

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 two certain parcels of land described as Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, P.M.M., and zone the property C1-3 Neighborhood Commercial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval as amended by City Council.

LEGAL DESCRIPTION: Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461, located in Section 18, Township 13 North, Range 19 West, Principal Meridian Montana (PMM) as shown on Exhibit A attached hereto and made a part hereof.

WHEREAS, The George Jensen Limited Family Partnership, owner of 100% of the property described herein as 3770 and 3720 Mullan Road has filed Petition No. 10023 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the 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 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed; and

WHEREAS, the Mullan Road right-of-way adjacent to the southern boundary of the parcel is already within 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 conditioned upon annexation subject to the following conditions:

1. The applicant shall dedicate 25 feet of right-of-way measured from the southern property boundary of the two tracts of land, Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 shown on Exhibit A, within ninety (90) days of approval of the annexation, subject to review and approval of City Engineering. The applicant shall construct half street improvements meeting minor arterial standards for Mullan Road adjacent to the subject property, subject to review and approval of City Engineering, prior to the first building permit on either lot with

frontage on Mullan Road or within two (2) years of annexation, whichever is sooner. The applicant may guarantee installation of improvements with a cost estimate, improvements agreement, and financial security approved by City Engineering. The improvements on the north side of Mullan Road shall include: curb and gutter, drainage facilities, 5-foot wide bike lane, 10-foot wide landscaped boulevard, 6-foot wide sidewalk, patch back to existing paving and pedestrian crossings at Clark Fork Lane and Mullan Road.

2. The applicant shall dedicate 67 feet of right-of-way on the southern portion of Clark Fork Lane within ninety (90) days of approval of the annexation, subject to review and approval of the City Engineer. The applicant shall install improvements on the west side of Clark Fork Lane adjacent to the subject property, subject to review and approval of City Engineering, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The applicant may guarantee installation of improvements with a cost estimate, improvements agreement, and financial security approved by City Engineering. The improvements on the west side of Clark Fork Lane shall include: curb and gutter, 7-foot boulevard, 5-foot sidewalk, and 6-foot bike lane on the west side of Clark Fork Lane.
3. The applicant shall dedicate 61 feet of right-of-way on the northern portion of Clark Fork Lane within ninety (90) days of approval of the annexation, subject to review and approval of the City Engineer. The applicant shall install full street improvements for the northern portion of Clark Fork Lane, subject to review and approval of City Engineering, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The applicant may guarantee installation of improvements with a cost estimate, improvements agreement, and financial security approved by City Engineering. The improvements shall include: 35 feet back-of-curb to back-of-curb roadway, curb and gutter, drainage facilities, 11-foot travel lanes, 6-foot bike lanes, 7-foot boulevards and 5-foot sidewalks.
4. The applicant shall provide an access easement filed with the County Clerk and Recorder from Clark Fork Lane across the tract of land described in Book 128 of Micro Records at Page 461 for the use and benefit of Tract 1 of Halling Farms, subject to review and approval of City Engineering, within ninety (90) days of approval of the annexation.
5. The applicant shall install a fire hydrant per the City Fire approved hydrant plan, subject to review and approval of City Fire, prior to combustible construction.
6. The applicant shall extend a 12-inch water main within the Mullan Road right-of-way from the existing main in Clark Fork Lane to serve Tract 1 of Halling Farms, subject to review and approval by City Public Works and City Engineering, prior to building permit approval of the first structure on Tract 1 of Halling Farms. Alternatively, the applicant could connect fire and domestic services to the water main in the adjacent property to the west if an easement is obtained and filed with the County Clerk and Recorder, subject to review and approval of City Public Works and City Engineering, prior to building permit approval of the first structure on Tract 1 of Halling Farms. Additional public utility infrastructure for water and sewer may be required at the time of building permit approval as determined by City Public Works and City Engineer.
7. The applicant shall prepare a boulevard landscaping and maintenance plan for Clark Fork Lane and the portion of Mullan Road adjacent to the subject property, subject to review and approval of City Parks and Recreation, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The boulevard landscaping shall be installed and maintained per the approved boulevard landscaping and maintenance plan prior to certificate of occupancy for each building permit.
8. The applicant shall petition into the Missoula Urban Transportation District prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner, subject to review and approval by Development Services.

WHEREAS, the parcels described herein are currently zoned C-C2 General Commercial and C-RR3 Residential in the County and the recommended zoning in the City is C1-3 Neighborhood Commercial in accordance with MCA 76-2-303 (3)(a) 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 recommended city zoning. FURTHER, the parcels are situated adjacent to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add these parcels to said Ward and Neighborhood Council District; and

WHEREAS, there was duly and regularly passed and adopted by the Council of the City of Missoula and approved by the Mayor on 8/24/2020, Resolution Number 8447 stating the City's intention to consider extending the City limits to include the within described properties and Council set a public hearing for 9/14/2020 at its regularly scheduled City Council meeting to hear all matters pertaining to the annexation and zoning of said property; and

WHEREAS, the City Clerk published notice of such proposed extension of the city limits on 8/30/2020 and 9/6/2020 as provided by Section 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 tracts and parcels 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 parcel is hereby zoned C1-3 Neighborhood Commercial in the City. FURTHER, that the parcel is hereby assigned to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District; and

BE IT FURTHER RESOLVED that the minutes of 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 14th day of September, 2020.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)