RESOLUTION NUMBER __________

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, certain parcels of land described as Lot 63 of U.S. Government Survey #2 and Lot 3 of Ochsner Addition located in Section 30, Township 13 North, Range 19 West along with a portion of 26th Avenue adjacent to the property and zone the property B2-2 Community Business subject to the recommended conditions of annexation approval, and set a public hearing on March 23, 2020.

LEGAL DESCRIPTION: Lot 63 of U.S. Government Survey #2, and Lot 3 of Ochsner Addition located in Section 30, Township 13 North, Range 19 West, Principal Meridian Montana (PMM) along with a portion of 26th Avenue adjacent to the subject property, as shown on Exhibit A attached hereto and made a part hereof.

WHEREAS, The Dorothy A. Dryden Living Trust, owners of 100% of the property described herein as 2508 South Avenue West has filed Petition No. 9980 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

WHEREAS, Shawn R. and Laura K. Andres owners of 100% of the property described herein as 2536 South Avenue West have filed Petition No. 10015 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 these petitions 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, Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed, therefore the City has included the full width of 26th Avenue right-of-way in the annexation boundary; and

WHEREAS, the South Avenue West right-of-way adjacent to the southern boundary of the parcel is already within the municipal boundary of the City of Missoula; and

WHEREAS, the herein described property is within the City of Missoula Utilities 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:
1. The applicant shall dedicate 10 feet of right-of-way measured from the southern property boundary of Lot 63 of U. S. Government Survey #2 and Lot 3 of Ochsner Addition located in Section 30, Township 13 North, Range 19 West, and is responsible for the cost of half street improvements meeting Minor Arterial roadway standards for South Avenue West adjacent to the subject property (both lots), subject to review and approval of City Engineering, prior to the first building permit on either lot on the subject property. The City of Missoula has a road improvement project planned for South Avenue West and the developer may seek a postponement for installation of improvements, in order for the installation of improvements to coincide with the City project, subject to the applicant applying for and receiving approval of the postponement by City Engineering, prior to the first building permit on either lot on the subject property.

2. The applicant shall install traffic control devices at the driveway approach of the subject property to South Avenue West in order to restrict traffic movement to right-in and right-out, prior to approval of the first building permit on either lot on the subject property, or with approval of a Cost Estimate, Improvements Agreement and a security, subject to review and approval by Development Services. Only one driveway approach is permitted to the subject property in the location shown (Lot 63 of U. S. Government Survey #2) on the site development plan.

3. The applicant shall dedicate 10 feet of right-of-way measured from the western property boundary of Lot 3 of Ochsner Addition located in Section 30, Township 13 North, Range 19 West and shall prepare plans for and install half street improvements to 26th Avenue adjacent to the subject property meeting Urban Local Street standards within the public right-of-way, including curb, gutter, drainage facilities, 7-foot wide landscaped boulevard, and 5-foot wide sidewalk, prior to the first building permit on either lot on the subject property or with approval of a Cost Estimate, Improvements Agreement and a security, subject to review and approval of City Engineering.

4. The applicant shall extend the gravity sewer main from the east starting at manhole P91-1-20 to serve development on the subject property, subject to review and approval by City Public Works and City Engineering, prior to the first building permit on either lot on the subject property. The City will require the sewer main to be installed as deep as practicable and the City may consider upsizing the main.

5. The applicant shall file a 32-foot wide public utility easement through the parking lot on the subject property extending north to the alley, subject to review and approval by City Public Works and City Engineering, prior to approval of the first building permit on either lot on the subject property.

6. The applicant shall install a sewer main from South Avenue West extending to a point 5-ft north of where a sewer service line can be extended perpendicular to the northern proposed building within the public utility easement through the proposed parking lot, prior to the first building permit on either lot on the subject property, subject to review and approval of City Public Works and City Engineering. The applicant shall install an 8-inch diameter water main north from South Avenue West within the public utility easement through the proposed parking lot prior to the first building permit on either lot on the subject property, subject to review and approval of City Public Works and City Engineering. The water main should terminate with a blow-off located at least 5 feet north of the point where the fire and domestic lines to the north proposed building tee off the main.

7. The applicant shall prepare a boulevard landscaping and maintenance plan for 26th Avenue and South Avenue West (adjacent to the subject property), prior to the first building permit on either lot on the subject property, subject to review and approval of City Parks and Recreation. Installation of boulevard landscaping shall be installed and maintained per the approved boulevard landscaping and maintenance plan prior to certificate of occupancy for the first structure on either lot on the subject property.
WHEREAS, the parcel described herein is currently zoned C-R3 Residential (36 du/ac), in the County and the recommended zoning in the City is B2-2 Community Business 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. 6 and the Two Rivers 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 Clerk 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 03/08/2020 and 03/15/2020, a notice that such resolution has been duly and regularly passed and that for a period of 15-days after the first publication of the notice, the City Clerk 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 03/23/2020 and that a City Council public hearing shall be held Monday, 03/23/2020 at 7:00 p.m. at the regularly scheduled City Council meeting; 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 2nd day of March, 2020.

ATTEST: ________________________________  APPROVED: ________________________________

Martha L. Rehbein, CMC  John Engen
City Clerk  Mayor

(SEAL)
Lot 3  Ochsner Addition & Lot 63  U.S. Government Survey #2  
& Adjacent Right-of-Way  
All Located in Section 30, T.13 N., R.19 W., P.M.M.  
Prepared by: CITY OF MISSOULA GIS SERVICES