

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

RESOLUTION NUMBER _____

A resolution to annex and incorporate within the boundaries of the City of Missoula, Montana land described as Tracts 1 and 13 of Certificate of Survey No. 6982, Tract 8A of Certificate of Survey No. 6995, Tracts 2B and 4B of Certificate of Survey No. 7035, and adjacent right-of-way, all located in Section 8, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M., containing approximately 93 acres plus right-of-way, 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 and Memo No. 2, subject to the recommended conditions of annexation approval.

LEGAL DESCRIPTION Tracts 1 and 13 of Certificate of Survey No. 6982, Tract 8A of Certificate of Survey No. 6995, Tracts 2B and 4B of Certificate of Survey No. 7035, and adjacent right-of-way, all located in Section 8, Township 13 North, Range 19 West, Missoula County, Montana, P.M.M., containing 93 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 more than 50% of the property described herein, has filed Petition Number 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, Section 724211 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 adjacent to the area to be annexed, as shown on Exhibit A, is to be annexed into 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 subject to the following conditions:

1. The petitioner shall dedicate to the City of Missoula 80-foot wide public rights-of-way or public access rights-of-way and utility easements for collector streets, and 30-foot wide public access easements for trails (except for that portion across Tract 8A of COS 6995 and Tract 13 of COS 6982, which are to be 20 feet wide) 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 rights-of-way and easements may be modified following the North Reserve / Scott Street (NR/SS) area planning process currently planned to occur in 2026.

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. New development occurring in the Phase 1 annexation area may use existing City sewer, water, and transportation infrastructure in Howard Raser Drive or existing, onsite water and sewer infrastructure until additional backbone City utility infrastructure is constructed, subject to approval of any impacted private parties and Public Works & Mobility.
3. The petitioner shall provide a waiver of the right to protest the creation of a special improvement district for all owners of the 235-acre property 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 for the 235-acre property (not including the right-of-way, utility, 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 across the 235-acre property, subject to review and approval by Public Works & Mobility, within 180 days of City Council adoption of a resolution to annex.

WHEREAS, the property described herein is currently zoned Industrial Center Heavy in the County and it is the intention of the City Council of the City of Missoula to annex this property with the zoning upon annexation of M1-2 Limited Industrial. FURTHER, the property 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, Resolution Number 8828 was duly and regularly passed and adopted by the City Council of the City of Missoula and approved by the Mayor on January 6, 2025, stating the City's intention to consider extending the City limits to include the within described property and Council held a public hearing on January 27, 2025 at its regularly scheduled City Council meeting to hear all matters pertinent to the annexation and zoning of said property; and

WHEREAS, the City published notice of the public hearing on the proposed extension of City limits on January 4 and 11, 2025 and again on December 20 and 27, 2025 as provided by Sections 76-2-303 and 7-1-4127 MCA; 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 the corporate limits of the City of Missoula are hereby extended to incorporate and annex the property described herein; and

BE IT FURTHER RESOLVED that the property is hereby zoned M1-2 Limited Industrial within the City. FURTHER, the property is hereby assigned to City Council Ward Area No. 2 and the Grant Creek Neighborhood Council District; and

BE IT FURTHER RESOLVED that the minutes of the City Council of the City of Missoula, Montana incorporate this resolution, 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 _____, 2026.

ATTEST:

APPROVED:

Claire Trimble, CMC
City Clerk

Andrea Davis
Mayor

(SEAL)

Exhibit A

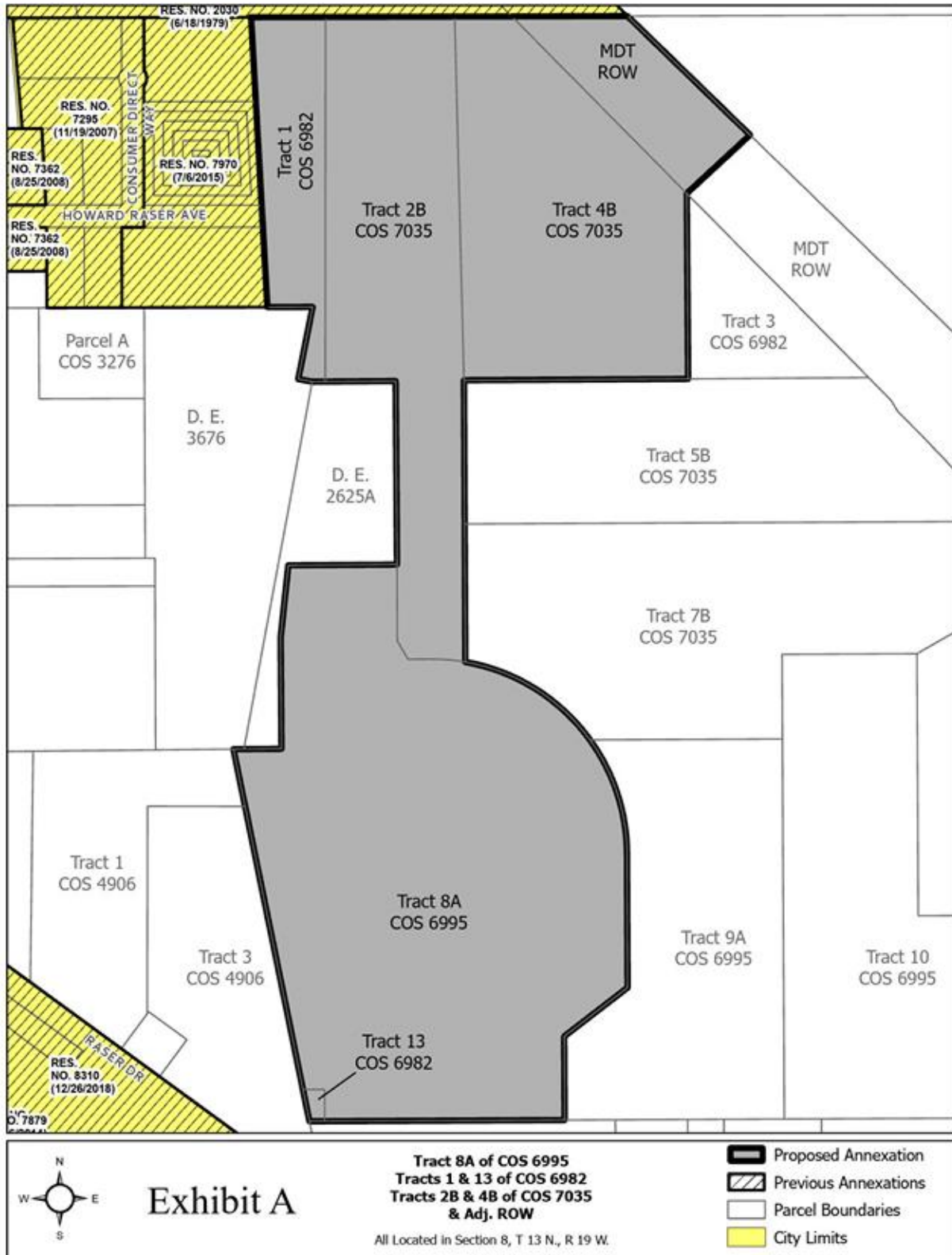


Exhibit B

