

# Pattee Street Right-of-Way Vacation

Public Works Committee

Brandt Dahlen  
Public Works – Infrastructure & Mobility  
*April 1<sup>st</sup>, 2021*



# Vicinity Map



This map was created by the  
City of Missoula  
Development Services

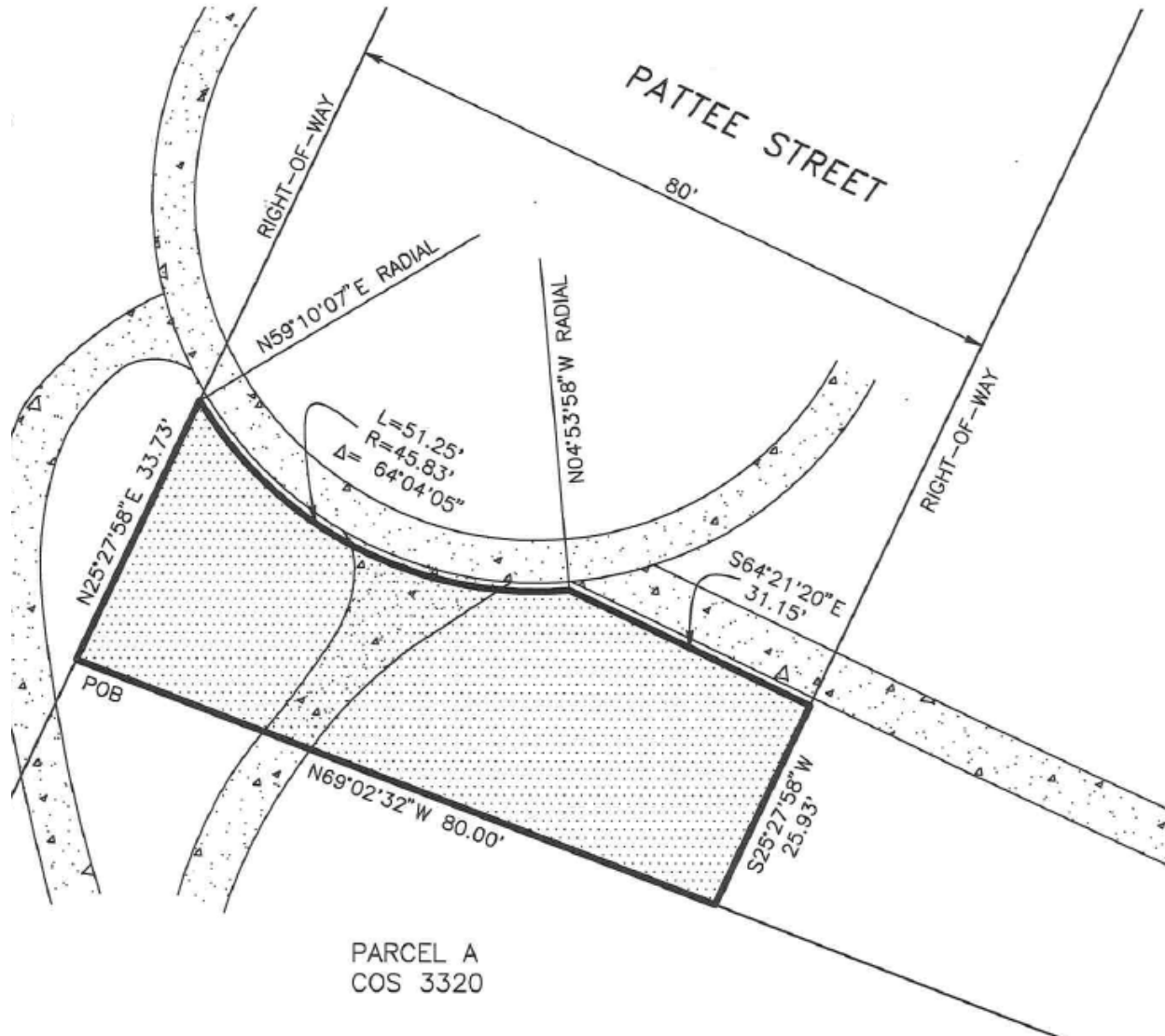
1 in = 249 ft



Vicinity Map  
Pattee St ROW Vacation

- Previous work conducted on Carousel Drive to facilitate loading zone parking and emergency service access.
- Project removed area from Caras Park that was designated as a “Land and Water Conservation Fund Property” and is deed restricted as such.
- This vacation will provide replacement area for what parkland was removed as required by federal grant regulations.

# Requested Vacation



PARCEL A  
COS 3320

# Site Layout





Pattee Street  
looking south

# Area Previously Vacated



Previously vacated  
areas adjacent to  
Pattee St  
(1983 & 1985)



# Adjacent Property Owner



Adjacent property owner of the Holiday Inn, Charles McDermid, graciously waived his rights to half of the vacation in order to make this happen.

As owner(s) of property adjacent to a plat dedicated public right-of-way entitled to certain adjacent vacated public right-of-way pursuant to sections 70-16-202 and 70-20-307 MCA, we/I hereby knowingly voluntarily waive any and all ownership claim to the vacated adjacent public right of way. Our/my signature signifies our/my voluntary, knowingly, understanding intent and approval that any and all vacated dedicated public right-of-way that we/I might have any ownership entitlement to is hereby to be granted, gifted, given or transferred to the City of Missoula for use as parkland. We/I waive and make no ownership or compensation claim to any such lands as legally described elsewhere in this document.

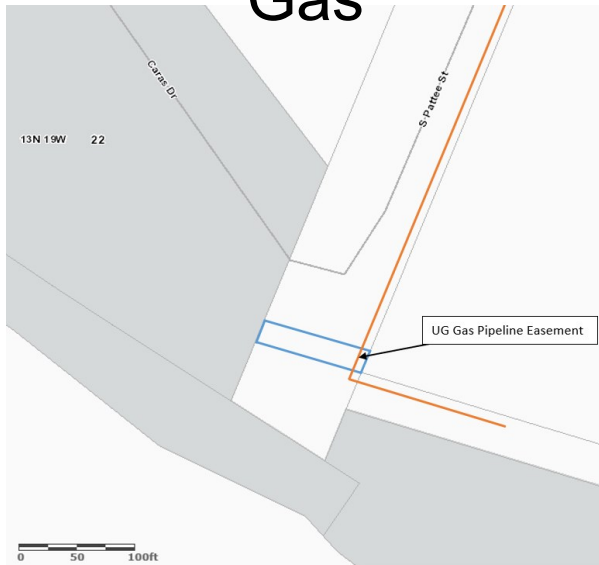
Charles D. McDermid  
Owner's Signature - Charles McDermid

03/10/2021  
Date

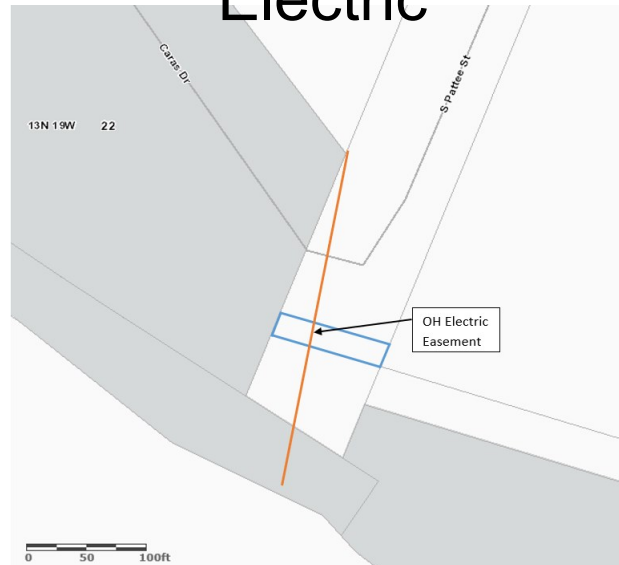


NWE requests to preserve their right to access/maintain these facilities in the vacated portion of the right of way.

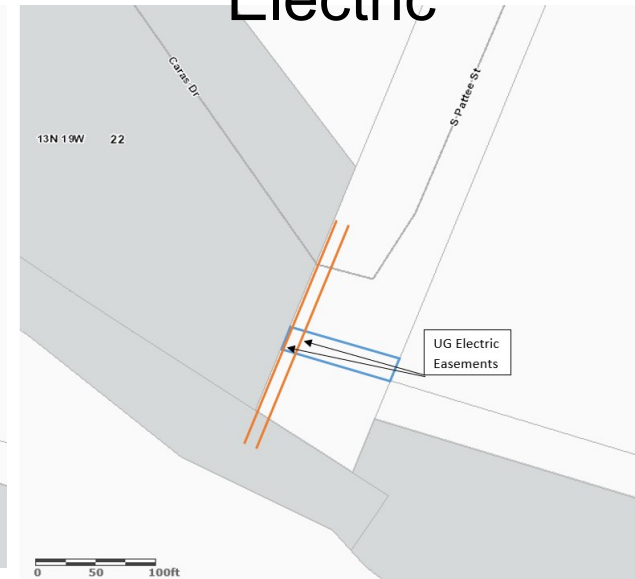
Underground  
Gas



Overhead  
Electric



Underground  
Electric





## **Montana Code Annotated Section 7-14-4115:**

The vacation shall not affect the right of any public utility to continue to maintain its plant and equipment in any such streets or alleys.

The Resolution will include language such as this below.

**WHEREAS**, the property intended to be vacated is subject to any and all utility easements over and across said property in accordance with Section 7-14-4115 of the Montana Code Annotated to continue the installation, maintenance, and repair of any and all public utilities. The property owners benefiting from the vacated right-of-way assume all risk for the installation, placement or construction of any improvement over any easement in which a municipal utility is located and the City shall in no way be liable for any damage to those improvements occasioned by the repair and maintenance of any utilities.

Adopt a resolution of intention to vacate public right-of-way being approximately 30 feet of Pattee Street as further described in Exhibit A that will become public park land, and set a public hearing on May 3, 2021.