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 property shown on Exhibit A (“the Property”), and
generally known as the Waterworks Hill trailhead; 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 Property 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 B 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 the 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 it 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)
EXHIBIT A
2020 Open Space Declaration - Descriptions of property

A) Portions of the Waterworks Hill Property (Total of 1.55 acres to be declared as public open space)

Geocode: 04-2200-22-1-24-01-0000
Address: 801 W. Greenough Drive, Missoula, MT 59802
Legal: S22, T13 N, R19 W, C.O.S. PLAT V, R1—PORTIONS OF MOUNTAIN WATER SD 1-1

Map: