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 in Exhibit A (“the Properties”), and generally known as:

A. 44 Ranch Park
B. Anderson Park
C. Bonner Park
D. Franklin Park
E. McLeod Park
F. Skyview Park
G. Whitaker Park

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 Properties shown on Exhibit A, as open space land pursuant to § 76-6-106, MCA (“the Open Space Property”); and

WHEREAS, the City desires to protect and preserve the Open Space Property 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 Property identified on Exhibit A attached hereto, is 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 Property 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)
2020 Open Space Declaration – Exhibit A: Descriptions of properties.

A) 44 Ranch Park

44 Ranch Park
Open Space Declaration Area
Parcel Boundaries

44 Ranch, Phases 1 and 2; and, 7C, Park Block
Located in S 1/2 of Section 12, T12 N, R20 W; and,
SW 1/4 of Section 12, T 13 N., R 20 W.
GEOCODE: 04-2199-12-2-03-62-0000 and 04-2199-12-2-07-25-0000
Address: 2503 Riata Rd., Missoula, MT 59808

Prepared by Missoula Parks and Recreation Department
Property boundaries are for reference only. This map does not constitute a legal representation of land ownership.

B) Anderson Park
C) Bonner Park

HAMMOND ADDITION # 3, BLKS 52 & 57 BONNER PARK,
15’ OF VAC. RONALD AVE. & ALL OF VAC. HASTINGS AVE. ADJ.
Located in Section 27, T.13 N., R.19 W., P.M.M.,
GEOCODE: 04-2200-27-3-39-01-0000
Address: 1600 Ronald Ave, Missoula, MT 59801

Prepared by Missoula Parks and Recreation Department
Property boundaries are for reference only. This map does not constitute a legal representation of land ownership.
D) Franklin Park

Franklin Park
Open Space Declaration Area
Parcel Boundaries

Daly's Addition #2, Block 77, Lot 1 -32
Located in Section 29, T.13 N. R.19 W. P.M.M.,
Geocode: 04-2200-29-2-48-31-0000
Address: 1100 Kemp St, Missoula, MT 59801

Prepared by Missoula Parks and Recreation Department
Property boundaries are for reference only. This map does not constitute a legal representation of land ownership.
Projection: Lambert Conformal Conic Coordinate System NAD1983 StatePlane Montana FIPS 2000 Feet
E) McLeod Park

F) Skyview Park
G) Whitaker Park

[Map showing the location of Whitaker Park with relevant addresses and codes]