RESOLUTION NUMBER _______

A RESOLUTION OF THE MISSOULA CITY COUNCIL DECLARING CERTAIN CITY-OWNED PROPERTY AS OPEN SPACE PURSUANT TO THE MONTANA OPEN-SPACE LAND AND VOLUNTARY CONSERVATION EASEMENT ACT.

WHEREAS, the City of Missoula (“City”) owns the properties shown on Exhibits A, B and C (“the Properties”), and that are generally known as McCormick Park, Sacajawea Park and Sacajawea Spray Park respectively; and

WHEREAS, the Montana Open-Space Land and Voluntary Conservation Easement Act, Title 76, Chapter 6, Montana Code Annotated (“the Act”), authorizes the City to carry out the purposes and provisions of the Act in order to preserve significant open space lands for: (a) park or recreational purposes; (b) conservation of land or other natural resources; (c) historic or scenic purposes; or (d) assisting in the shaping of the character direction and timing of community development; and

WHEREAS, in order to preserve specific significant open space lands, § 76-6-106, MCA allows a public body to “designate any real property, including land and water, in which it has an interest to be retained and used for the preservation and provision of significant open-space land”; and

WHEREAS, the City of Missoula desires to designate the portion of the Properties shown on Exhibits A, B and C as open space land pursuant to § 76-6-106, MCA (“the Open Space Properties”); and

WHEREAS, the City desires to protect and preserve the Open Space Properties in order to provide park and recreational opportunities, and to protect the historic, scenic and natural resources found thereon.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Missoula, Montana that the Open Space Properties identified on Exhibit A, B and C attached hereto, are hereby designated as open space land under § 76-6-106 of the Act; and

BE IT FURTHER RESOLVED that pursuant to § 76-6-107 of the Act, the Open Space Property may not be converted or diverted from open-space land use except as provided for in the Act, except that the City of Missoula, its agents, and contractors, may utilize the Open Space Properties at any time, without further authorization, in order to access City utility infrastructure in order to construct, expand, improve, repair, maintain, or remove such infrastructure, provided that the City will restore the Open Space Property to the state is was in prior to such use within a reasonable time after such use is complete.

PASSED AND ADOPTED this _____ day of __________, 2020.

ATTEST:                        APPROVED:

Martha L. Rehbein      John Engen
City Clerk               Mayor

(SEAL)