

RESOLUTION NUMBER 8355

Adopt a resolution to annex and incorporate within the boundaries of the City of Missoula a certain parcel of land described as Lot 1 of Missoula West Industrial Subdivision and Lots 2 and 4 of Amended Missoula West Industrial Subdivision, Lots 2, 4, 7, and 9 and zone the property C2-4 Community Commercial, subject to the recommended condition.

LEGAL DESCRIPTION: Lot 1 of Missoula West Industrial Subdivision and Lots 2 and 4 of Amended Missoula West Industrial Subdivision, Lots 2, 4, 7, and 9 in Section 7, Township 13 North, Range 19 West, Principal Meridian Montana (PMM), as shown on Exhibit A attached hereto and made a part hereof.

WHEREAS, Curtis K. and Jean L. Bowler, owners of Lot 1 of Missoula West Industrial Subdivision and Lots 2 and 4 of Amended Missoula West Industrial Subdivision, Lots 2, 4, 7, and 9 described herein, has filed Petition No. 9962 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; 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, Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed and the adjacent public right-of-way for West Broadway Street has already been annexed into the City of Missoula; and

WHEREAS, the parcel described herein is currently zoned CI-1 Light Industrial and the recommended zoning in the City is C2-4 Community Commercial, in accordance with MCA 76-2-303 (3)(a) and Missoula Municipal Code criterion 20.85.040(I)(2)(c), 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 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

WHEREAS, there was duly and regularly passed and adopted by the Council of the City of Missoula and approved by the Mayor on 6/24/2019, Resolution of Intention Number 8346 stating the City's intention to consider extending the City limits to include the within described property and Council set a public hearing for 7/15/2019 at its regularly scheduled City Council meeting to hear all matters pertaining to the annexation and zoning of said property; and

WHEREAS, the City Clerk published notice of such proposed extension of the city limits on 6/30/2019 and 7/7/2019 as provided by Section 76-2-303 and 7-1-4127 MCA; and

WHEREAS, the City Council did on the 15th day of July 2019 hear all matters pertaining to the annexation and zoning of the herein before described property, 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 tracts and parcels 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.

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 petition into the Missoula Urban Transportation District (MUTD) within 60 days of the Resolution to Annex, subject to review and approval by MUTD, otherwise the annexation and 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.

NOW, THEREFORE BE IT RESOLVED that the corporate limits of the City of Missoula are hereby extended to incorporate and annex the property described herein; and

BE IT FURTHER RESOLVED that the parcel is hereby zoned C2-4 Community Commercial in the City. FURTHER, that the parcel is hereby assigned to City Council Ward 2 and the Captain John Mullan Neighborhood Council District; and

BE IT FURTHER RESOLVED that the minutes of City Council of the City of Missoula, Montana, incorporate this resolution; 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.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to file this resolution with the Clerk and Recorder of Missoula County. This annexation shall become effective from and after the date of the filing of said document with the Missoula County Clerk and Recorder.

PASSED AND ADOPTED this 15th day of July, 2019.

ATTEST:

/s/ Martha L. Rehbein

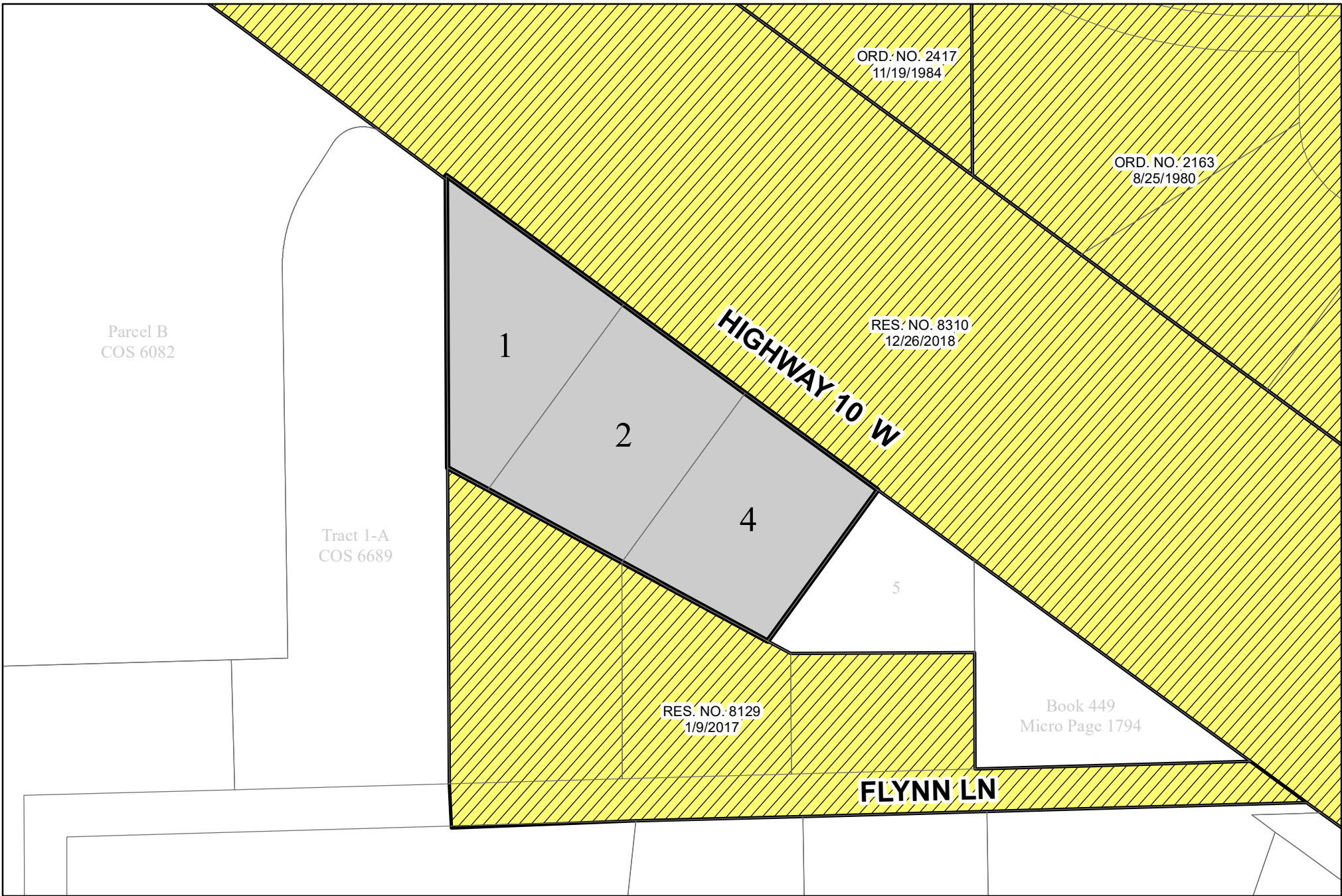
Martha L. Rehbein, CMC
City Clerk

APPROVED:

/s/ John Engen

John Engen
Mayor





(SEAL)



**Lot 1 of Missoula West Industrial Subdivision
&
Lots 2 and 4 of Lots 2, 4, 7, & 9 of Amended Missoula West Industrial Subdivision**

All Located in Section 7, T.13 N., R.19 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

- Legend**
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