

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

Resolution Number \_\_\_\_\_

**A resolution closing and vacating 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.**

**Be it resolved by the City Council of the City of Missoula, Montana.**

**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 Council adopted Resolution No. 8506 on April 12, 2021, declaring the City Council's intention to close and vacate said right-of-way herein described; and

**WHEREAS**, on May 3, 2021, the City Council conducted a public hearing and heard all matters pertaining to the proposed closing and vacation of said right-of-way as herein described; and

**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 the Missoula City Council hereby closes and vacates all that portion of right-of-way described above and shown on the attached Exhibit A, and that the vacated right-of-way will revert to and combine with other City owned property adjacent to the vacated 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 hereby 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.

**PASSED** by the City Council of Missoula, Montana, and approved by the Mayor this 3<sup>rd</sup> day of May, 2021.

**ATTEST:**

**BY:**

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Martha L. Rehbein, CMC  
City Clerk

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John Engen  
Mayor

(SEAL)

# EXHIBIT A

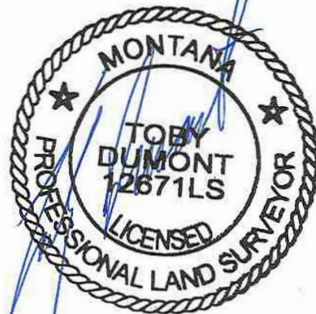


SCALE IN FEET



0 20

MARCH 3, 2021



TRACT 1  
COS 3505



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 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,  $N25^{\circ}27'58''E$  33.73 FEET TO A NON-TANGENT POINT OF CURVATURE, SAID POINT HAVING A RADIAL BEARING OF  $N59^{\circ}10'07''E$ ; 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  $64^{\circ}04'05''$  TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE,  $S64^{\circ}21'20''E$  31.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF PATTEE STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY,  $S25^{\circ}27'58''W$  25.93 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID PARCEL A; THENCE ALONG SAID NORTH BOUNDARY,  $N69^{\circ}02'32''W$  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
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
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