

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

Resolution Number _____

A resolution declaring it to be the intention of the City Council of the City of Missoula, Montana, to close and vacate the south approximately thirty (30) feet of Pattee Street lying north of Bess Reed Park and at the southern end of the Pattee Street cul-de-sac, as described in Exhibit A, and set a public hearing on May 3, 2021.

WHEREAS, the City of Missoula desires to vacate that portion of right-of-way described below and shown on attached Exhibit A in order to add additional lands to Bess Reed Park:

A PORTION OF PATTEE STREET LOCATED IN SOUTHWEST ONE-QUARTER OF SECTION 22, T13N, R19W, PMM, CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL A OF CERTIFICATE OF SURVEY NO, 3320; THENCE ALONG THE WEST RIGHT-OF-WAY OF PATTEE STREET, N25°27'58"E 33.73 FEET TO A NON-TANGENT POINT OF CURVATURE, SAID POINT HAVING A RADIAL BEARING OF N59°10'07"E; THENCE AN ARC DISTANCE OF 45.83 FEET ALONG SAID NON-TANGENT CURVE, BEING CONCAVE TO THE NORTH, OF RADIUS 45.83 FEET AND DELTA 64°04'05" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, S64°21'20"E 31.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF PATTEE STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY, S25°27'58"W 25.93 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID PARCEL A; THENCE ALONG SAID NORTH BOUNDARY, N69°02'32"W 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,129 SQUARE FEET;

WHEREAS, the City of Missoula and El Dorado Hospitality LLC, a Nevada Limited Liability Company, are the owners of the property adjacent to the right-of-way and are presumed to own to the center of the road pursuant to Section 70-16-202, MCA; and

WHEREAS, El Dorado Hospitality LLC, has waived any and all claims to ownership of the right-of-way to be vacated, and desires that any land they would otherwise be entitled to, pursuant to the state law applicable to such vacation resolution, be granted and conveyed to the City of Missoula, as demonstrated in the attached Exhibit B.

NOW THEREFORE, BE IT RESOLVED that it is the intention of the Missoula City Council to close and vacate all that portion of right-of-way described above and shown on the attached Exhibit A, and that such vacated right-of-way will revert to and combine with other City owned property adjacent to such right-of-way, and become part of the property identified on Certificate of Survey 3320, in the property records of Missoula County, Montana.

BE IT FURTHER RESOLVED that the property intended to be vacated is subject to an easement reserved for any and all utilities over, across, and under said property in accordance with Section 7-14-4115, Montana Code Annotated, to allow the continued operation of such utilities, as well as the installation, maintenance, and repair of any and all public utilities.

BE IT FURTHER RESOLVED that the City Council will conduct a public hearing at its regular meeting to be held on May 3, 2021, at 6:00 P.M. The meeting will be conducted virtually via ZOOM webinar. During the public hearing City Council will hear all matters pertaining to the proposed vacation as set out in this Resolution. Instructions for joining the webinar via phone or computer are available from the City Clerk 552-6079 or on the May 3, 2021 agenda which will be posted on city's website the Friday prior to the public hearing: www.ci.missoula.mt.us/webcasts.

BE IT FURTHER RESOLVED that the City Clerk is directed to give notice of the public hearing as provided by law.

PASSED by the City Council of Missoula, Montana, and approved by the Mayor this ____ day of _____, 2021.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)

EXHIBIT A



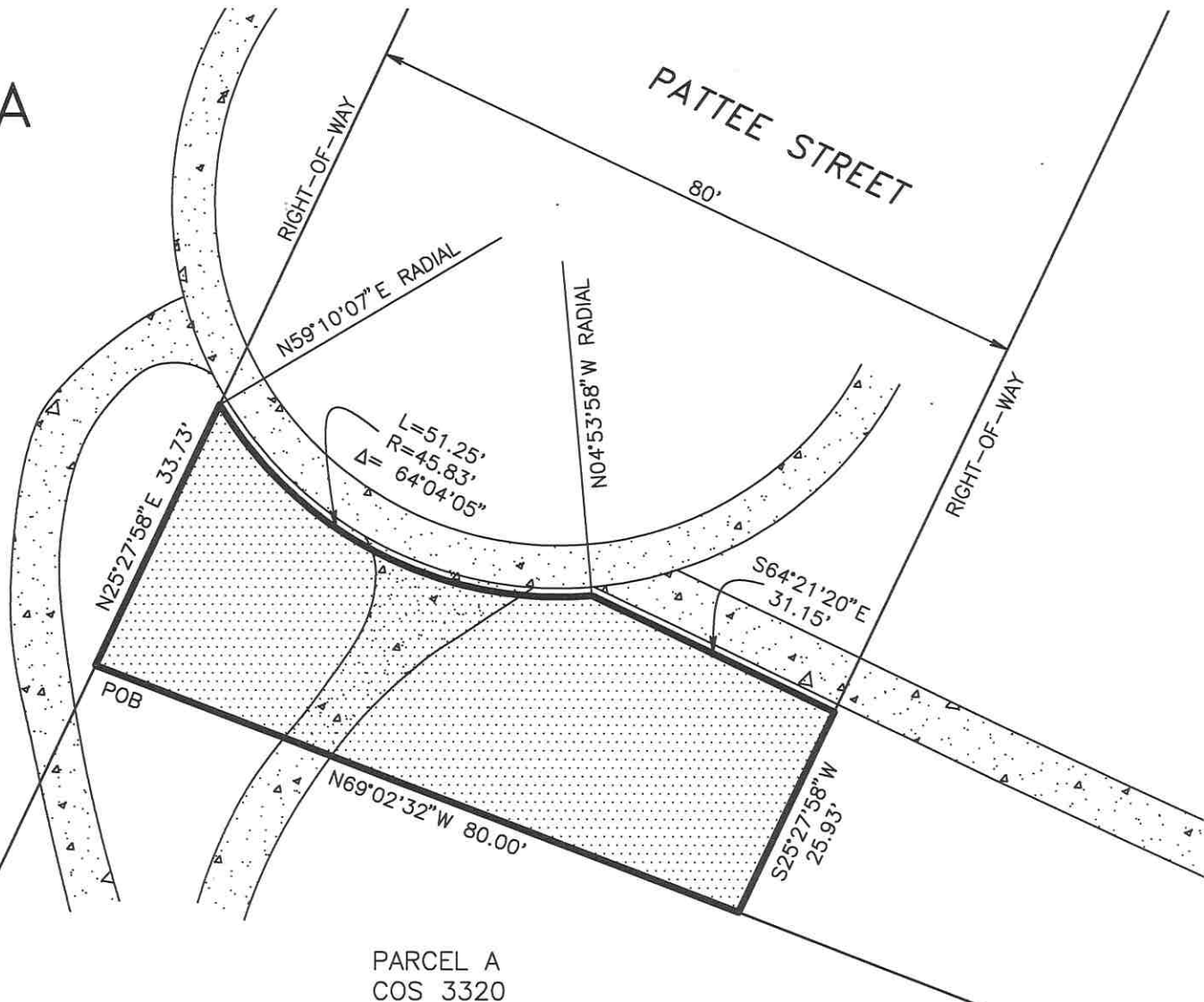
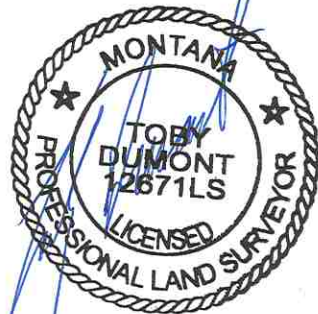
TRACT 1
COS 3505

SCALE IN FEET



0 20

MARCH 3, 2021



PARCEL A
COS 3320

VACATION LEGAL DESCRIPTION

A PORTION OF PATTEE STREET LOCATED IN SOUTHWEST ONE-QUARTER OF SECTION 22, T13N, R19W, PMM, CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE ARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL A OF CERTIFICATE OF SURVEY NO, 3320; THENCE ALONG THE WEST RIGHT-OF-WAY OF PATTEE STREET, N25°27'58"E 33.73 FEET TO A NON-TANGENT POINT OF CURVATURE, SAID POINT HAVING A RADIAL BEARING OF N59°10'07"E; THENCE AN ARC DISTANCE OF 45.83 FEET ALONG SAID NON-TANGENT CURVE, BEING CONCAVE TO THE NORTH, OF RADIUS 45.83 FEET AND DELTA 64°04'05" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, S64°21'20"E 31.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF PATTEE STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY, S25°27'58"W 25.93 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID PARCEL A; THENCE ALONG SAID NORTH BOUNDARY, N69°02'32"W 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,129 SQUARE FEET.

RIGHT-OF-WAY VACATION APPLICATION

A. GENERAL INFORMATION

- 1. One submittal packet is required for Completeness/Sufficiency Review.
- 2. Once the application is deemed complete by Development Services (DS), the applicant shall submit a final hard copy of the application and appropriate review fee.
- 3. Proposed Right-of-Way Vacation: Approximately Thirty (30 ft) feet of Pattee Street ROW
- 4. Name(s) of Applicant(s): City of Missoula
 Mailing Address 435 Ryman Street, Msla MT 59802
 Telephone Number 406-552-6091
 Email Address 406-552-6091
- 5. Name(s) of all Owners of Record Adjacent to Right-of-Way: El Dorado Hospitality LLC c/o Charles McDermid
 Mailing Address 200 S Pattee Street, Msla MT 59802
 Telephone Number 406-532-2057
 Email Address 406-532-2057
- 6. Name and Company & Representative: City of Missoula Department of Parks & Recreation
 Mailing Address 600 Cregg Lane, Msla, MT 59801
 Telephone Number c/o Donna Gaukler, Director.
 Email Address
- 7. If the applicant is someone other than the adjacent property owner, the titled owner(s) must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.



3/22/21

Applicant's Signature - Donna Gaukler

Date

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.



03/10/2021

Owner's Signature - Charles McDermid

Date