

## **DRAFT RESOLUTION NUMBER XXXX**

**A resolution of the Missoula City Council requiring the City to bear the entire cost to fund construction of curbs, sidewalks, alley approaches, and driveway approaches in areas of the City where those facilities do not currently exist.**

**WHEREAS**, historically the City of Missoula has required property owners outside of urban renewal districts to fund construction of new curbs and sidewalks within the public right-of-way adjacent to their property; and

**WHEREAS**, in 2012 the City adopted Resolution 7736 establishing a funding assistance program for property owner assessments related to City-ordered curb and sidewalk construction, and subsequently adopted Resolutions 8168 and 8416 revising the funding assistance program in 2017 and 2020; and

**WHEREAS**, the City is presently dedicating additional revenue to these curb and sidewalk projects (currently through the Missoula Redevelopment Agency and BaRSSA – Bridge and Road Safety and Accountability Act funds); and

**WHEREAS**, the City desires to reduce the impact to individual property owners to construct curb and sidewalk projects and desires to eliminate City ordered curb and sidewalk construction where it involves the construction of new curbs and sidewalks in areas of the City where none currently exists.

**NOW THEREFORE, BE IT RESOLVED** that it is the policy of the City of Missoula to no longer order individual property owners to construct curbs, sidewalks, alley approaches, and driveway approaches in areas of the City where none currently exists using the authority in 12.10.230, Missoula Municipal Code (“MMC”), and 7-14-4109, Montana Code Annotated (“MCA”).

**BE IT FURTHER RESOLVED** that the City shall bear the entire cost to construct curbs, sidewalks, alley approaches, and driveway approaches in areas of the City where those facilities do not currently exist as funding allows; and the City shall not assess those costs to adjacent property owners using the authority in 12.10.330, MMC.

**BE IT FURTHER RESOLVED** that the City may still use the authority in 12.10.230, MMC, and 7-14-4109, MCA, to order property owners to repair damaged or hazardous curbs, sidewalks, alley approaches, and driveway approaches adjacent to their property where the existing conditions of those facilities pose a risk to public health, safety, and the general welfare, and assess those costs using the authority outlined in Title 12.10.210-12.10.360, MMC.

**PASSED AND ADOPTED** this x day of x, 202x