

Return to: City Clerk
City of Missoula
435 Ryman Street
Missoula MT 59802-4297

RESOLUTION NUMBER _____

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana land described as Tracts 1, 3, 6, and 13 of Certificate of Survey No. 6982 and Tracts 2A, 4A, 5A, and 7A – 12A of Certificate of Survey No. 6995 and adjacent rights-of-way, all located in Sections 8 and 9, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M., containing 235 acres, more or less, as shown on Exhibit A, being subject to all easements or rights-of-way existing or of record, and zone the property M1-2 Limited Industrial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, set a public hearing for January 27, 2025, and refer this item to the City Council Land Use and Planning Committee on January 8, 2025.

LEGAL DESCRIPTION Tracts 1, 3, 6, and 13 of Certificate of Survey No. 6982 and Tracts 2A, 4A, 5A, and 7A – 12A of Certificate of Survey No. 6995 and adjacent right-of-way, all located in Sections 8 and 9, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M., containing 235 acres, more or less, being subject to all easements or rights-of-way existing or of record, and shown in Exhibit A.

WHEREAS, Roseburg Resources Co., owner of 100% of the property described herein, has filed Petition No. 10222 with the City Clerk requesting annexation; and

WHEREAS, it is the Missoula City Council's decision to consider this petition 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, 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

WHEREAS, the City Council desires the annexation and zoning of the herein described property be subject to the following conditions:

1. The petitioner shall dedicate to the City of Missoula 80-foot wide public access rights-of-way and utility easements for collector streets, and 30-foot wide public access easements for trails to serve the future development of the subject property, as shown on Exhibit B, subject to review and approval by Public Works & Mobility, Parks & Recreation, and the City Attorney's Office, within 60 days of City Council adoption of a resolution to annex. The easements may be modified following the North Reserve / Scott Street (NR/SS) area planning process currently planned to occur in 2025.
2. The petitioner shall provide a regional infrastructure plan to include collector street and trail routing, trunk line water main alignments, sewer force main alignments and lift station location(s), and stormwater routing to include off-site run-on, in general conformance with the NR/SS Plan update, within one year of City Council adoption of the NR/SS Plan update and prior to submittal of any building permits for new construction that cannot be served by extension of existing City

infrastructure in conformance with City standards, subject to review and approval by Public Works & Mobility. All new buildings and structures, except those on Tract 8A of Certificate of Survey 6995 utilizing existing water supply and wastewater treatment systems, shall be required to connect to municipal water and sewer and the developers shall be responsible for the water, sewer, and stormwater improvements necessary for service as determined by Public Works & Mobility.

3. The petitioner shall provide a waiver of the right to protest the creation of a special improvement district for City water, sewer, stormwater, streets, and trails for installation of the regional infrastructure improvements, based on benefit, subject to review and approval by Public Works & Mobility and the City Attorney's Office, within 60 days of City Council approval of the resolution to annex.
4. The petitioner shall file a retracement survey that includes all existing easements and encumbrances of record at the time of annexation (not including the right-of-way or trail easements required above), subject to review and approval by Public Works & Mobility and City Attorney's Office, within 180 days of City Council adoption of a resolution to annex.
5. The petitioner shall survey the location of the onsite YPL gas line, identify the line on a retracement survey, and include a 100-foot wide easement centered on the gas line as a no-build zone, where no habitable structures (dwellings, industrial buildings, or places of public assembly) are allowed within 50 feet of the gas line, and a 50-foot wide easement centered on the gas line where no storage buildings or trees or deep-rooted vegetation are allowed within 25 feet of the gas line, subject to review and approval by Public Works & Mobility, within 180 days of City Council adoption of a resolution to annex.

WHEREAS, Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road rights-of-way that are adjacent to the property being annexed; and

WHEREAS, the full width of Interstate 90 and Coal Mine Road adjacent to the parcel within the area to be annexed, as shown on Exhibit A, are proposed to be annexed into the municipal boundary of the City of Missoula; and

WHEREAS, the property described herein is currently zoned Industrial Center Heavy in the County and the zoning upon annexation in the City will be M1-2 Limited Industrial in accordance with MCA 76-2-303 (3)(a)(iii) and Missoula Municipal Code criterion 20.85.040(l)(2c), it is the intention of the City of Missoula to annex this property with the zoning upon annexation of M1-2 Limited Industrial. FURTHER, the parcel is situated adjacent to City Council Ward Area No. 2 and the Grant Creek 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 parcel 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 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 January 4, 2025 and January 11, 2025, a notice of the public hearing date and that such resolution of intent will appear on the City Council agenda for the meeting scheduled on Monday, January 6, 2025 and that the City 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 January 27, 2025 and that a City Council public hearing shall be held Monday, January 27, 2025 at 6:00 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 ____ day of _____, 2025.

ATTEST:

APPROVED:

Claire Trimble, CMC
City Clerk

Andrea Davis
Mayor

(SEAL)

Exhibit A

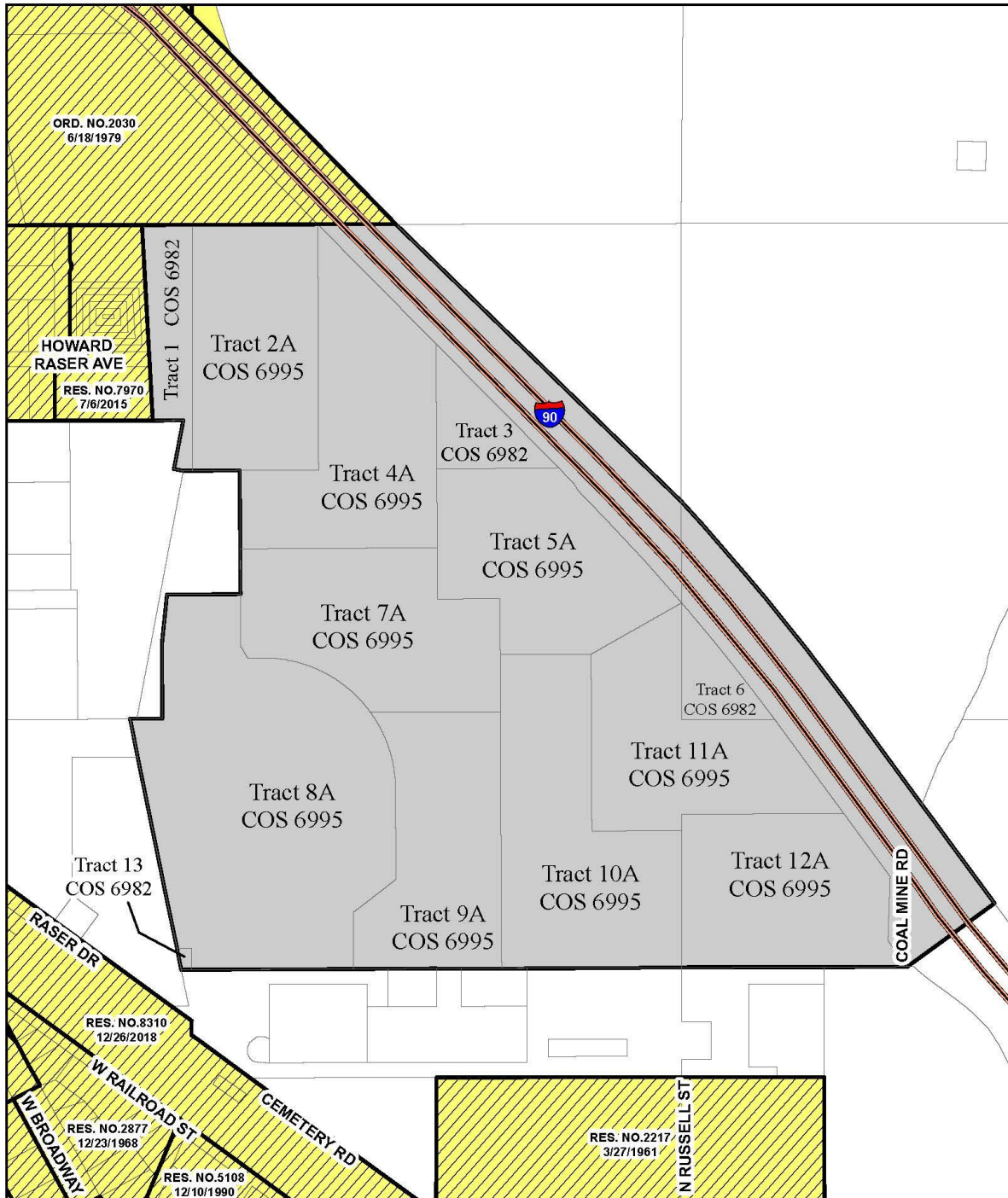


Exhibit "A" Tracts 1, 3, 6 & 13 Certificate of Survey 6982
 Tracts 2A, 4A, 5A, 7A - 12A Certificate of Survey 6995
 & Adj. ROW



All Located in Sections 8 & 9, T.13 N., R. 19 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

- Legend**
- I 90
 - Resolutions
 - Proposed Annexation
 - City Limits

