

I-205  
AD521201904

Interlocal Agreement between Missoula County and the City of Missoula  
for the Missoula County Fairgrounds – Commuter Trails Project

The purpose of this Interlocal Agreement is to memorialize the design, construction, maintenance, and management responsibilities between the Missoula County Fairgrounds and the City of Missoula Parks and Recreation Department for the shared use of trails, access, parking and related improvements bordering the Fairgrounds and Playfair Park, (this "Agreement"), dated as of May 20, 2019 (the "effective date"). This Agreement is entered into by and between Missoula County (the "County"), a political subdivision of the State of Montana, and the City of Missoula (the "City"), a municipal corporation and political subdivision of the State of Montana.

Witnesseth:

WHEREAS, extending commuter trails through the Fairgrounds has long been contemplated by community planning efforts, including the 2016 Bicycle Facilities Master Plan, 2011 Active Transportation Plan, and 2011 URD III Curb and Sidewalk Needs Assessment, to provide links for non-motorized travel as well as connections to existing trail, recreational, and school infrastructure such as Playfair Park and Splash Montana, the YMCA, Russell Elementary School, and Sentinel High School; and

WHEREAS, in April 2018, the Missoula Redevelopment Agency approved funding for a Commuter Trail system, connecting Playfair Park to Urban Renewal District III. This included three trail segments: the Fairway/Raceway Trail, bisecting the Fairgrounds property between Fairview Avenue and Stephens; the Stephens Trail, connecting South Avenue to Playfair Park along the east edge of the Fairgrounds, and the Playfair Trail along the south boundary of the Fairgrounds property (Exhibit A, attached); and

WHEREAS, in May 2018, the Missoula County Commission adopted Design Guidelines and Schematic Design Plans for future construction at the Fairgrounds. This included shared access and parking with Playfair Park along the south boundary of the Fairgrounds; and

WHEREAS, the properties along the shared boundary of the Fairgrounds and Playfair Park are owned by Missoula County and the City of Missoula and are currently utilized by the parties, including the YMCA which is on land currently leased from Missoula County, for access and parking; and

WHEREAS, a 25-foot access easement currently exists across County property, granting access to Playfair Park, however no easement exists for access to the Fairgrounds across City property; and

WHEREAS, the embankment along Playfair Park is part of a storm water retention basin, which is classified as high hazard by the Montana Department of Natural Resources and Conservation (DNRC). The City of Missoula is responsible for maintenance, inspections, and annual reporting for the facility, but the DNRC retains review privileges for any major modifications to the embankment; and

WHEREAS, this Agreement directs the construction, maintenance and management of the proposed improvements in perpetuity, or until such time as other agreements are made and mutually accepted.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

#### **MISSOULA COUNTY RESPONSIBILITIES**

1. Construction – The County shall provide for the design and construction of the trails, lighting, parking, access drives, and related improvements at its cost. These improvements shall be designed and constructed in accordance with the Missoula Parks and Recreation Design Manual (2018 Edition), Fairgrounds Design Guidelines, and applicable City Engineering Standards, with design review and final acceptance by City Parks Department. The County shall be responsible for materials testing, engineering inspections, permits, and preparation of as-built drawings.
2. Access Easements – The County shall grant access easements to the City for the use of the Fairway Trail (Area 1 on Exhibit B, attached). The County shall grant access easements to the City for the use and maintenance of the Stephens and Playfair Trails, (Area 2 and Area 3 on Exhibit B, attached). The County will reserve the right to go over, upon, under, and across the land encumbered by the Easements and to construct, maintain, improve, repair, replace, and remove (collectively “construct”) improvements thereon in a manner that will not unreasonably interfere with the rights granted and to restrict access from time to time for special events or to construct improvements. The County will reserve the right to grant additional easements, licenses, and /or permits to others for the use and occupancy of the land encumbered by the easement and for construction of improvements thereon, in a manner that will not unreasonably interfere with the rights granted hereunder.
3. Trail Maintenance – The County shall be responsible for routine cyclical and long-term operation and maintenance of the Fairway/Raceway segment of the trail within County property, including lighting, irrigation, drainage, snow removal, sweeping, signing, striping and repaving, and other regular maintenance items.
4. Parking Lot Maintenance – The County shall be responsible for cyclical and long-term operation and maintenance of the parking lots and access drives within both City and County property, including lighting, irrigation, drainage, snow removal, sweeping, signing, striping, repaving, and other regular maintenance items.
5. Indemnity – The County shall defend, indemnify and hold harmless the City, its employees and agents, from all claims, liabilities, demands, causes of action or judgements, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the County, its employees or agents relating to this Agreement.

#### **CITY OF MISSOULA RESPONSIBILITIES**

1. Construction – The City shall provide timely review and inspection of the proposed improvements, in accordance with the Missoula Parks and Recreation Design Manual (2018 Edition), Fairgrounds Design Guidelines, and applicable City Engineering Standards.
2. Access Easements – The City shall grant access easements to the County for the construction, use, and maintenance of the parking lots (Exhibit C, attached).
3. Trail Maintenance – The City shall be responsible for routine cyclical and long-term operation and maintenance of the Stephens and Playfair segments of the trail within City

and County property, including lighting, irrigation, drainage, snow removal, sweeping, signing, striping and repaving, and other regular maintenance items.

4. Indemnity – The City shall defend, indemnify and hold harmless the County, its employees and agents, from all claims, liabilities, demands, causes of action or judgements, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the City, its employees or agents relating to this Agreement.

#### THE COUNTY AND THE CITY MUTUALLY AGREE

The trails shall be open to public use, consistent with City of Missoula Municipal Code, City Parks and Recreation Board Management Policies, and the Fairgrounds Design Guidelines. The County, in its discretion, may restrict or prohibit access to the Fairway Trail from time-to-time for special events or to construct improvements. As a courtesy to City, the County will give seven (7) days advance written notice of any temporary closure lasting longer than twenty-four hours.

The parking lots shall be open to public use, consistent with City of Missoula Municipal Code and the Fairgrounds Design Guidelines.

Either the City or County may request of the other party, brief temporary closures or exclusive use of the Stephens or Playfair Trails, access roads, and parking for large special events. Requests for these closures shall require detour plans and approvals at least 4 weeks in advance, unless closure is for an emergency. Terms and duration of closures shall be in writing and agreed upon by both parties.

IN WITNESS WHEREOF, the County of Missoula has caused this instrument to be duly executed by its County Commissioners on the 20 day of May 2019, to be effective as of the effective date first set forth above.

Missoula County

By: [Signature] Date: 5/21/19

By: [Signature] Date: 5/21/19

By: [Signature] Date: 5/21/19

ATTESTED TO BY: [Signature]

REVIEWED BY: [Signature]  
County Attorney



IN WITNESS WHEREOF, the City of Missoula has caused this instrument to be duly executed by its proper officers on the 20th day of May 2019, to be effective as of the effective date first set forth above.

CITY of Missoula  
By: [Signature] Date: 5/20/19  
John Engen, Mayor

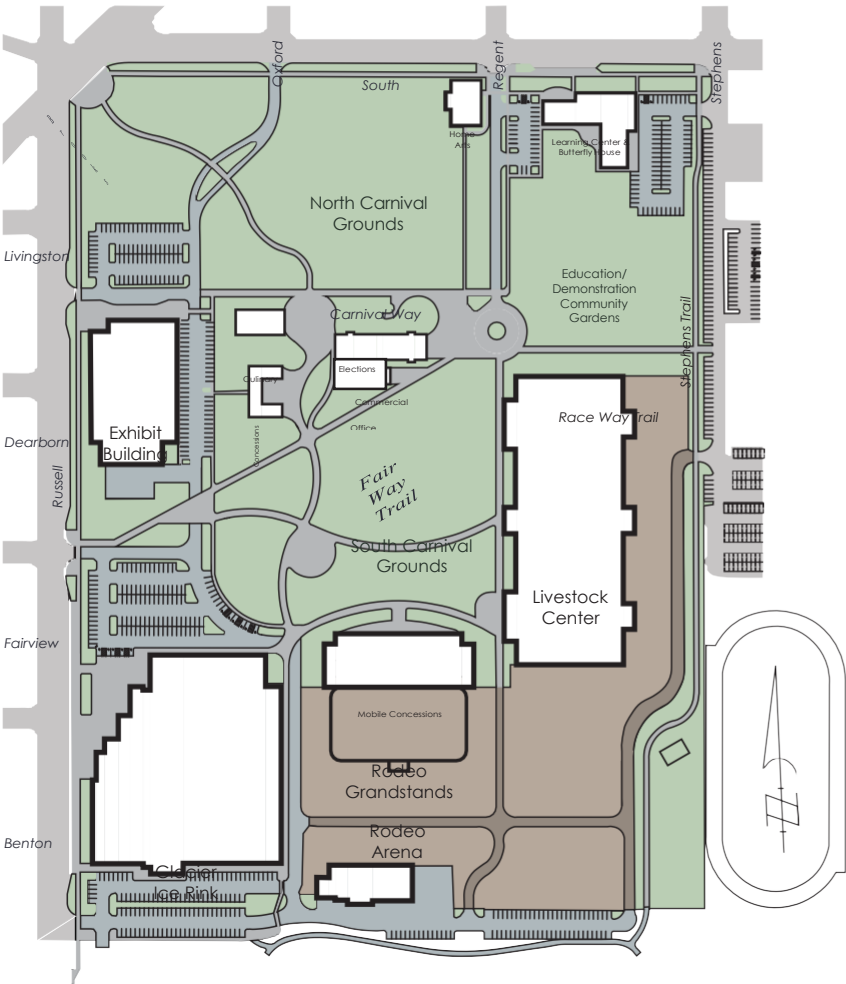
ATTESTED TO BY: [Signature]  
Deputy City Clerk

APPROVED AS TO FORM AND CONTENT: [Signature]  
City Attorney



# MISSOULA COUNTY FAIRGROUNDS TAX INCREMENT FINANCING REQUEST

MARCH 30, 2018



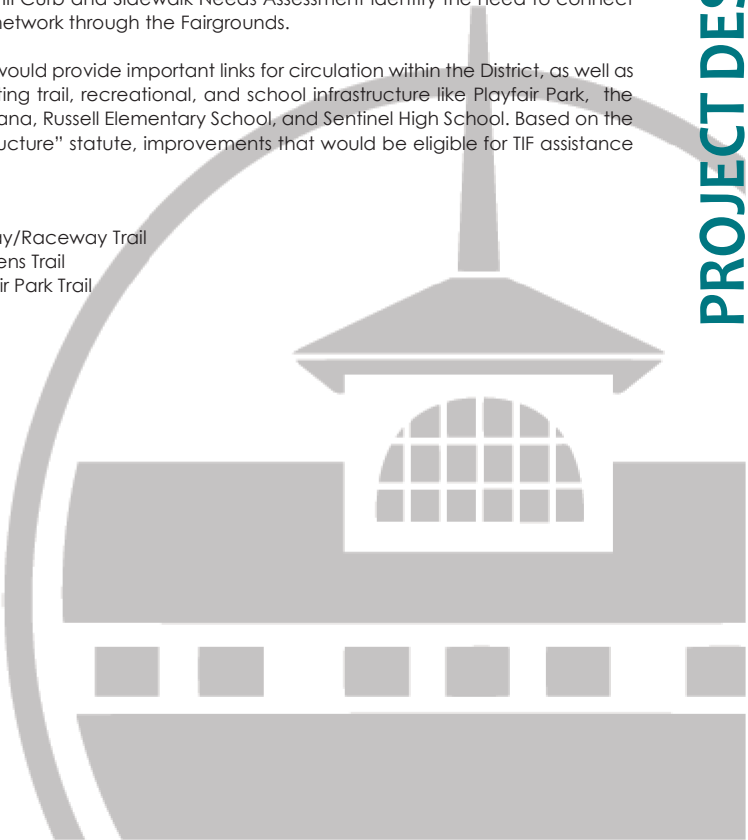
## COMMUTER TRAIL CONNECTIONS

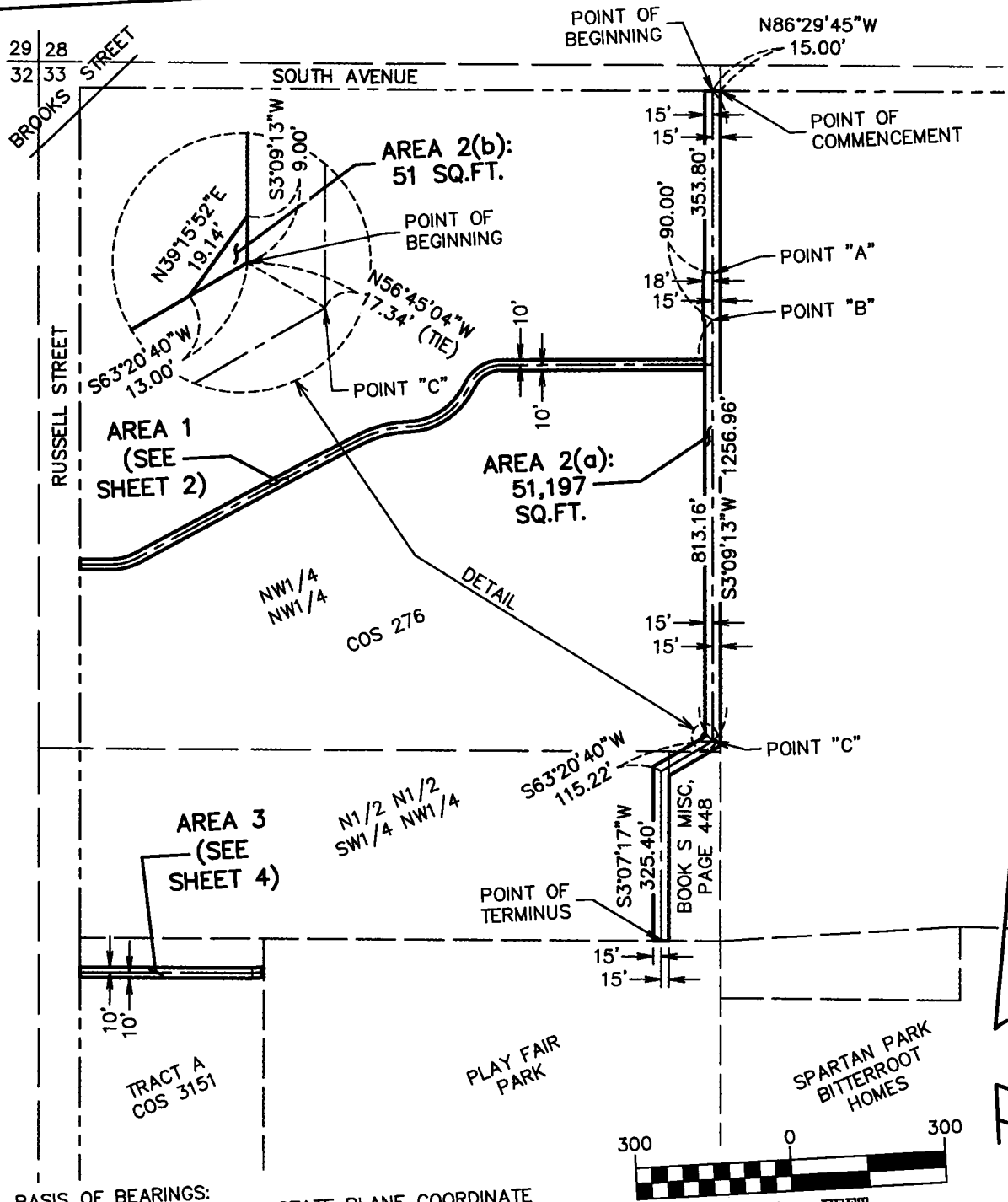
Extending commuter trails through the Fairgrounds has long been contemplated by previous planning efforts. The 2016 Bicycle Facilities Master Plan, 2011 Active Transportation Plan, and 2011 URD III Curb and Sidewalk Needs Assessment identify the need to connect the non-motorized network through the Fairgrounds.

These connections would provide important links for circulation within the District, as well as connections to existing trail, recreational, and school infrastructure like Playfair Park, the YMCA, Splash Montana, Russell Elementary School, and Sentinel High School. Based on the "connected infrastructure" statute, improvements that would be eligible for TIF assistance include:

- Fairway/Raceway Trail
- Stephens Trail
- Playfair Park Trail

PROJECT DESCRIPTION





BASIS OF BEARINGS:  
GRID NORTH OF MONTANA STATE PLANE COORDINATE  
SYSTEM - NORTH AMERICAN DATUM 1983 (CORS96).

EXHIBIT "B"  
LOCATED IN THE NW 1/4 OF SECTION 33,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



**WGM GROUP**  
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DATE: MARCH 28, 2019  
SHEET 1 OF 3 SHEETS

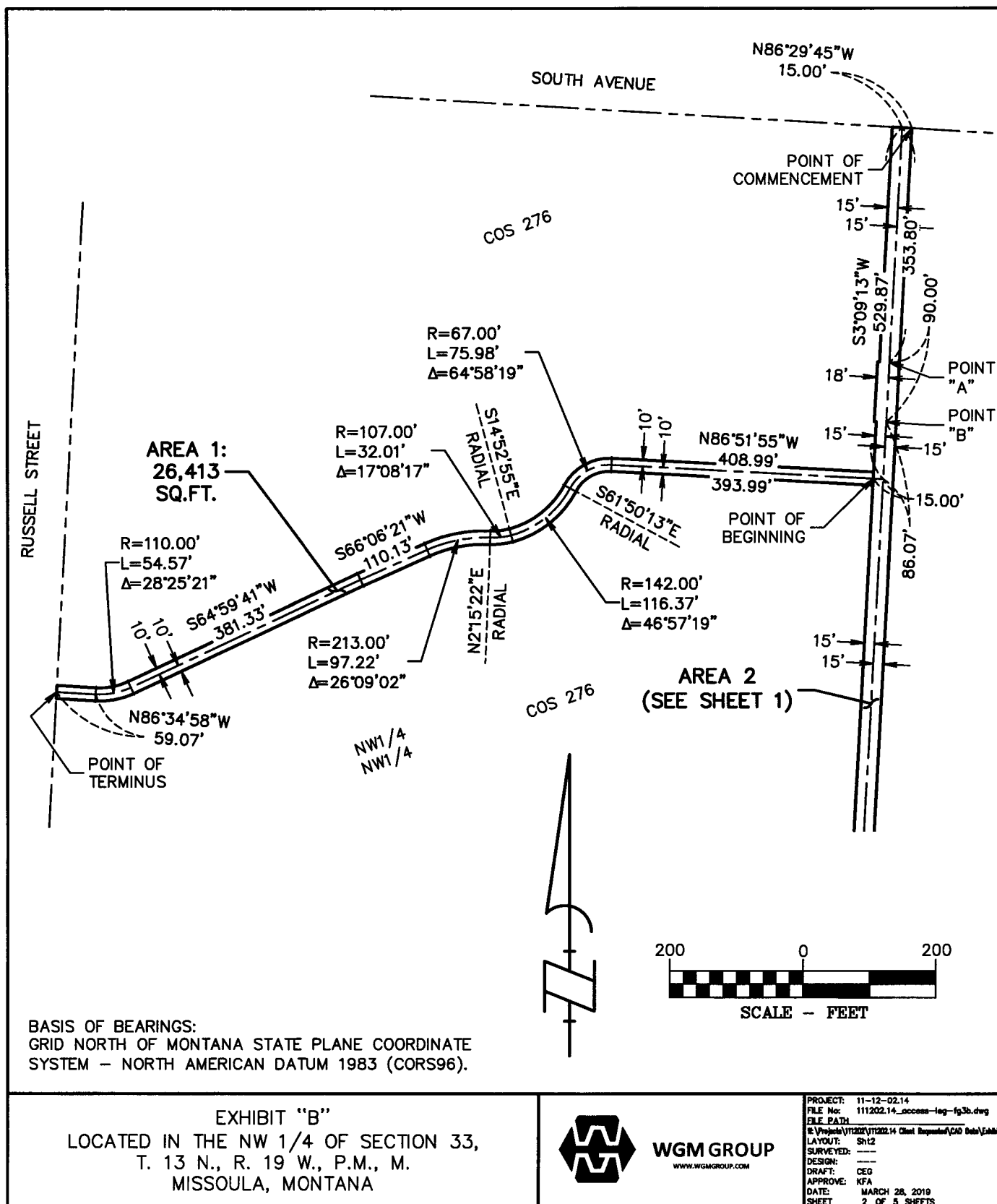


EXHIBIT "B"  
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T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



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DATE: MARCH 28, 2019  
SHEET: 2 OF 5 SHEETS

LEGAL DESCRIPTION: AREA 1

A STRIP OF LAND 20.00 FEET WIDE BEING A PORTION OF CERTIFICATE OF SURVEY NO. 276, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA; LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; SAID STRIP OF LAND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID CERTIFICATE OF SURVEY NO. 276; THENCE N 86°29'45" W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH AVENUE, 15.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 15.00 FEET, MEASURED AT RIGHT ANGLES, WESTERLY OF THE EASTERLY LINE OF SAID CERTIFICATE OF SURVEY NO. 276; THENCE S 03°09'13" W ALONG SAID PARALLEL LINE, 529.87 FEET; THENCE N 86°51'55" W, 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 86°51'55" W, 393.99 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 67.00 FEET; THENCE SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 64°58'19", AN ARC LENGTH OF 75.98 FEET TO A POINT ON A REVERSE CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 142.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS S 61°50'13" E; THENCE SOUTHWESTERLY ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 46°57'19", AN ARC LENGTH OF 116.37 FEET TO A POINT ON A COMPOUND CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 107.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS S 14°52'55" E; THENCE SOUTHWESTERLY ALONG SAID COMPOUND CURVE THROUGH A CENTRAL ANGLE OF 17°08'17", AN ARC LENGTH OF 32.01 FEET TO A POINT ON A REVERSE CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 213.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS N 02°15'22" E; THENCE SOUTHWESTERLY ALONG LAST SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 26°09'02", AN ARC LENGTH OF 97.22 FEET; THENCE S 66°06'21" W, 110.13 FEET; THENCE S 64°59'41" W, 381.33 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 110.00 FEET; THENCE SOUTHWESTERLY ALONG LAST SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 28°25'21", AN ARC LENGTH OF 54.57 FEET; THENCE N 86°34'58" W, 59.07 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RUSSELL STREET, SAID POINT BEING THE POINT OF TERMINUS OF SAID CENTERLINE; THE SIDELINES OF SAID 20.00 FOOT WIDE STRIP OF LAND TO BE LENGTHENED OR SHORTENED AS NECESSARY TO INTERSECT THE EASTERLY RIGHT-OF-WAY LINE OF RUSSELL STREET; CONTAINING 26,413 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION: AREA 2

AREA 2(a):

A STRIP OF LAND 30.00 FEET WIDE BEING A PORTION OF CERTIFICATE OF SURVEY NO. 276, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA; LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; SAID STRIP OF LAND LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID CERTIFICATE OF SURVEY NO. 276; THENCE N 86°29'45" W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH AVENUE, 15.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 15.00 FEET, MEASURED AT RIGHT ANGLES, WESTERLY OF THE EASTERLY LINE OF SAID CERTIFICATE OF SURVEY NO. 276, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 03°09'13" W ALONG SAID PARALLEL LINE, 353.80 FEET TO POINT "A"; THE SIDELINES OF SAID 30.00 FOOT WIDE STRIP OF LAND TO BE LENGTHENED OR SHORTENED AS NECESSARY TO INTERSECT THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH AVENUE;

TOGETHER WITH A STRIP OF LAND 33.00 FEET WIDE BEING A PORTION OF SAID CERTIFICATE OF SURVEY NO. 276; SAID STRIP OF LAND LYING 18.00 FEET ON THE WESTERLY SIDE AND 15.00 FEET ON THE EASTERLY SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE HEREINABOVE DESCRIBED POINT "A"; THENCE S 03°09'13" W CONTINUING ALONG SAID PARALLEL LINE, 90.00 FEET TO POINT "B";

TOGETHER WITH A STRIP OF LAND 30.00 FEET WIDE BEING A PORTION OF SAID CERTIFICATE OF SURVEY NO. 276 AND A PORTION OF THAT TRACT OF LAND DESCRIBED IN BOOK S MISCELLANEOUS, PAGE 448, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA; SAID STRIP OF LAND LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE HEREINABOVE DESCRIBED POINT "B"; THENCE S 03°09'13" W CONTINUING ALONG SAID PARALLEL LINE, 813.16 FEET TO POINT "C"; THENCE S 63°20'40" W, 115.22 FEET; THENCE S 03°07'17" W, 325.40 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID CERTIFICATE OF SURVEY NO. 276, SAID POINT BEING THE POINT OF TERMINUS OF SAID CENTERLINE; THE SIDELINES OF SAID 30.00 FOOT WIDE STRIP OF LAND TO BE LENGTHENED OR SHORTENED AS NECESSARY TO INTERSECT THE SOUTHERLY LINE OF SAID CERTIFICATE OF SURVEY NO. 276;

CONTAINING 51,197 SQUARE FEET, MORE OR LESS;

AREA 2(b):

TOGETHER WITH A TRACT OF LAND BEING A PORTION OF SAID CERTIFICATE OF SURVEY NO. 276; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE HEREINABOVE DESCRIBED POINT "C"; THENCE N 56°45'04" W, 17.34 FEET TO THE POINT OF BEGINNING; THENCE S 63°20'40" W, 13.00 FEET; THENCE N 39°15'52" E, 19.14 FEET; THENCE S 03°09'13" W, 9.00 FEET TO THE POINT OF BEGINNING; CONTAINING 51 SQUARE FEET, MORE OR LESS.

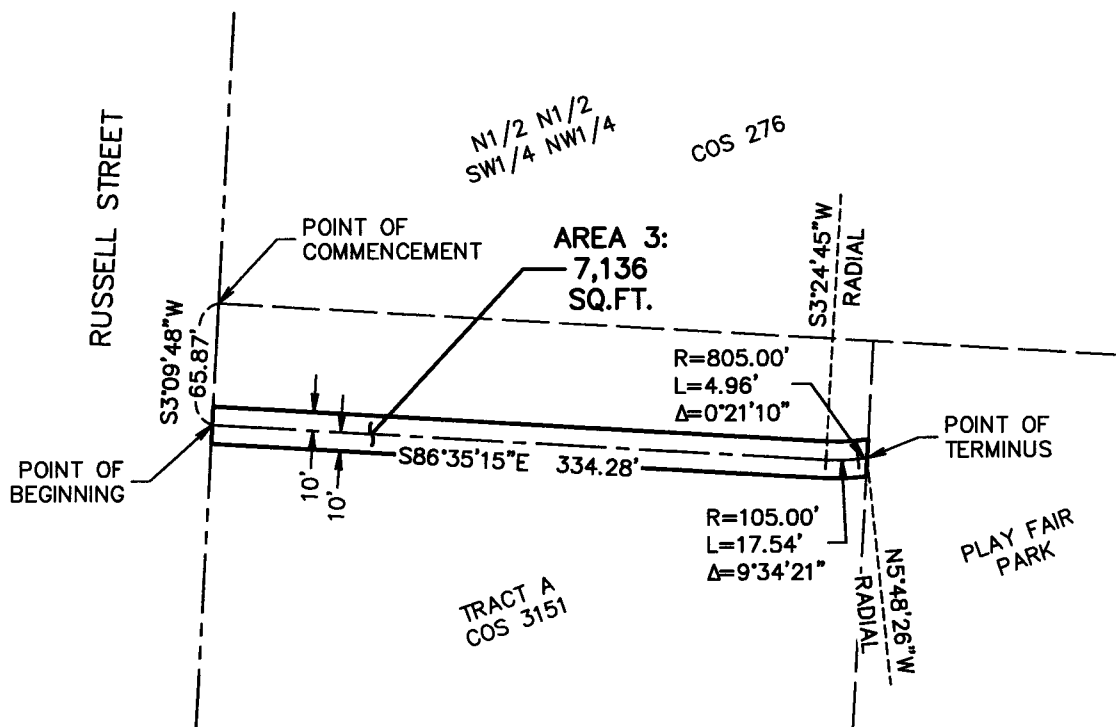
EXHIBIT "B"  
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T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



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DATE: MARCH 28, 2019  
SHEET: 3 OF 5 SHEETS





BASIS OF BEARINGS:  
GRID NORTH OF MONTANA STATE PLANE COORDINATE  
SYSTEM - NORTH AMERICAN DATUM 1983 (CORS96).

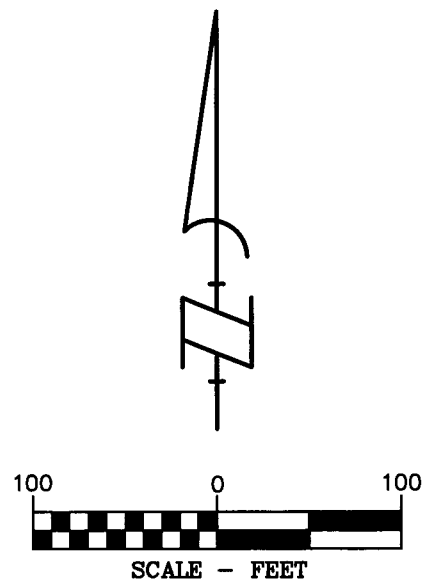


EXHIBIT "B"  
LOCATED IN THE NW 1/4 OF SECTION 33,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



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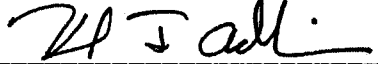
LEGAL DESCRIPTION: AREA 3

A STRIP OF LAND 20.00 FEET WIDE BEING A PORTION OF TRACT A OF CERTIFICATE OF SURVEY NO. 3151, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA; LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; SAID STRIP OF LAND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE S 03°09'48" W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF RUSSELL STREET, 65.87 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE S 86°35'15" E, 334.28 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 105.00 FEET; THENCE NORTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 9°34'21", AN ARC LENGTH OF 17.54 FEET TO A POINT ON A REVERSE CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 805.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS N 05°48'26" W; THENCE NORTHEASTERLY ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 0°21'10", AN ARC LENGTH OF 4.96 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT A, SAID POINT BEING THE POINT OF TERMINUS OF SAID CENTERLINE; THE SIDELINES OF SAID 20.00 FOOT WIDE STRIP OF LAND TO BE LENGTHENED OR SHORTENED AS NECESSARY TO INTERSECT THE WESTERLY AND EASTERLY LINES OF SAID TRACT A; CONTAINING 7,136 SQUARE FEET, MORE OR LESS.

SURVEYOR'S STATEMENT\*\*\*\*\*

THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION.

  
KIRK F. ADKINS, P.L.S.  
MONTANA LICENSE NO. 16734LS  
FOR WGM GROUP, INC.

03/28/2019  
DATE



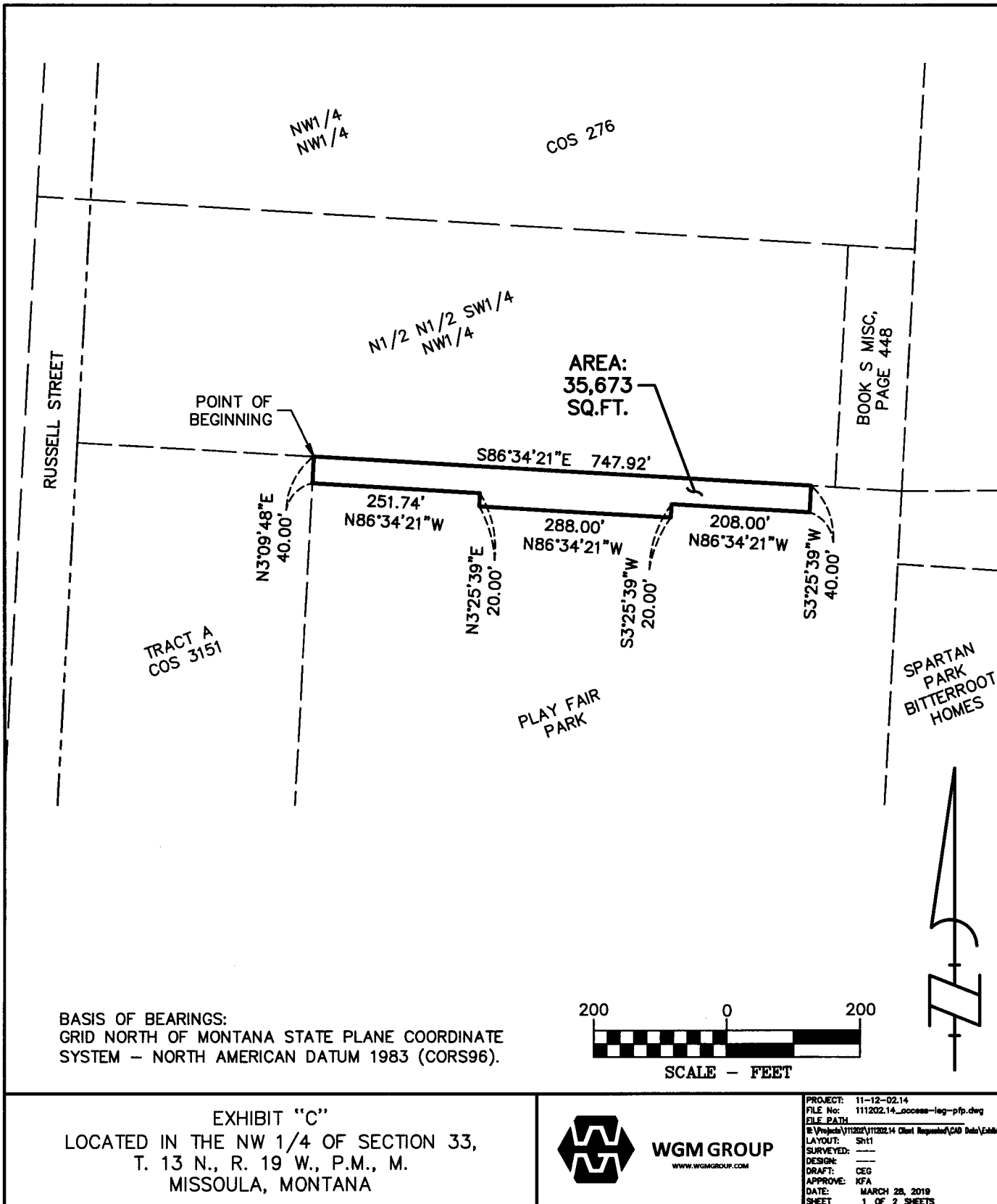
UNLESS SIGNED, SEALED, AND DATED, THIS IS  
A PRELIMINARY OR UNOFFICIAL DOCUMENT AND  
CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "B"  
LOCATED IN THE NW 1/4 OF SECTION 33,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



WGM GROUP  
WWW.WGMGROUP.COM

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APPROVE: KFA  
DATE: MARCH 28, 2019  
SHEET: 5 OF 8 SHEETS



LEGAL DESCRIPTION\*\*\*\*\*

A TRACT OF LAND BEING A PORTION OF PLAY FAIR PARK, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 3151, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA; THENCE S 86°34'21" E ALONG THE NORTHERLY LINE OF SAID PLAY FAIR PARK, 747.92 FEET; THENCE S 03°25'39" W, 40.00 FEET; THENCE N 86°34'21" W, 208.00 FEET; THENCE S 03°25'39" W, 20.00 FEET; THENCE N 86°34'21" W, 288.00 FEET; THENCE N 03°25'39" E, 20.00 FEET; THENCE N 86°34'21" W, 251.74 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT A; THENCE N 03°09'48" E ALONG SAID EASTERLY LINE, 40.00 FEET TO THE POINT OF BEGINNING; CONTAINING 35,673 SQUARE FEET, MORE OR LESS.

SURVEYOR'S STATEMENT\*\*\*\*\*

THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION.



03/28/2018  
DATE

KIRK F. ADKINS, P.L.S.  
MONTANA LICENSE NO. 16734LS  
FOR WGM GROUP, INC.



UNLESS SIGNED, SEALED, AND DATED, THIS IS A PRELIMINARY OR UNOFFICIAL DOCUMENT AND CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "C"  
LOCATED IN THE NW 1/4 OF SECTION 33,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



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