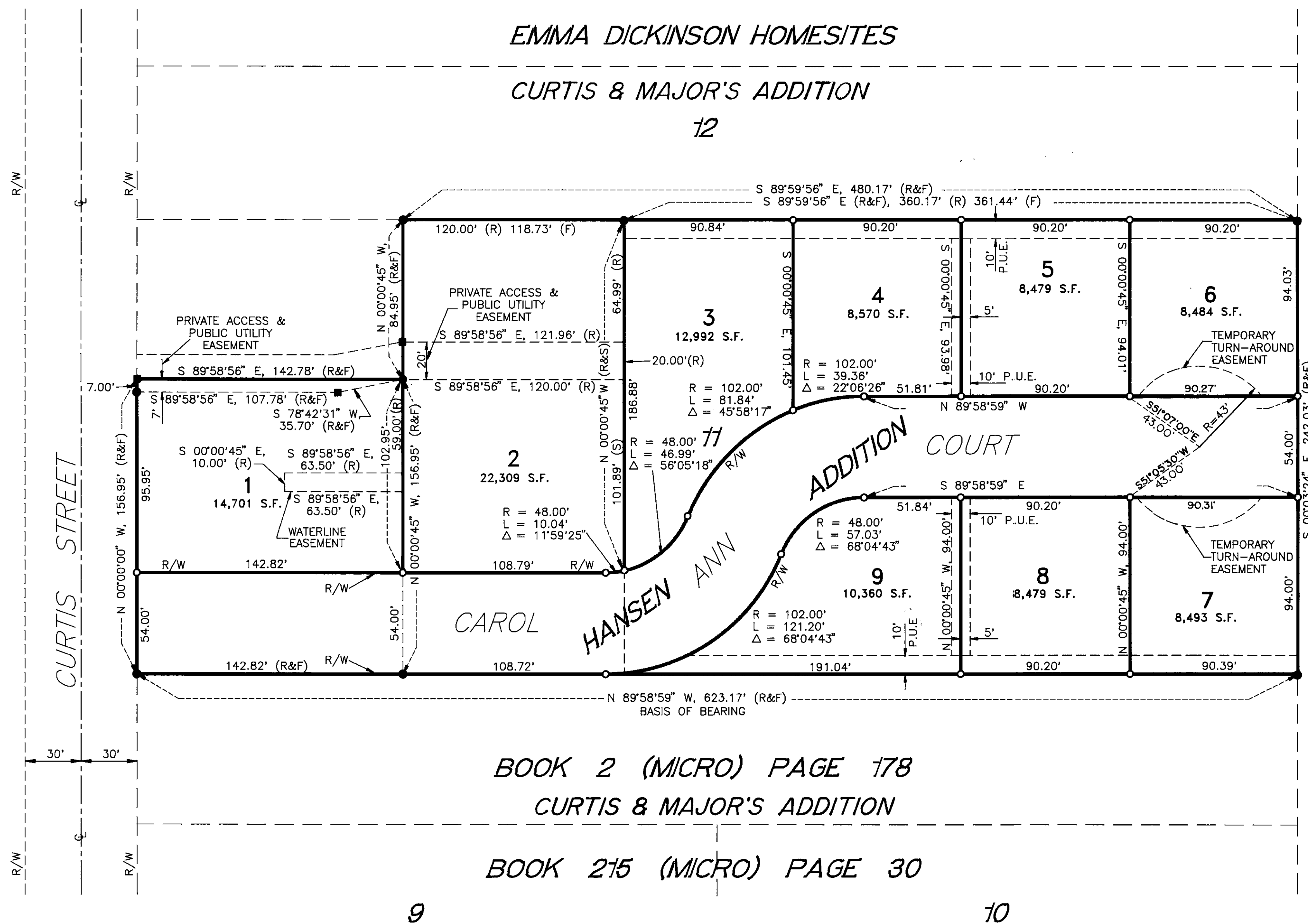


# HANSEN ADDITION NO. 2

A SUBDIVISION OF HANSEN ADDITION  
LOCATED IN THE SW 1/4 OF SECTION 20, T. 13 N., R. 19 W., P.M.M.,  
MISSOULA COUNTY, MONTANA

"The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or homeowners association and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula."

"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RS/D/SID for the upgrading of Curtis Street and may be used in lieu of their signatures on an RS/D/SID petition."



## LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YPC MARKED LARSON 8990 ES
- FOUND 5/8" REBAR WITH 1 1/2" ALUM. CAP MARKED MARTINSEN 4124 S
- FOUND 5/8" REBAR WITH 1 1/4" YPC MARKED MARTINSEN 4124 S
- (F) FOUND
- (R) RECORD, HANSEN ADDITION
- R/W RIGHT-OF-WAY
- P.U.E. PUBLIC UTILITY EASEMENT

HOUSE NUMBERS		
LOT	STREET	NUMBER
1	CURTIS STREET	
2	CURTIS STREET	
3	CAROL ANN COURT	
4	CAROL ANN COURT	
5	CAROL ANN COURT	
6	CAROL ANN COURT	
7	CAROL ANN COURT	
8	CAROL ANN COURT	
9	CAROL ANN COURT	

## ACREAGE

LOT AREA	2.36 AC.
STREET AREA	0.82 AC.
TOTAL AREA	3.18 AC.

## OWNERS / DEVELOPERS

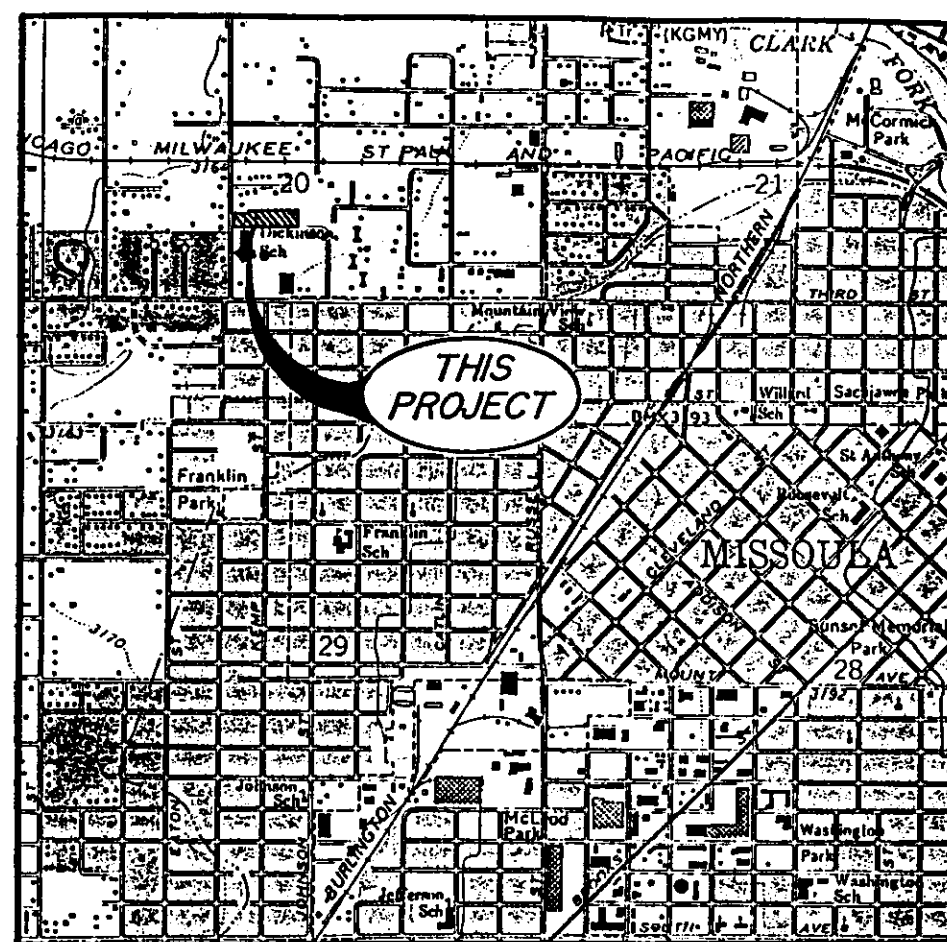
RONALD HANSEN, DOREEN HANSEN  
DEBRA LANGLEY, RAYMOND P. TWITE/  
RAYMOND P. TWITE

PREPARED BY :

**DJA** DRUYVESTEIN JOHNSON & ANDERSON  
CONSULTING ENGINEERS & LAND SURVEYORS  
3201 RUSSELL ST. MISSOULA, MONTANA

## VICINITY MAP

SCALE : 1" = 2000'



## CERTIFICATE OF DEDICATION

WE DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND SUBDIVIDED AND PLATTED INTO LOTS AS SHOWN ON THIS PLAT THE FOLLOWING TRACT OF LAND:

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER SECTION 20 TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN MONTANA, MISSOULA COUNTY, MONTANA, AND BEING A PORTION OF TRACT 11 CURTIS AND MAJORS ADDITION.

BEGINNING AT THE SOUTHEAST CORNER OF HANSEN ADDITION, A RECORDED SUBDIVISION IN MISSOULA COUNTY, MONTANA THENCE N89°59'56"W, 623.17 FEET; THENCE N00°00'00"E, 156.95 FEET; THENCE S89°58'56"E, 142.78 FEET; THENCE N00°00'45"W, 84.95 FEET; THENCE S89°59'56"E, 480.17 FEET; THENCE S00°03'24"E, 242.03 FEET TO THE POINT OF BEGINNING. CONTAINING 3.18 ACRES, SUBJECT TO ALL EASEMENTS AND/OR DEDICATIONS EXISTING, SHOWN OR OF RECORD.

WE HEREBY CERTIFY THAT THIS PLAT CONFORMS WITH THE PRELIMINARY PLAT OF THE HANSEN ADDITION NO. 2 AS APPROVED BY THE GOVERNING BODIES. ALL STREETS AS SHOWN ON THE PLAT ARE DEDICATED, DONATED AND GRANTED TO THE USE OF THE PUBLIC FOREVER.

WE HEREBY CERTIFY THAT ALL OF THE REQUIRED PUBLIC IMPROVEMENTS HAVE BEEN INSTALLED, IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEALS THIS 11th DAY OF February, 1994.

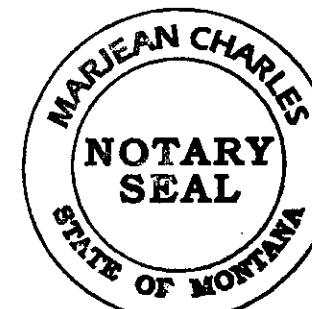
## ACKNOWLEDGEMENT

STATE OF MONTANA  
COUNTY OF MISSOULA

ON THIS 4th DAY OF February, IN THE YEAR 1994, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF MONTANA, PERSONALLY APPEARED RONALD HANSEN, DOREEN HANSEN, DEBRA LANGLEY AND RAYMOND P. TWITE KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

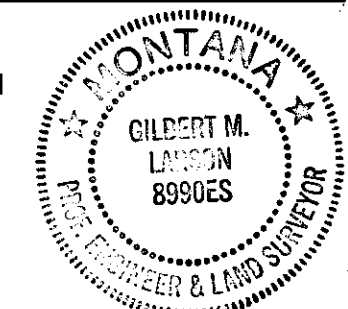
Maureen Charles  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
RESIDING AT MISSOULA, MONTANA  
MY COMMISSION EXPIRES 7-1-94



## CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION DURING THE MONTH OF January, 1994 AND THAT ALL MONUMENTS, ANGLES AND DISTANCES SHOWN HEREON ARE AS FOUND OR SET IN THE FIELD AND THAT SAID SURVEY WAS MADE ACCORDING TO APPLICABLE STATE AND COUNTY REGULATIONS.

DATE FEB. 4, 1994 BY Gilbert M. Larson  
GILBERT M. LARSON, P.E., P.L.S.  
MONTANA REGISTRATION NO. 8990 ES  
DRUYVESTEIN JOHNSON & ANDERSON  
MISSOULA, MONTANA



## EXAMINED AND APPROVED

STATE OF MONTANA  
COUNTY OF MISSOULA

## CERTIFICATE OF COUNTY SURVEYOR

I, Horace S. Brown, COUNTY SURVEYOR OF MISSOULA COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF HANSEN ADDITION NO. 2 AND I FIND THAT THIS PLAT CONFORMS TO THE REQUIREMENTS PRESCRIBED BY THE MONTANA SUBDIVISION AND PLATTING ACT, SECTION 76-3-611(2)(A) MCA, AND STATE AND LOCAL REGULATIONS ENACTED PURSUANT THEREIN.

DATED THIS 10th DAY OF February, 1994.

Horace S. Brown  
COUNTY SURVEYOR

FINAL APPROVAL OF THIS PLAT HAS BEEN GRANTED BY:

John F. Marshall  
MISSOULA PLANNING BOARD

2/11/94  
DATE

John S. Sipe  
MISSOULA CITY-COUNTY HEALTH DEPARTMENT

2/7/94  
DATE

## CERTIFICATE OF COUNTY ATTORNEY

I, Michael W. Schostedt DEPUTY COUNTY ATTORNEY OF MISSOULA COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE CERTIFICATE OF TITLE OF THIS PLAT OF HANSEN ADDITION NO. 2 AND I FIND IT CONFORMS TO THE REQUIREMENTS PRESCRIBED BY THE MONTANA SUBDIVISION AND PLATTING ACT SECTION 76-3-612(2) MCA, AND STATE AND LOCAL REGULATIONS ENACTED PURSUANT THEREIN.

DATED THIS 11th DAY OF February, 1994.

Michael W. Schostedt  
COUNTY ATTORNEY

WE, THE BOARD OF COUNTY COMMISSIONERS, FOR THE COUNTY OF MISSOULA, MONTANA DO HEREBY APPROVE THIS PLAT IN THE PUBLIC INTEREST. CASH IN LIEU OF PARK DEDICATION HAS BEEN PROVIDED IN THE AMOUNT OF \$3,333.33 TO SATISFY PARK REQUIREMENTS.

DATED THIS 11th DAY OF February, 1994. **9403740**

CHAIR John Hart  
Barbara Davis  
COMMISSIONER

Tom Schumann  
COMMISSIONER

ATTEST:  
Debra Langley  
CLERK AND RECORDER

Consent to Plat  
Book 405 new page 2233  
Book 405 new page 2234  
Abstract  
Book 405 new page 2235

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	20	13 N.	19 W.
SHEET 1 OF 1			
PRINCIPAL MERIDIAN, MONTANA			

DECEMBER 1992

18-98



85  
4

After Recording Return to:  
Del Post, Esq.  
201 W. Main St., STE 101  
Missoula, Montana 59802

202121308 B:1062 P:38 Pages:4 Fee:\$32.00  
08/23/2021 09:53:37 AM Release  
Tyler R. Gernant, Missoula County Clerk & Recorder



**AGREEMENT TO TERMINATE  
WATER WELL AGREEMENT AND  
DRAINFIELD EASEMENT**

THIS AGREEMENT TO TERMINATE WATER WELL AGREEMENT AND DRAINFIELD EASEMENT (hereinafter "Agreement") is made this 12<sup>th</sup> day of August, 2021, by Le Penseur, LLC, a Montana limited liability company, with an address of 2625 Dearborn, Suite 102(B), Missoula, Montana 59804 (hereinafter "Le Penseur"), and Troy and Kristina Hanninen, 2160 Carol Ann Court, Missoula, Montana 59801 (hereinafter collectively the "Hanninens").

**WHEREAS**, Le Penseur holds title to certain real property located in Missoula County, Montana and more specifically described as follows:

**Lot 1 of Hansen Addition No. 2, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the official recorded plat thereof**

(hereinafter the "Lot 1")

**WHEREAS**, the Hanninens hold title to certain real property located in Missoula County, Montana and more specifically described as follows:

**Lot 2 of Hansen Addition No. 2, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the official recorded plat thereof**

(hereinafter the "Lot 2")

**WHEREAS**, there is a Water Well Agreement appurtenant to Lot 1 and Lot 2 dated December 30, 1987 and recorded at Book 273 Page 0142 ("**Water Well Agreement**"), which sets forth the parties' rights and responsibilities concerning an existing well and water lines located on

Lot 1;

**WHEREAS**, there is a Drainfield Easement & Maintenance dated December 1, 1987 and recorded at Book 273 Page 0142 (hereinafter the "**Drainfield Easement**"), which **Drainfield Easement** previously benefited Lot 1;

**WHEREAS**, there is a Private Access and Public Utility Easement appearing on the plat for the Hansen Addition No. 2, located within Lot 1 along the northerly boundary of Lot 1, and continuing onto Lot 2 (hereinafter the "**Private Access Easement**");

**WHEREAS**, a carport structure located on Lot 1 encroaches onto the Private Access Easement and the parties desire to memorialize their agreement regarding the potential removal of the encroachment;

**WHEREAS**, there is a fence located near the western boundary of Lot 1 which is not on the true boundary line between Lot 1 and Lot 2, and the parties desire to memorialize their agreement regarding the potential replacement and/or removal said fence;

**NOW, THEREFORE**, for good and lawful consideration, the receipt and sufficiency of which is acknowledged, the parties hereby agree as follows:

1. **Termination of Water Well Agreement.** The parties hereby expressly agree to vacate and terminate the Water Well Agreement. The Hanninens hereby irrevocably and forever release, convey, and relinquish unto Le Penseur all of the Hanninens' rights and interests in and to the well and water lines located on Lot 1.

2. **Termination of Drainfield Easement.** The parties hereby expressly agree to vacate and terminate the Drainfield Easement. Le Penseur hereby irrevocably and forever releases, relinquishes all of Le Penseur's rights and interests in and to the Drainfield Easement and all drainfield infrastructure, if any, existing on Lot 2.

3. **Private Access Easement.** Ingress, egress, and utility delivery for Lot 2 is currently provided by the Private Access Easement. The Hanninens are currently seeking a rezoning of Lot 2 with the City of Missoula for the purpose of constructing multifamily units on Lot 2. Ingress, egress, and utility delivery for the future units (yet to be constructed or approved) shall be provided over and/or through the Private Access Easement. Though currently unknown, it is anticipated that the City will require removal of the encroachment onto the Private Access Easement of the carport structure located on Lot 1. Should the City require removal of the encroachment as a condition or requirement of the Hanninens' rezoning application, construction process, or permitting applications, Le Penseur hereby expressly agrees to remove the encroachment within forty-five (45) days following Le Penseur's receipt of written notice of such condition or requirement. Upon completion of the removal of the encroachment, the Hanninens shall reimburse Le Penseur up to, but not in excess of, One Thousand Dollars (\$1,000), or 50% of the cost of removing the carport encroachment, whichever is less.

4. **Boundary Fence.** The parties acknowledge that the fence between Lot 1 and Lot 2 is



3

(SEAL)

Notary Public for the State of \_\_\_\_\_  
My commission expires: \_\_\_\_\_


  
Troy Hanninen

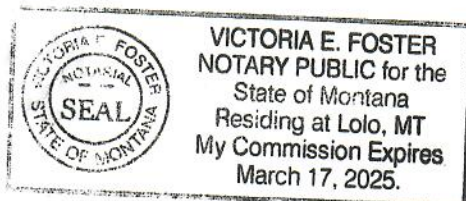
  
Kristina Hanninen

STATE OF MONTANA       )  
  ss:  
County of Missoula       )

This instrument was acknowledged before me on this 14<sup>th</sup> day of July, 2021, by Troy Hanninen and Kristina Hanninen.

(SEAL)

  
Notary Public for the State of MT  
My commission expires: 3/17/25



After Recording Return to:  
Del Post, Esq.  
201 W. Main St., STE 101  
Missoula, Montana 59802

202121307 B:1062 P:37 Pages:2 Fee:\$16.00  
08/23/2021 09:53:37 AM Release  
Tyler R. Gernant, Missoula County Clerk & Recorder



# **TERMINATION OF EASEMENTS** (Private Access Easement and Drainfield Easement)

THIS TERMINATION OF EASEMENTS (hereinafter "Termination") is made this day of April, 2021, by Alan J. Marvin, whose address is 2020 Trail St. Apt D, Missoula, MT 59801-1907 as "Owner".

**WHEREAS**, Owner holds title to certain real property located in Missoula County, Montana and more specifically described as follows:

**Lot 3 of Hansen Addition No. 2, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the official recorded plat thereof**

(hereinafter the "Property")

**WHEREAS**, there is a Private Access Easement appearing on the plat for the Hansen Addition No. 2, located along and immediately adjacent to the northerly boundary of Lot 1 of said plat (but not contained within Lot 1), and continuing across the mid-section of Lot 2 on said plat, and ending at the westerly boundary of the Property (hereinafter the "**Private Access Easement**"), which **Private Access Easement** previously benefited the Property;

**WHEREAS**, there is a Drainfield Easement & Maintenance Agreement located on Lot 2 of the Hansen Addition No. 2 plat, dated December 1, 1987 and recorded at Book 273 Page 0142 (hereinafter the "**Drainfield Easement**"), which **Drainfield Easement** previously benefited the Property;

**WHEREAS**, the **Private Access Easement** and **Drainfield Easement** no longer provide any benefit to the Property; accordingly, for the purpose clarifying and updating the rights and responsibilities of the Owner with respect to said easements, the Owner desires to terminate the **Private Access Easement** and the **Drainfield Easement** ;



**NOW, THEREFORE**, for good and lawful consideration, the receipt and sufficiency of which is acknowledged, the Owner hereby declares as follows:

1. Owner hereby irrevocably releases, relinquishes, vacates, and forever terminates the **Private Access Easement and Drainfield Easement**;

2. This Termination shall be binding upon and inure to the benefit of the heirs, successors and assigns of the Owner.

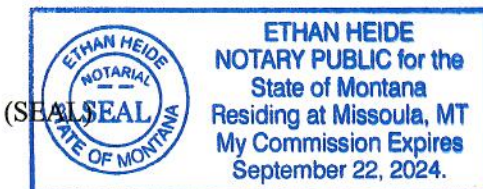
IN WITNESS WHEREOF, the Owner has set its hand and seals the day and year first above written.


Owner:

  
By: Alan J. Marvin

STATE OF MONTANA       )  
  ss:  
County of Missoula       )

This instrument was acknowledged before me on this 16 day of April, 2021, by Alan J. Marvin.



  
Notary Public for the State of Montana  
My commission expires: 9/22/24

**RESOLUTION NUMBER 8528**

**A RESOLUTION OF THE MISSOULA CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA, VACATING A 20 FOOT WIDE BY 118.73 FOOT LONG (PUBLIC) UTILITY EASEMENT CROSSING LOT 2, OF HANSEN ADDITION NO. 2 AS RECORDED IN THE MISSOULA COUNTY CLERK AND RECORDER'S OFFICE, MISSOULA, MONTANA.**

**WHEREAS**, the property owner of Lot 2, Hansen Addition No. 2 Subdivision has filed Petition No. 10079 requesting that the 20 foot wide by 118.73 foot long (Public) Utility Easement be vacated as shown on Exhibit A attached hereto and described as follows:

20 foot wide by 118.73 foot long (Public) Utility Easement crossing Lot 2, Hansen Addition No.2 Subdivision as recorded in the Missoula County Clerk and Recorder's Office (Book 18, Plats Page 98 – February 14, 1994).

**WHEREAS**, all utilities have verified that there are no utilities in said easement and have agreed to release any interest in said (public) utility easement.

**WHEREAS**, said City Council believes that the reasons for vacating said easement set forth are good and valid and that the said easement should be vacated.


**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL** of the City of Missoula, Montana, that said easement is hereby vacated.

**PASSED AND ADOPTED** this 12th day of July, 2021.

**ATTEST:**

  
Martha L. Renbein, CMC  
City Clerk

**APPROVED**

  
John Engen  
Mayor





VICINITY MAP EXHIBIT  
EASEMENT IN LOT 2 OF  
HANSEN ADDITION NO. 2  
MISSOULA, MONTANA

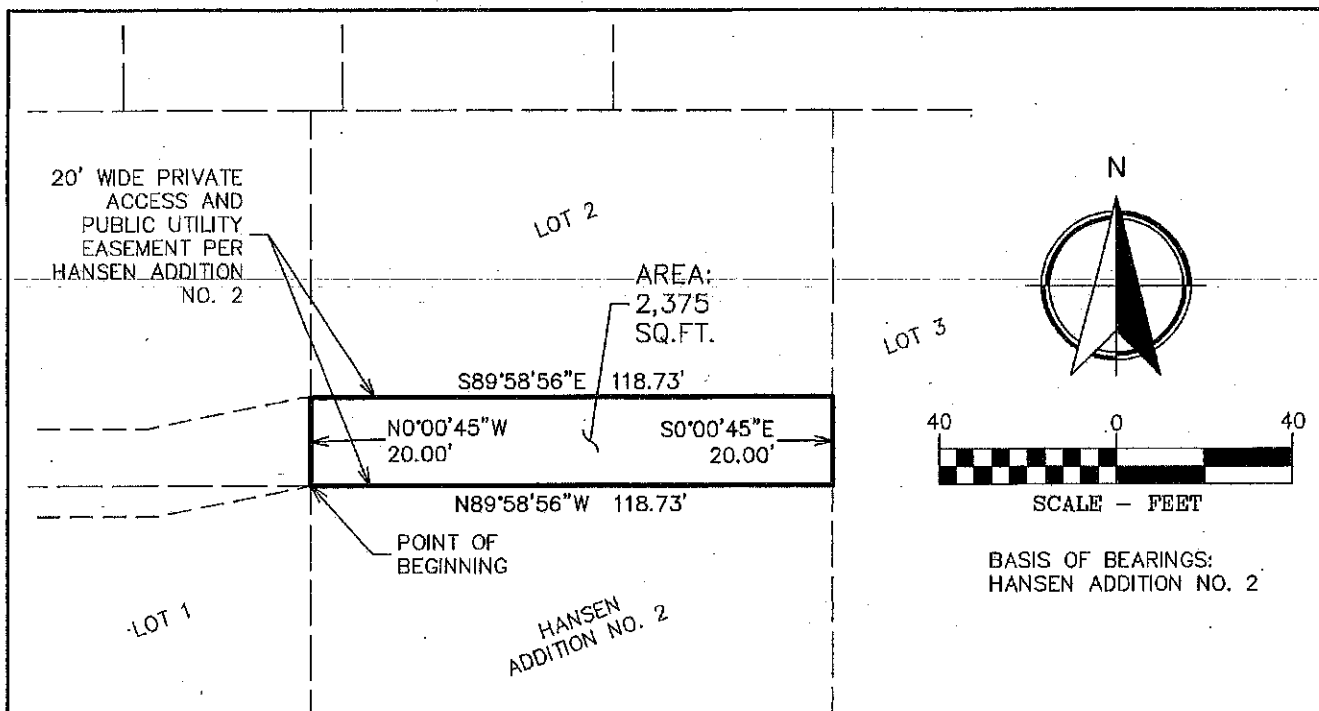


**WGM GROUP**  
WWW.WGMGROUP.COM

PROJECT: 21-00-00  
FILE No: 210000\_vicinity.dwg  
ELE PATH:  
W:\Projects\210000\_Corral Area GV\Exhibit  
LAYOUT: VC  
SURVEYED: ---  
DESIGN: ---  
DRAFT: CEO  
APPROVE: KFA  
DATE: MARCH 2021  
SHEET 1 OF 1 SHEETS







#### LEGAL DESCRIPTION \*\*\*\*\*

A TRACT OF LAND BEING A PORTION OF LOT 2 OF HANSON ADDITION NO. 2, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID HANSON ADDITION NO. 2; THENCE N 00°00'45" W ALONG THE WESTERLY LINE OF SAID LOT 2, 20.00 FEET; THENCE S 89°58'56" E, 118.73 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE S 00°00'45" E ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE N 89°58'56" W, 118.73 FEET TO THE POINT OF BEGINNING; CONTAINING 2,375 SQUARE FEET, MORE OR LESS.

#### SURVEYOR'S STATEMENT \*\*\*\*\*

THIS EXHIBIT WAS PREPARED USING DOCUMENTS OF RECORD. NO FIELD SURVEY WORK WAS PERFORMED TO VERIFY THE ACCURACY OF SAID DOCUMENTS.

*Kirk F. Adkins*  
KIRK F. ADKINS, P.L.S.  
MONTANA LICENSE NO. 16734LS  
FOR WGM GROUP, INC.

03/03/2021  
DATE



UNLESS SIGNED, SEALED, AND DATED, THIS IS A PRELIMINARY OR UNOFFICIAL DOCUMENT AND CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "A"  
LOCATED IN THE SW 1/4 OF SECTION 20,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



WGM GROUP  
www.wgmgroup.com

PROJECT: 21-00-00  
FILE No: 210000\_wgm\_vac.dwg  
FILE PATH: \\projects\210000\_Card Area\Exhibits  
LAYOUT: Sht1  
SURVEYED: ---  
DESIGN: ---  
DRAFT: CEG  
APPROVE: RFA  
DATE: MARCH 3, 2021  
SHEET: 1 OF 1 SHEETS

## RELEASE OF EASEMENT

Alan Marvin, owner of HANSEN ADDITION NO. 2, S20, T13 N, R19 W, LOT 3, a potential beneficiary of that certain PUBLIC UTILITY EASEMENT in HANSEN ADDITION NO. 2, S20, T13 N, R19 W, LOT 2 as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 16 Day of April, 2021.

Alan Marvin

Signature \_\_\_\_\_

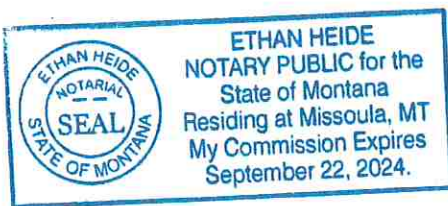
STATE OF MONTANA )

County of Missoula )

) ss

On this 16 day of April, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared Alan Marvin proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.



ss \_\_\_\_\_

Printed Notary Name Ethan Heide

Notary Public for the State of Montana

Residing At Missoula

My Commission Expires 9/22/24

## RELEASE OF EASEMENT

Blackfoot Communications, located at 1211 N. Russell St., Missoula, MT 59808, a potential beneficiary of that certain PUBLIC UTILITY EASEMENT in HANSEN ADDITION NO. 2, S20, T13 N, R19 W, LOT 2 as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 1<sup>ST</sup> Day of JUNE, 2021.

Blackfoot Communications by

Signature *[Handwritten Signature]*

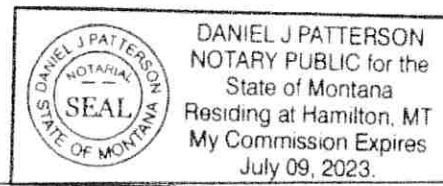
Printed name DANIEL J. PATTERSON

Title OSP ENGINEER

STATE OF MONTANA       )  
  ) ss  
County of Missoula       )

On this 1<sup>ST</sup> day of JUNE, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared DANIEL J. PATTERSON proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.



ss \_\_\_\_\_

Printed Notary Name DANIEL J. PATTERSON

Notary Public for the State of MONTANA

Residing At HAMILTON

My Commission Expires JULY 09, 2023



---

RECORDING INFORMATION ABOVE

## RELEASE OF PUBLIC UTILITY EASEMENT

**KNOW ALL MEN BY THESE PRESENTS that, Qwest Corporation, d/b/a**

**CenturyLink QC, a Colorado Corporation, hereinafter called "Company"**

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby confessed and acknowledged, does hereby release all the right and interest acquired by the Company or its assignors under that certain right of way grant, recorded in the official records of the Clerk of Records office of Missoula County, State of Montana, unto the present owner or owners, as their respective interest may appear therein, in the following described property to wit:

Platted 20' private access & public utility easement traversing Lot 2, Hansen Addition No. 2, Missoula County, Montana as shown in Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

And hereby expressly excepting and reserving to the Company, any and all interest otherwise acquired in said property, except as stated above.

IN WITNESS WHEREOF, the Company has caused these presents to be executed this 14 day of May, 2021.

Qwest Corporaton d/b/a CenturyLink QC

BY



Danett Kennedy  
Senior Manager

STATE OF

COLORADO

)

) ss.

COUNTY OF

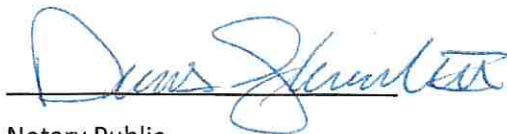
BOULDER

)

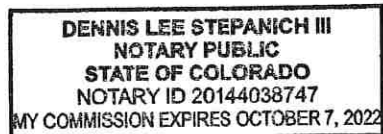
The foregoing instrument was acknowledged before me this 14 day of May, 2021, by Danett Kennedy as Sen. Mgr. New of Qwest Corp/etl, a Corporation.

My commission expires: Oct. 7, 2022

WITNESS my hand and official seal.



Notary Public



(SEAL)

## RELEASE OF EASEMENT

Missoula Electric Cooperative Inc., located at 1700 W. Broadway, Missoula, MT 59808, a potential beneficiary of that certain PUBLIC UTILITY EASEMENT in HANSEN ADDITION NO. 2, S20, T13 N, R19 W, LOT 2 as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 20<sup>th</sup> Day of April, 2021.

Missoula Electric Cooperative Inc. by

Signature

Printed name

Title

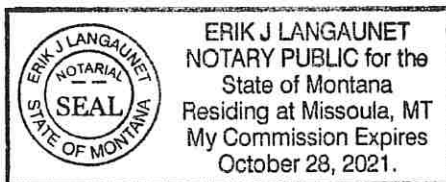
STATE OF MONTANA )

) ss

County of Missoula )

On this 20<sup>th</sup> day of April, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared MARK C HAYDEN proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.



ss

Printed Notary Name

Notary Public for the State of

Residing At

My Commission Expires



## RELEASE OF EASEMENT

Missoula Water, located at 1345 W. Broadway, Missoula, MT 59801, a potential beneficiary of that certain PUBLIC UTILITY EASEMENT in HANSEN ADDITION NO. 2, S20, T13 N, R19 W LOT 2 as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 29<sup>th</sup> Day of March, 2021.

Missoula Water by

Signature [Signature]

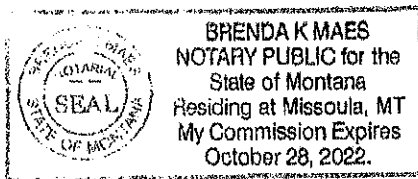
Printed name Ross Mollenhauer

Title Deputy Director of Utilities

STATE OF MONTANA )  
County of Missoula ) ss

On this 29<sup>th</sup> day of MARCH, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared ROSS MOLLENHAUER proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.



ss Brenda K. Maes

Printed Notary Name \_\_\_\_\_

Notary Public for the State of \_\_\_\_\_

Residing At \_\_\_\_\_

My Commission Expires \_\_\_\_\_

## RELEASE OF EASEMENT

Northwestern Corporation D/B/A Northwestern Energy, a Delaware corporation, located at 1903 S. Russell St., Missoula, MT 59801, a potential beneficiary of that certain PUBLIC UTILITY EASEMENT in HANSEN ADDITION NO. 2, S20, T13 N, R19 W, LOT 2 as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 30<sup>th</sup> Day of MARCH, 2021.

Northwestern Energy by

Signature Mike Cassidy

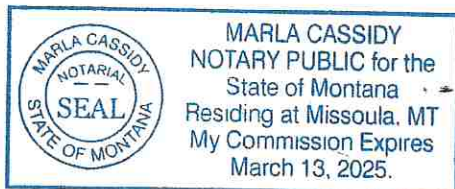
Printed name MIKE CASSIDY

Title REAL ESTATE REPRESENTATIVE

STATE OF MONTANA       )  
  ) ss  
County of Missoula       )

On this 30<sup>th</sup> day of March, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared Mike Cassidy proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.



ss Marla Cassidy

Printed Notary Name Marla Cassidy

Notary Public for the State of \_\_\_\_\_

Residing At \_\_\_\_\_

My Commission Expires \_\_\_\_\_

## RELEASE OF EASEMENT

Spectrum, located at 924 S. 3rd St. W., Missoula, MT 59801, a potential beneficiary of that certain PUBLIC UTILITY EASEMENT in HANSEN ADDITION NO. 2, S20, T13 N, R19 W, LOT 2 as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

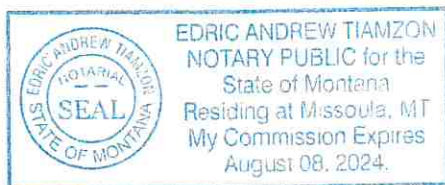
DATED this 29th Day of MARCH, 2021.

Spectrum by BENNY MURPHY  
Signature [Signature]  
Printed name BENNY MURPHY  
Title CONSTRUCTION COORDINATOR

STATE OF MONTANA       )  
                                      ) ss  
County of Missoula       )

On this 29 day of MARCH, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared BENNY MURPHY proven to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.



ss [Signature]  
Printed Notary Name EDRIC ANDREW TIAMZON  
Notary Public for the State of MONTANA  
Residing At MISSOULA  
My Commission Expires 08 / 08 / 24



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

**PETITION NO. 10079**

**BEFORE THE CITY COUNCIL**

**CITY OF MISSOULA**

---

**PETITION FOR VACATING A  
PUBLIC UTILITY EASEMENT**

---

SUID#:

GeoCode#: 04-2200-20-3-29-04-0000

Dated this 19 day of June, 2021.

COME NOW the undersigned and respectfully petitions the City Council of the City of Missoula requesting the vacation of the following Public Utility Easement.

The Petitioner hereby:

1. Agrees to comply with any conditions described in the resolutions that vacates the herein described public utility easement; and
2. Recognizes the fact that non-compliance will result in the vacation becoming null and void and reverting to the public utility easement

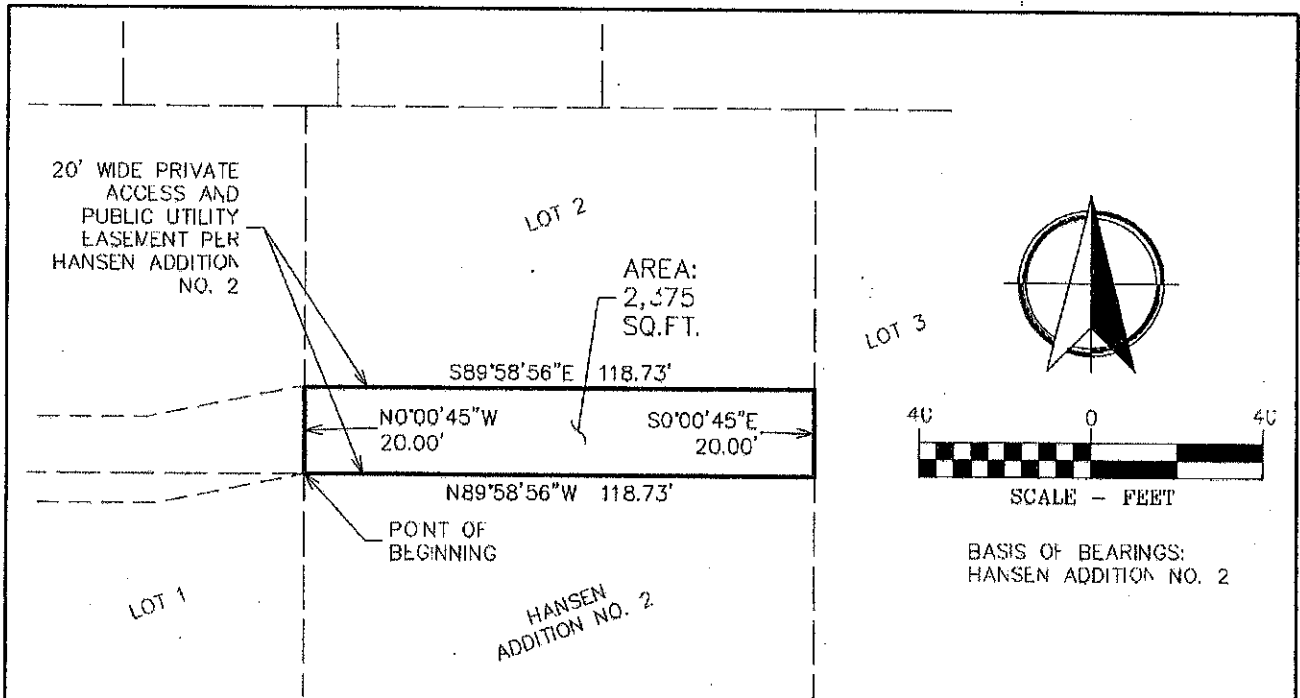
Petitioners has prepared a submittal package describing the particulars if the request according to Missoula Municipal Code 12.04 and has attached the same to this petition for City Council review.

**LEGAL DESCRIPTION OF EASEMENT(S) TO BE VACATED:**

**A TRACT OF LAND BEING A PORTION OF LOT 2 OF HANSON ADDITION NO.2, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DISCRIBED AS FOLLOW:**

**BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID HANSON ADDITION NO. 2; THENCE N 00°00'45" w ALONG THE WESTERLY LINE OF SAID LOT2, 20.00 FEET; THENCE S 89°58'56" E. 118.73 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE S 00°00'45" E ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE N 89°58'56"E 118.73 FEET TO THE POINT OF BEGINNING; CONTAINING 2,375 SQUARE FEET, MORE OR LESS.**

Page 2 of 4



#### LEGAL DESCRIPTION \*\*\*\*\*

A TRACT OF LAND BEING A PORTION OF LOT 2 OF HANSON ADDITION NO. 2, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID HANSON ADDITION NO. 2; THENCE N 00°00'45" W ALONG THE WESTERLY LINE OF SAID LOT 2, 20.00 FEET; THENCE S 89°58'56" E, 118.73 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE S 00°00'45" E ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE N 89°58'56" W, 118.73 FEET TO THE POINT OF BEGINNING; CONTAINING 2,375 SQUARE FEET, MORE OR LESS.

#### SURVEYOR'S STATEMENT \*\*\*\*\*

THIS EXHIBIT WAS PREPARED USING DOCUMENTS OF RECORD. NO FIELD SURVEY WORK WAS PERFORMED TO VERIFY THE ACCURACY OF SAID DOCUMENTS.

*Kirk F. Adkins*  
KIRK F. ADKINS, P.L.S.  
MONTANA LICENSE NO. 16734LS  
FOR WGM GROUP, INC.

03/03/2021  
DATE



UNLESS SIGNED, SEALED, AND DATED, THIS IS A PRELIMINARY OR UNOFFICIAL DOCUMENT AND CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "A"  
LOCATED IN THE SW 1/4 OF SECTION 20,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



PROJECT: 21-00-00  
FILE NO: 210000\_wgm\_vac.dwg  
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DESIGN: ---  
DRAFT: CEO  
APPROVAL: KFA  
DATE: MARCH 3, 2021  
SHEET: 1 OF 1 SHEETS



