

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

RESOLUTION NUMBER _____

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana one certain parcel of land described as Portion 'A' of Lot A-1, Fairway View Addition, Lot A-1, Lot A-2, and Lot 3, Fairway View Addition, located in Section 1, Township 12 North, Range 20 West, P.M.M., and zone the property Fairway View Addition Planned Unit Development, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, and set a public hearing for May 17th, 2021.

LEGAL DESCRIPTION: Portion 'A' of Lot A-1, Fairway View Addition, Lot A-1, Lot A-2, and Lot 3, Fairway View Addition, located in Section 1, Township 12 North, Range 20 West, P.M.M., and shown on Exhibit A,

WHEREAS, Joshua L. Green, owner of 100% of the property described herein as Portion 'A' of Lot A-1 (0.20 acres), has filed Petition No. 10064 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, the herein described property is within the City of Missoula Wastewater Treatment Facility service area boundary, the facility has current and future capacity to serve the property and development; and the owners/developers will pay all costs to extend the municipal sanitary wastewater facility collector 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 condition:

1. The applicant shall file the amended plat subject to the conditions of approval for 2020-MSS-SEA-00021 within one hundred and eighty (180) days of annexation approval, subject to review and approval by Development Services and Engineering, otherwise the Resolution to Annex and the zoning upon annexation of the property shall become null and void, and the property shall revert to its original status in the County of Missoula.

WHEREAS, Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road rights-of-way that are adjacent to the property being annexed; and

WHEREAS, the Lower Miller Creek right-of-way adjacent to Portion 'A' of Lot A-1 is currently within the municipal boundary of the City of Missoula; and

WHEREAS, the municipal sanitary sewer system is available to the parcel described herein; and

WHEREAS, the parcel described herein is currently zoned C-RR2 Residential in the County and the recommended zoning in the City is Fairway View Addition Planned Unit Development 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 parcel is situated adjacent to City Council Ward Area No. 5 and the Miller Creek Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; 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 parcel 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.

BE IT FURTHER RESOLVED that the City shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on 5/2/2021 and 5/9/2021, a notice of the public hearing date and that such resolution of intent will appear on the City Council agenda for the meeting scheduled on 5/10/2021 and that the City will receive expressions of approval or disapproval in writing of this proposed alteration of the boundaries of the city and zoning until 5:00 p.m. on 5/24/2021 and that a City Council public hearing shall be held Monday, 5/17/2021 at 6:00 p.m. at the regularly scheduled City Council meeting with final consideration on the resolution at the regularly scheduled City Council meeting Monday, 5/24/2021; 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 ____ day of _____, 2021.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)