



## COMMUNITY PLANNING, DEVELOPMENT AND INNOVATION

435 RYMAN • MISSOULA, MT 59802 • 4297 • (406) 552-6630 • FAX: (406) 552-6053  
**CITY REZONE APPLICATION**

### A. GENERAL INFORMATION

1. Submit the completed application with all attachments by email to the City Zoning Desk at [ZoningDesk@ci.missoula.mt.us](mailto:ZoningDesk@ci.missoula.mt.us)
2. Once the application is deemed complete by CPDI, Development Services and the applicant has paid the rezoning fee the rezone proposal will be scheduled for public hearings at Planning Board and City Council.
3. Name of proposed Rezone: **Missoula Development Park Open Space Rezone**
4. Name(s) of Applicant: **Missoula County Land and Economic Development**  
Mailing Address: **200 W. Broadway**  
Telephone Number: **406-258-3175**  
Email Address: **fmclarty@missoulacounty.us**
5. Name(s) of Owner of Record: **Missoula County Airport Industrial District & Missoula County**  
Mailing Address: **200 W. Broadway**  
Telephone Number: **406-258-3175**  
Email Address: **fmclarty@missoulacounty.us**
6. Name and Company of Representative: **IMEG Corp. C/O Tamara Ross**  
Mailing Address: **1817 South Ave. W. Suite A**  
Telephone Number: **406-272-0253**  
Email Address: **Tamara.R.Ross@imegcorp.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A))
8. If the applicant is someone other than the property owner, the owner 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.

Andrew Hagemeier 2.24.25  
Applicant's Signature Date

[Signature] 2/6/2025  
Owner's Signature (Missoula County Airport Industrial District) Date

[Signature] 02/06/2025  
Owner's Signature (Missoula County) Date

IMEG Corp. C/O Tamara Ross 02/12/2025  
Representative's Signature Date

## B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): **Parks “4”, “6”, and “8” of the Missoula Development Park generally located at 6105 Expressway Missoula MT, 59808.**

Legal Description - complete and unabbreviated:

**Missoula Development Park – Phase 1 Block 6 Park 6 located in Section 35, Township 14 North, Range 20 West, Missoula Development Park – Phase 3D Park 8 located in Section 36, Township 14 North, Range 20 West, and Missoula Development Park – Phase 4 Block 3 located in Section 35, Township 14 North, Range 20 West.**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **Please see Legal Description Above.**

Geocode: **04-2325-35-4-03-24-0000, 04-2325-35-4-06-03-0000, and 04-2325-36-3-08-22-0000**

## C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	<b>Rural Residential, Small Agriculture (RRS1) (COUNTY), M1-2 Limited Industrial/Neighborhood Character – Missoula Development Park Overlay (NC-MDP) &amp; Public Lands &amp; Institutional District (OP3) (CITY)</b>	<b>Rural Residential and Small Agriculture (2019 Missoula Area Land Use Element) &amp; Industrial and Employment (Our Missoula 2045 Land Use Plan)</b>
Adjacent (South)	<b>M1-2 Limited Industrial/Aviation/Neighborhood Character – Missoula Development Park Overlay (NC-MDP)</b>	<b>Industrial and Employment and Civic (Our Missoula 2045 Land Use Plan) &amp; Aviation</b>
Adjacent (East)	<b>M1-2 Limited Industrial/Neighborhood Character – Missoula Development Park Overlay (NC-MDP)</b>	<b>Industrial and Employment and Limited Urban Mixed-Use (Our Missoula 2045 Land Use Plan)</b>
Adjacent (West)	<b>M1-2 Limited Industrial/Neighborhood Character – Missoula Development Park Overlay (NC-MDP)</b>	<b>Industrial and Employment and Parks and Conservation Lands (Our Missoula 2045 Land Use Plan)</b>

2. What is the current zoning of the property (including intensity designator)?

**All of the properties are currently zoned as Public Lands and Institutional District (OP3) and subject to two Overlay Districts, being the Airport Influence Area and Neighborhood Character – Missoula Development Park (NC-MDP) Overlay.**

3. What is the requested zoning for the property (including intensity designator)?

**The Applicant is proposing to rezone the properties to M1-2 Limited Industrial.**

4. What is the applicable City Growth Policy (comprehensive plan) and land use designation for the property?

**The applicable City Growth Policy is the recently implemented “Our Missoula 2045 Land Use Plan” which has the properties included in the Industrial and Employment land use designation.**

5. What is the intended use for the property?

**The Applicant has no plans to develop the subject properties as each property is slotted to be sold upon the requested rezone being approved. The context here is that the three parcels were annexed into the City of Missoula in 2018. Even though the properties are in the City, the parkland and other common facilities remain under County ownership. A Property Owner Association was originally responsible for managing the parklands and common facilities, but does not have enough paying members to continue property maintenance of the parklands and the associated stormwater facilities. To remedy this issue the City and County entered into an interlocal agreement that is guiding the active transfer of maintenance from the County to the City. However, as part of that agreement, the City requires that certain stormwater infrastructure upgrades be completed prior to taking over maintenance responsibilities. Therefore, the purpose of this rezone is to have each parcel zoned M1-2 to ensure the County can secure enough financing through sale of the properties to properly adhere to the stormwater infrastructure requirements as stipulated by the City in the interlocal agreement. A copy of the agreement has been provided herein.**

#### **D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE**

Review Criteria. Provide a response to the following review criteria for rezone requests.

1. Whether the zoning amendment is consistent with MCA § 76-2-304:

a. Whether the zoning is made in accordance with a growth policy;

**The proposed M1-2 (Limited Industrial) zoning is in accordance with the Our Missoula 2045 Land Use Plan (LUP) for this area as the recommended land use designation is Industrial and Employment. The comparable zoning designations within this recommended land use designation are M1 and M2. The recommended land uses are offices, manufacturing, industrial uses, commercial services, and parks.**

b. Whether the zoning is designed to secure safety from fire and other dangers;

**The properties are included within the Missoula Development Park which are served by Emergency Services, Hospitals, City Police and City Fire. City Police would provide enforcement efforts involving traffic safety and property protection for future residents. However, the City of Missoula Police Department often collaborates with the Sheriff's Department to provide additional services in larger incidents. Multiple medical centers, hospitals, emergency services and other applicable emergency medical care needs can be found closer to the city center.**

- c. Whether the zoning is designed to promote public health, public safety, and the general welfare;

**The proposed rezone is designed to promote public health, public safety, and the general welfare for business owner/operators and others that visit this area as the parcels have access to sewer, water, emergency services and both motorized and non-motorized transportation amenities. As mentioned in response to #5 above, the requested rezoning would invariably benefit public health and safety as the current common facilities on the subject properties are not being maintained and are not up to City standards.**

- d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

**The desired zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements as the M1-2 zoning would align with the surrounding uses and is necessary for the properties to realize their highest and best use. The proposed zoning would allow for offices, manufacturing, industrial uses, commercial services, and parks which are all already located in the area. As described in #5 above, the applicant has no plans to develop the subject properties but rather plans to sell them to fund the necessary stormwater infrastructure upgrades so the City can take over maintenance. Any development which does occur on the subject properties in the future must adhere to all relevant state and local standards. This includes the City of Missoula having the opportunity to review and future connections to municipal sewer and water for future uses.**

- e. Whether the zoning considers the reasonable provision of adequate light and air;

**The proposed residential zoning considers the reasonable provision of adequate light and air. Surrounding land use designations allow similar limited industrial uses and, as a result, the characteristics of the area are based on a common function or Limited Industrial "use group". Further, the area does not allow for outright uses that would be residential in nature so any permitted uses would have reasonable separation from residential structures that may be impacted by future uses. The zoning also considers required building code and zoning code setbacks which will be similar to those of the adjacent uses. Additionally, the maximum height is 50 feet promoting adequate access for all development to sunlight.**

- f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;

**The rezone proposal considers the effect on both motorized and non-motorized transportation systems due to the existing infrastructure which is already in place on the subject properties and in the larger development park area. Expressway is a major collector roadway with access roads providing ingress/egress options to development on either side and has existing non-motorized facilities connecting Sandpiper Drive to Alloy North. The potential effects on this infrastructure as a result of the rezoning and future development are expected to be minimal, if at all, as the Missoula Development Park was planned for the uses included in M1-2.**

- g. Whether the zoning considers the promotion of compatible urban growth;

**The properties are slotted to be rezoned to M1-2 which is the adjacent zoning designation for the surrounding properties. Additionally, this area has recently been recommended for Industrial and Employment land uses per the LUP.**



**Therefore, the requested zoning complies with and considers a pattern of compatible urban growth as it is a relatable designation within the recommend land use and is already in place in all directions.**

- h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

**As mentioned in 1.g. above, the character of this district is driven by the Limited Industrial use group envisioned with the Neighborhood Character – Missoula Development Park Overlay. The proposed zoning considers, and aligns with, the character of this district and the particular uses and aims to resolve an outstanding issue of antiquated stormwater infrastructure. The properties involved in this rezone are particularly suited to align with the surround uses as they are existing and can be developed as zoning compliant limited industrial uses in the future.**

- i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.

**The proposed zoning conserves the value of buildings and encourages the most appropriate use of the land throughout the jurisdictional area by promoting limited industrial uses instead of solely functioning as open spaces. Originally envisioned as park parcels, these areas do not serve residents in the area as the use group in the Missoula Development Park prohibits residences. The properties would not only conserve, but improve, the value of buildings and land if developed with limited industrial uses in the future.**

- 2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;

**The proposed zoning amendment does not correct an error or inconsistency in the zoning ordinance but does meet the challenge of changing conditions. Namely, the fact that ownership/maintenance of antiquated common facilities has fallen on the County with no means of funding the improvements or ongoing maintenance. The proposed rezoning would allow the County to fund the necessary infrastructure upgrades through the sale of land and transfer ongoing maintenance to the City of Missoula as spelled out in the interlocal agreement.**

- 3. Whether the proposed zoning amendment is in the best interests of the city as a whole.

**Yes, the proposed zoning is suitable for current property owners/operators in the area and the City as a whole as it provides for the most appropriate use of the land without sacrificing current uses. By rezoning the subject properties from OP3 to M1-2, the County would be able to ensure the parcels have plans for ongoing maintenance as stipulated by the City and future owners would be able to implement the highest and best use of the properties moving forward.**

## E. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined, as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- ☒ **A vicinity map** showing the subject property and the area within 300 feet of the subject property.
- ☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries.
- ☒ **A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties.
- ☒ **The current plat** of the subject property.



## ***SUPPLEMENTAL PROJECT INFORMATION***

Scoping Meeting Notes  
Vicinity Map  
Zoning Exhibit(s)  
Aerial Exhibit  
Topographic Exhibit  
City Land Use Designations  
City Land Use Map  
County Land Use Designations  
County Land Use Map  
Floodplain Map  
Property Plats  
Interlocal Agreement



## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

### Rezoning Scoping Meeting

**Property Address:** 6105 Expressway, Missoula, MT 59808 - Missoula Development Park  
**Geo Code:** 04232535403240000 / 04232535406030000 / 04232536308220000

**Legal:** Greenway **Park 4** of the Missoula Development Park – Phase 4 Plat, a subdivision located in the E½ of Section 35 and W½ of Section 36, Township 14 North, Range 20 West, P.M.M., Missoula County, Montana.

**Park 6** of the Missoula Development Park – Phase 1 Plat, a subdivision located in Section 35 and West ½ Section 36, Township 14 North, Range 20 West, Block 6, P.M.M., Missoula County, Montana.

Greenway **Park 8** of the Missoula Development Park – Phase 3D Plat, a subdivision located in the SE ¼ of Section 35 and SW ¼ of Section 36, Township 14 North, Range 20 West, P.M.M., Missoula County, Montana.

**Date:** December 17, 2024

**City Staff:** Jon Sand (Planning), Cassie Tripard (Planning Supervisor), Andy Shultz (City Engineer)

**Owner/Applicant:** **Geo Code:** 04232535403240000 / 04232535406030000  
Missoula County Airport Industrial District  
200 W. Broadway  
Missoula, MT 59802

**Geo Code:** 04232536308220000  
Missoula County  
200 W. Broadway  
Missoula, MT 59802

**Representative:** Tamara Ross, IMEG Corp.  
1817 South Ave. W. Suite A  
Missoula, MT 59801  
Tamara.R.Ross@Imegcorp.com

#### Subject Property Statistics

**Proposal:** Rezone from **(OP-3)** Public Lands and Institutional District to **(M1-2)** Limited Industrial / NC-MDP Missoula Development Park Overlay.

**Zoning Parcel Size:** Park 4: **4 acres (174,240 sq ft)**  
Park 6: **1.52 acres (66,211 sq ft)**  
Park 8: **2.91 acres (126,759 sq ft)**

**Neighborhood Council:** Grant Creek

**City Council Ward:** Ward 2

#### Subject Property Important Notes:

- Subject property is located on the Airport Influence Area

**Comprehensive Plan:** Our Missoula 2045 Land Use Plan

*Place Type designation:* Industrial and Employment

The place type designation of the subject property is Industrial and Employment. Properties to the north, south, east, and west share the same land use designation.

***Industrial and Employment Place Type:***

Industrial and Employment areas are designated for uses such as manufacturing, assembly plants, primary metal industries, vehicle-related commercial activities, warehouses, outdoor storage yards, and distribution facilities. These employment areas can accommodate a mixture of office spaces, industrial plants, manufacturing, research, distribution, and logistics facilities, supporting a diverse range of economic activities. They also include flex spaces for small local startups as well as large national or regional enterprises. Current relatable zoning districts include *M1 & M2*.

**OP-3 is the current zoning, however it is not a relatable zoning district to Industrial and Employment.**

**Current Zoning:** OP-3 Public Lands and Institutional / MDP Missoula Development Park Overlay

The OP-3 Public Lands and Institutional zoning district is primarily intended to accommodate public, quasi-public and institutional uses, such as Health Care Facilities, Universities, Detention and Correctional Facilities, Meal Centers, Parks/ Recreation, Schools, and Spectator Sports. An Emergency Homeless Shelter may be permitted through the Conditional Use process. There is no minimum parcel area per dwelling unit and minimum parcel area.

The setbacks are:

- Front – 30ft.
- Side Interior – 10 ft.
- Side Street – 15 ft.
- Rear – 20 ft.

Maximum height limit is 100.

Adjacent Zoning and current land uses (combined parcels):

<i>North</i>	<b>Zoning</b> <b>Land Use</b>	M1-2 Limited Industrial / NC-MDP Overlay & OP3 Public Lands and Institutional Open Space, Warehousing, Interstate 90
<i>East</i>	<b>Zoning</b> <b>Land Use</b>	M1-2 Limited Industrial / NC-MDP Overlay Warehousing, Construction Sales and Services, Office
<i>South</i>	<b>Zoning</b> <b>Land Use</b>	M1-2 Limited Industrial / NC-MDP Overlay & OP3 Public Lands and Institutional Construction Sales and Services, Open Space, Retail
<i>West</i>	<b>Zoning</b> <b>Land Use</b>	M1-2 Limited Industrial / NC-MDP Overlay & OP3 Public Lands and Institutional Open Space, Warehousing, Construction Sales and Services, Retail

**Requested Zoning**

The applicant has requested rezoning to from OP-3 to M1-2 / NC-MDP.

***The staff recommended zoning district is M1-2.***

The M1-2 Limited Industrial zoning district has a minimum parcel area of 5,000 sq ft. Residential use is not permitted in M1-2 so there is no density requirements. However, the NC-MDP Overlay does permit one caretaker unit.

There are no setbacks in the M1-2 zoning district, however the NC-MDP Overlay setbacks supersede the base zoning district. See MDP section below.

***20.15.040 Parcel and Building Standards M Districts (Setbacks) – Table 20.15-2***

The maximum height allowed in the M1-2 zoning district is 50’.

**20.25.075 - /NC-MDP, Missoula Development Park Overlay**

The standards of this section apply to all development in /NC-MDP Overlay district, unless otherwise expressly stated. New development and additions to existing development must address all the regulations contained within the /NC-MDP overlay district.

#### Permitted Uses (M1-2)

- All M1 uses in the groups Public/Civic, Industrial, and Other
- Only the following uses in the Commercial Group: Business Support Service, Office, Research Service, Retail Sales
- Caretaker apartment as defined

#### Height

No building shall exceed a height equal to the shortest distance between the building and the closest lot line, to a maximum of fifty (50) feet. Height shall be measured from finished grade to the highest point of the building. Subject to approval by the Missoula County Airport Authority, structures shall comply with Part 77 of Federal Aviation Regulations (FAR).

#### Landscaping

Due to clay soils natural grasses shall be used for 100% of the area of the plant cover in the rear yard, 50% of the area in the side yard and up to 20% of the area in the front yard area; when used in the front yard, plants (not seed) are to be planted and may be 4" pot size, or larger, at spacing recommended. Natural grasses are defined as native, adapted non-native and ornamental grasses that may be planted in the side or rear yard by seeding method or by planting plants.

Fencing, outdoor storage, grading & drainage, and boulevard landscaping standards are also applicable in the overlay.

#### Setbacks

##### Park 4

Northwest: 20'

Northeast: 20'

Southeast: 20'

Southwest: 50' Expressway

##### Park 6

Northwest: 20'

Northeast: 50' Expressway

Southeast: 20'

Southwest: 20'

##### Park 8

Northwest: 20'

Northeast: 20'

Southeast: 20'

Southwest: 50' Expressway

#### **Historic or Cultural resources**

The structure is not located within a Historic district or individually listed on the National Register of Historic Places.

#### **Floodplain**

The parcel is entirely within the Zone X Flood Hazard Zone and is not within a regulated floodplain.

#### **Existing Conditions**

##### Park 4

Geo Code: 04232535403240000

- NW/SE paved shared-use path north of Expressway (Access Easement required from Public Works and Mobility)
- Paved and Gravel Trails
- Shade structures

##### Park 6

Geo Code: 04232535406030000

- NW/SE paved shared-use path south of Expressway (Access Easement required from Public Works and Mobility)
- Paved Trails and Sidewalk
- Shade Structure

##### Park 8

Geo Code: 04232536308220000

- NW/SE Trail north of Expressway (Access Easement required from Public Works and Mobility)
- Vacant Park
- Stormwater swale (Easement and maintenance addressed through existing Interlocal Agreement between Missoula County and City of Missoula Public Works and Mobility. This swale will need to be in a new easement as the drainage needs to be perpetuated. Applicant to coordinate with City Attorney to update Interlocal Agreement)
- **Nearby Amenities:**

Missoula Airport – 1.4 miles  
 FedEx Freight – 2 miles  
 Missoula Tech and Development Center – 1.1 miles  
 North Reserve Area – 2.5 miles

Wye Area – 3.2 miles  
 DeSmet School – 0.8 mile  
 Missoula County Animal Control – 1.1 mile  
 I-90 Access Airway Blvd – 0.9 mile

## Non-motorized

*Pedestrian Facilities:* 5' curbside boulevard on W. Harrier, 5-7' boulevard sidewalk/ shared-use path on Expressway

*Bike lanes:* No delineated bike infrastructure on Expressway nor W. Harrier.

*Public Transit:* No existing Mountain Line routes pass directly adjacent to this parcel. Route 11 is .08 mile away, with 60-minute frequency.

*Trail:* D-Park Trail Red Loop shared-use path encompasses the development park

## Vehicular

*Roads and Access:* Expressway and W. Harrier are both Industrial street types, which serve adjacent industrial land uses that see frequent truck, freight, and delivery traffic. They should accommodate current uses while also being adaptable to and compatible with redevelopment into future land uses

\*Note right-of-way improvements may be required at the time of development. Engineering has indicated the only improvements may be to fix hazardous/broken sidewalk if applicable.

## Fire & Police Protection

Nearest hydrants are on the corner of W. Harrier Drive, North side Alloy South & Expressway, South side Alloy South & Expressway, and the cul-de-sac on North Alloy.

## Water, Sanitation, and Utilities

City Sewer and water serves the site.

## Zoning Amendments (Rezoning) – Title 20, Section 20.85.040

Rezoning is a public process requiring City Council approval. City Council does not have the ability to condition approval of rezoning per state law. The public process requires staff to notice neighbors and public hearings at Planning Board, City Council, and Land Use and Planning Committee. At the public hearing City Council will vote to either deny or approve the rezoning. City Council will base their decision on the review criteria in Title 20.

Title 20, Section 20.85.040.F.3 states “The City Council may act by a simple majority vote of those City Council members present and voting, except when a valid protest petition has been submitted in accordance with 20.85.040.H, approval requires a two-thirds majority vote of those City Council members present and voting.”

A protest petition is valid when submitted and signed by 25% of the property owners within 150 feet of your property.

## How to Apply:

To apply, submit the rezoning application to the case planner. Include all attachments required in Section E of the rezoning application. The application requires you to write a narrative explaining how the project meets each of the review criteria.

## Next Steps

- Review scoping notes and submit an application to [sandj@ci.missoula.mt.us](mailto:sandj@ci.missoula.mt.us)
- The case planner, Jon Sand, will review the application and request revisions if necessary.
- Rezoning Fee is \*~~\$4,785 (FY24)~~ \$7,892.00 (FY25) \*Revised 1/22/25
- Staff will follow up by email with information about the easements and timing.
- Once the fee is paid and the packet is deemed complete, the project will be ready to schedule for public hearing.
- Contact Building ([CookB@ci.missoula.mt.us](mailto:CookB@ci.missoula.mt.us)) or Engineering ([MonroeT@ci.missoula.mt.us](mailto:MonroeT@ci.missoula.mt.us)) for related questions.



**Review Criteria Title 20, Section 20.85.040.G**

In reviewing and making decisions on zoning amendments, the zoning officer, Planning Board and City Council must consider at least the following criteria:

1. Whether the proposed zoning amendment is consistent with MCA § 76-2-304:
  - a. Whether the zoning is made in accordance with a growth policy;
  - b. Whether the zoning is designed to secure safety from fire and other dangers
  - c. Whether the zoning is designed to promote public health, public safety, and the general welfare;
  - d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. Whether the zoning considers the reasonable provision of adequate light and air;
  - f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;
  - g. Whether the zoning considers the promotion of compatible urban growth;
  - h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; and
  - i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.
2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
3. Whether the proposed zoning amendment is in the best interests of the city as a whole.

**Spot Zoning Considerations:**

All three criteria must be met to constitute spot zoning.

- (1) The proposed use is significantly different from the prevailing use in the area;
- (2) This criteria is not met because the recommended zoning complies with the Growth Policy. The adopted plan allows for the B2 zoning district and related uses. Surrounding parcels allow for similar uses. The area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change;

This criteria is not met because the rezoning would comply with the Growth Policy, which also applies to the same land use designation to surrounding parcels. Abutting parcels also have the opportunity to rezone to the same/similar zoning districts in compliance with the Growth Policy. Other land owners could go through the same process to benefit from the change.

- (3) The change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

This criteria is not met. The *Neighborhood Mixed Use* relatable zoning districts were adopted into Title 20 and are available to any landowner where the Growth Policy recommends a land use designation of Neighborhood Mixed Use. The Our Missoula 2035 City Growth Policy was approved in a public process with a goal of focused inward to accommodate future growth. The Community Mixed Use land use designation for this area was approved with the approval of the Growth Policy.



# Vicinity Map



Source: Fort Meyer, Fort Meyer Communities, IGN and the GIS User

Map Center: X: -114.07277 - Y: 46.92538



Date:  
9/10/2024

The material displayed on this page is informational and should be used for reference only. No reliance should be placed thereon without verification by the user. Missoula County does not warrant that the information is either complete or accurate. No representation, warranties or covenants of any kind are made by Missoula County. Before acting on the information contained on this page the user should consult original documents.



# City of Missoula: Zoning

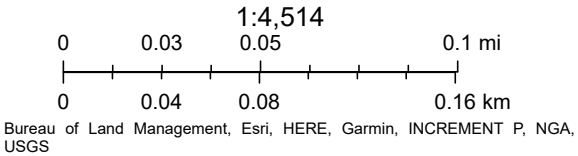


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- Parcels
- City Limits

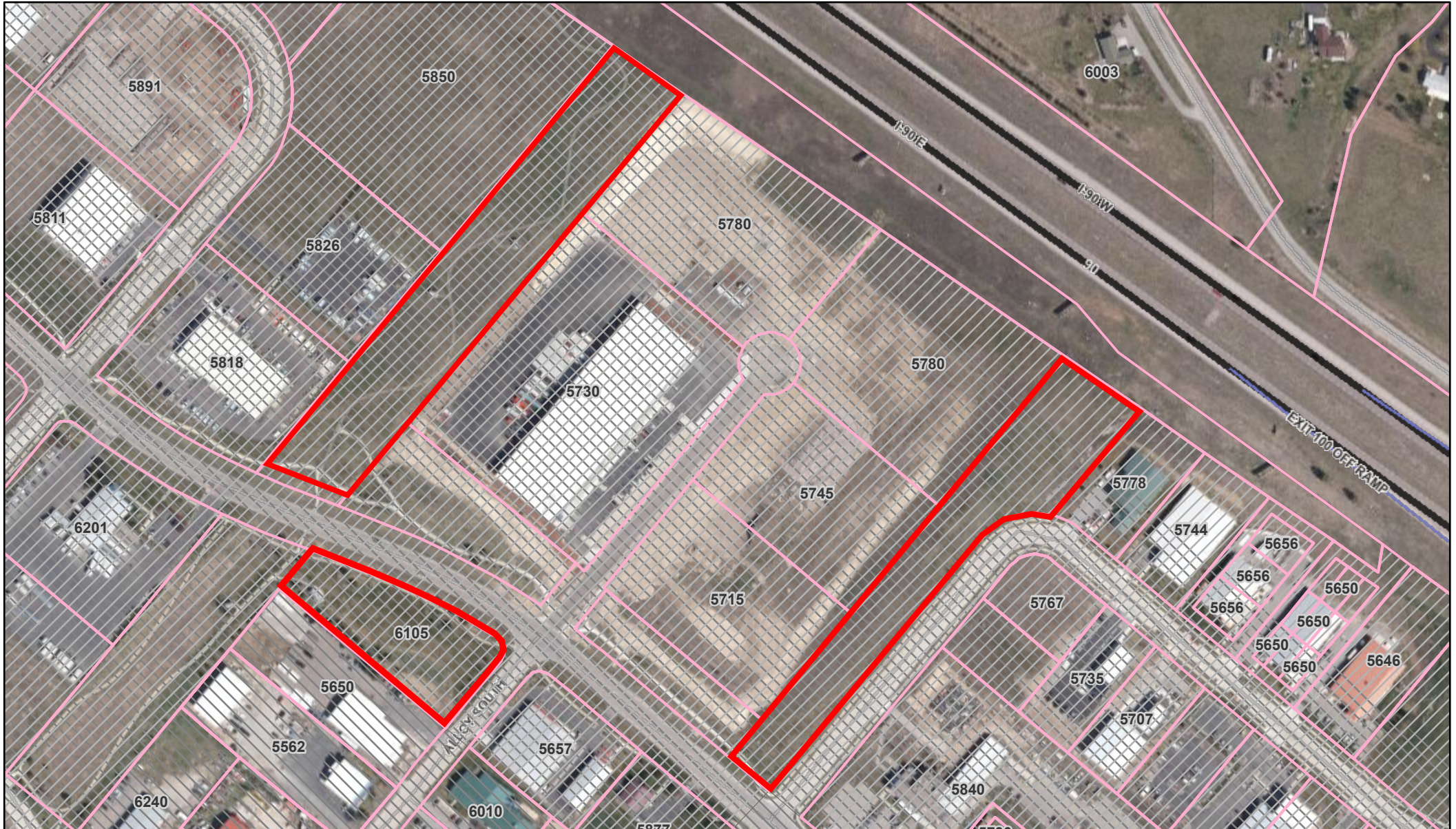
City Zoning

- OP3
- M1-2








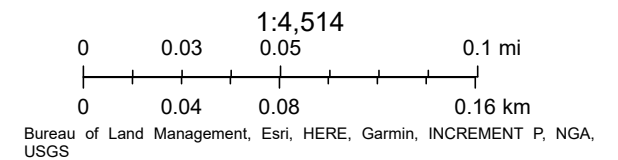


# City of Missoula: Overlay Districts



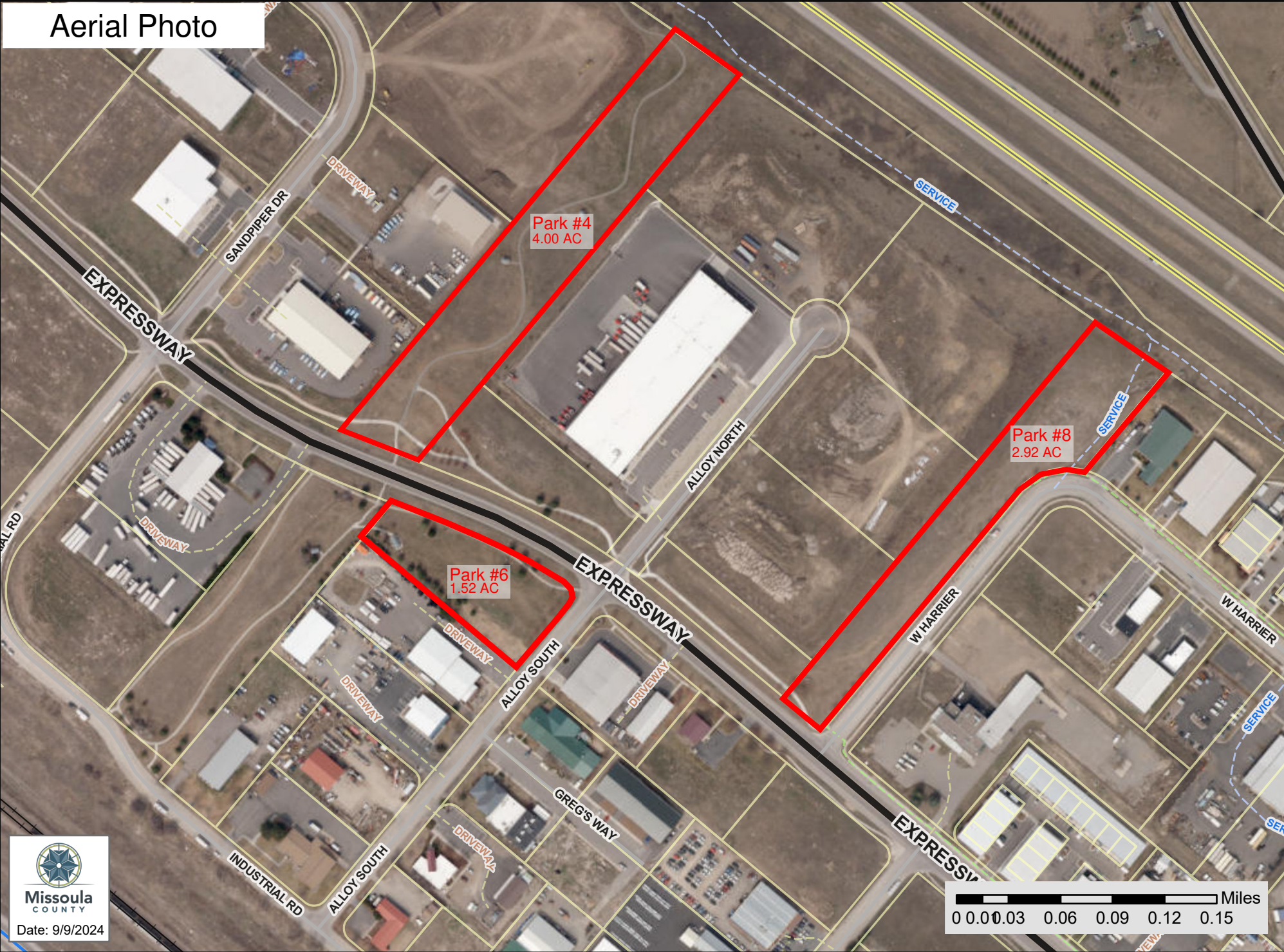
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-  Parcels
-  City Limits
-  Zoning Overlays
-  AIA
-  NC-MDP, Missoula Development Park





Aerial Photo

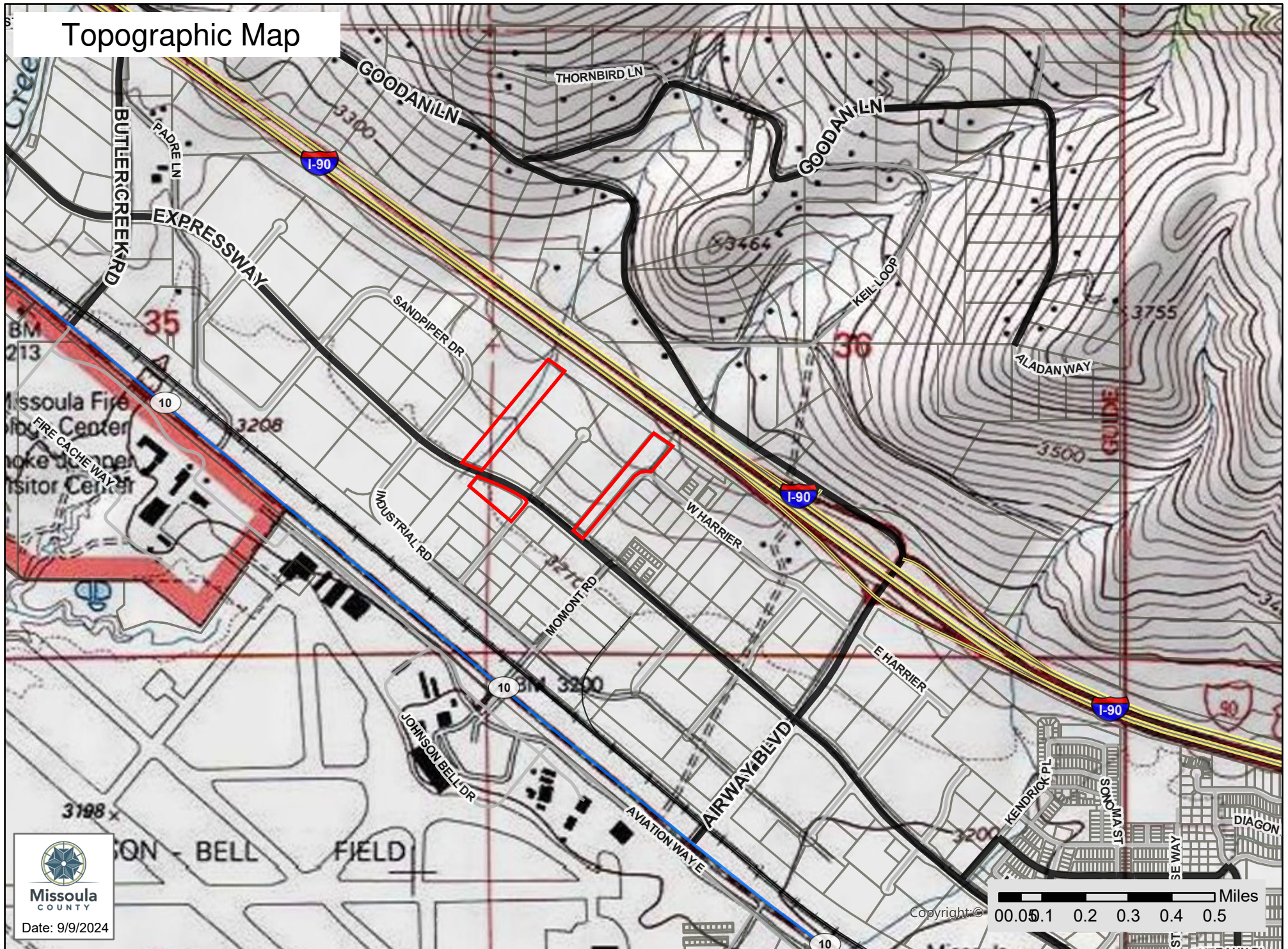


Map Center: X: -114.08002 - Y: 46.92567

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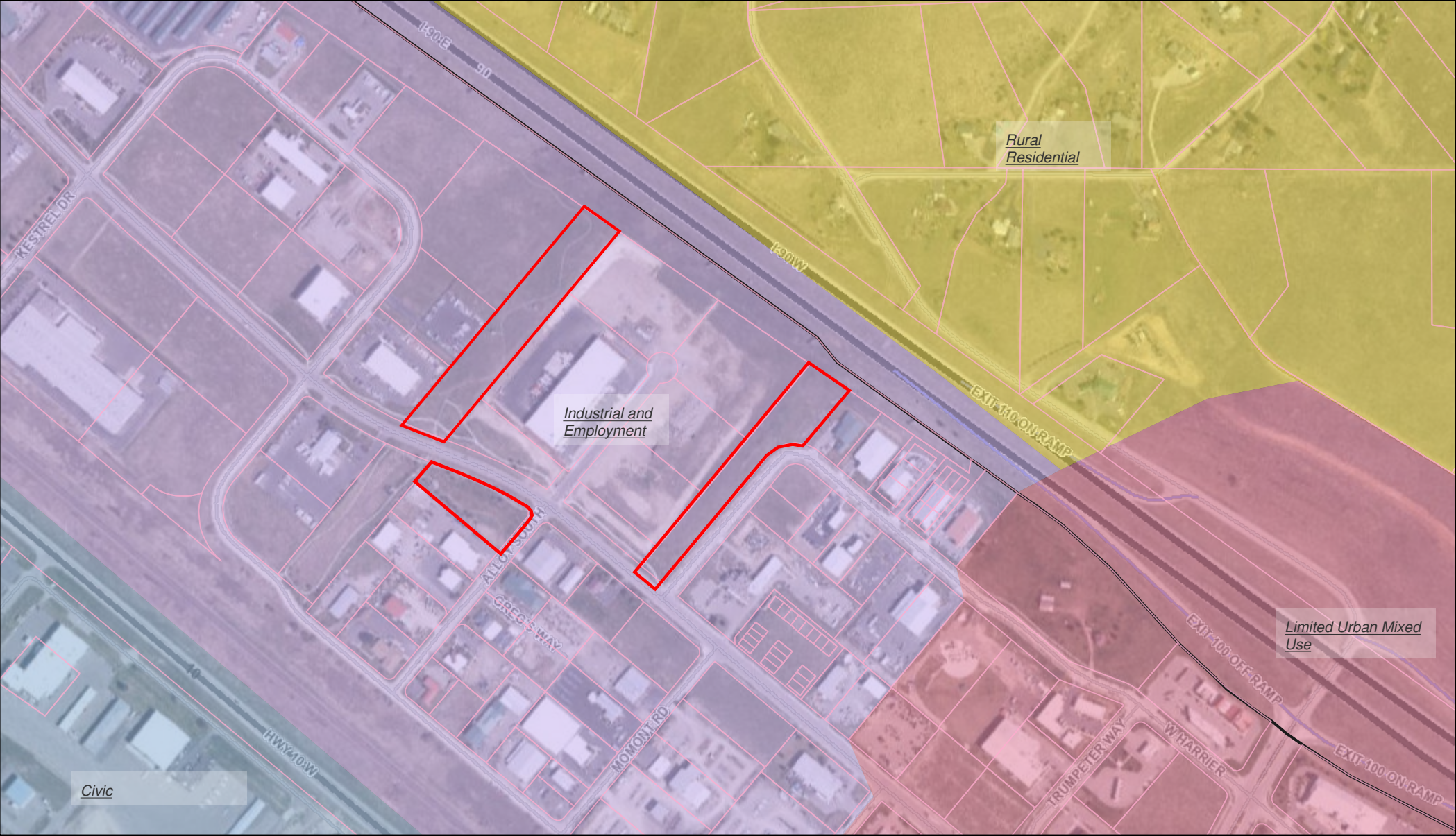


# Topographic Map





# City - Land Use Designations



01/08/2025, 2:30 PM

- Parcel Outlines
- City Limits
- Land Use
  - Limited Urban Mixed Use

- Civic
- Rural Residential
- Industrial and Employment

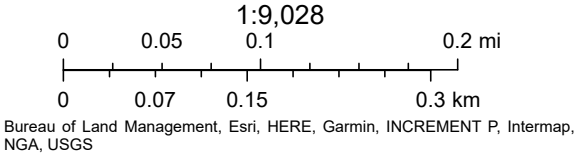
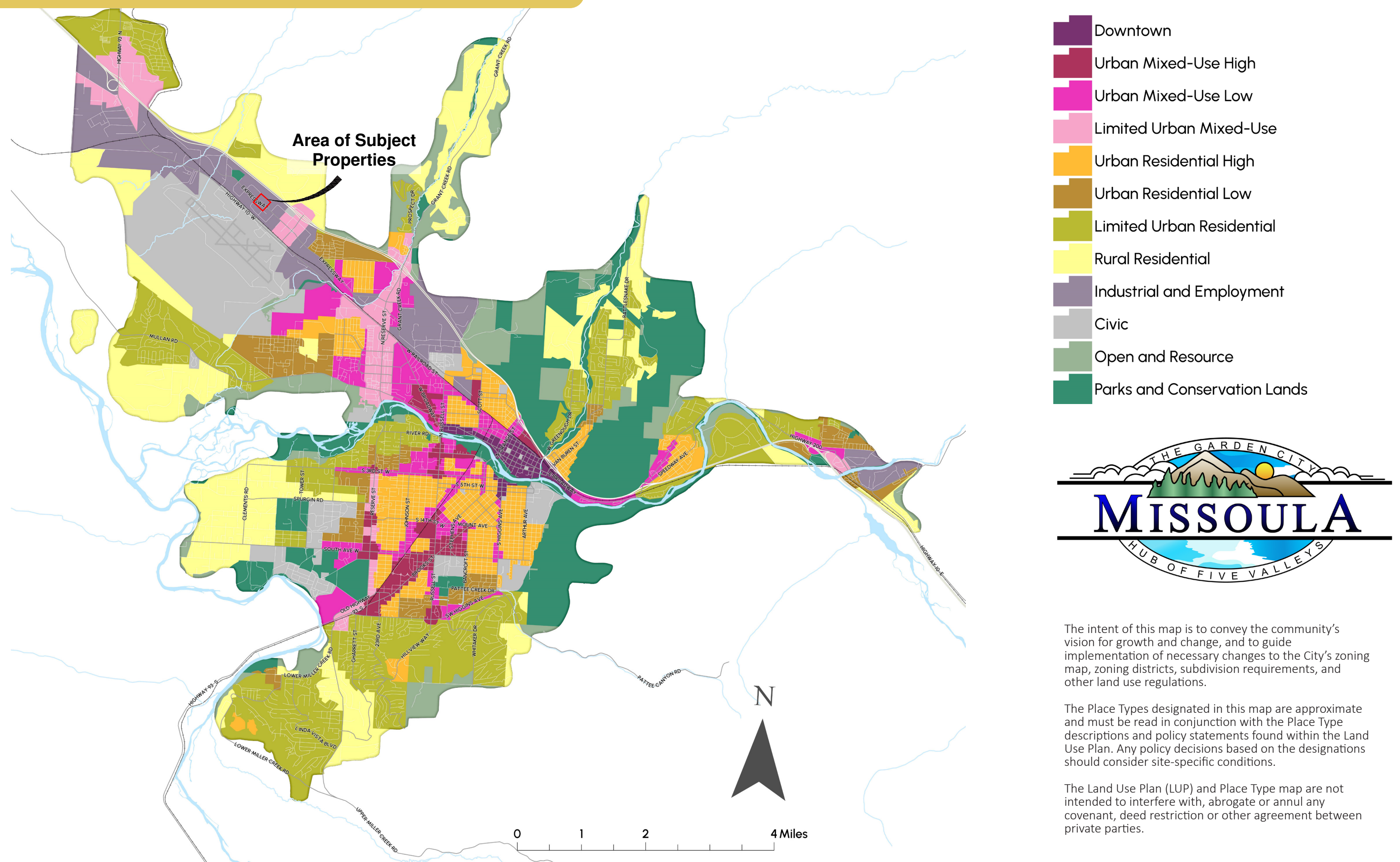




Figure 30. Place Types Map





# County - Land Use Designations

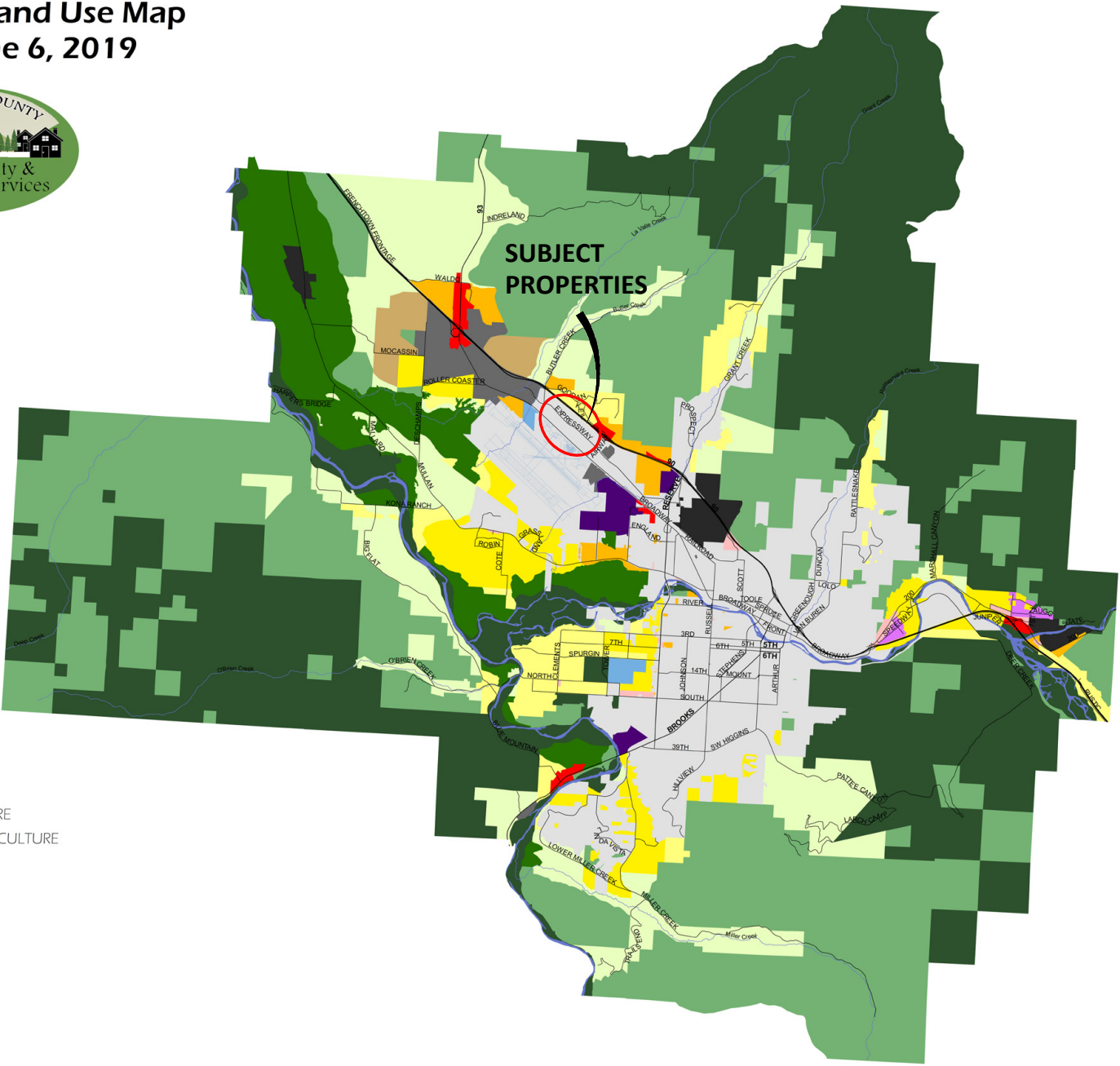


The material displayed on this page is informational and should be used for reference only. No reliance should be placed thereon without verification by the user. Missoula County does not warrant that the information is either complete or accurate. No representation, warranties or covenants of any kind are made by Missoula County. Before acting on the information contained on this page the user should consult original documents.



# Missoula Area Land Use Map

## Effective June 6, 2019



### Legend



- City of Missoula
- Land Use Designation
- OPEN, RESOURCE, AND RECREATION
- AGRICULTURE
- WORKING LANDS
- RURAL RESIDENTIAL AND AGRICULTURE
- RURAL RESIDENTIAL AND SMALL AGRICULTURE
- RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PLANNED NEIGHBORHOOD
- NEIGHBORHOOD CENTER
- COMMERCIAL CENTER
- LIVE/MAKE NEIGHBORHOOD
- COMMUNITY MIXED-USE
- CIVIC EMPLOYMENT CENTER
- INDUSTRIAL CENTER
- HEAVY INDUSTRIAL CENTER



## NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

**Coastal Base Flood Elevations** shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 11N. The **horizontal datum** was NAD 83, GRS 1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services  
NOAA, NNGS12  
National Geodetic Survey  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282  
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

**Base map** information shown on this FIRM was derived from NAIP Orthophotography produced with a one meter ground resolution from photography dated 2011.

**Corporate limits** shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at <http://mssc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

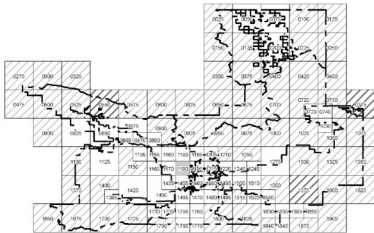
If you have **questions about this map**, how to order products, or the National Flood Insurance Program in general, please call the **FEMA Map Information eXchange (FMIX)** at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/nfp>.

This map may reflect more detailed or up to date **stream channel configurations** than those shown on the previous FIRM. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations and improved topographic data. The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles and Floodway Data Tables if applicable, in the FIS report. As a result, the profile baselines may deviate significantly from the new base map channel representation and may appear outside the floodplain.

Missoula County Vertical Datum Offset Table			
Flooding Source	Vertical Datum Offset (ft)	Flooding Source	Vertical Datum Offset (ft)
Bitterroot River	3.5	Lower Grant Creek	3.5
Blackfoot River	3.5	Miller Creek	3.5
Clark Fork	3.6	Patterson Creek	3.5
Clearwater River	3.7	Rattlesnake Creek	3.6
Grant Creek	3.6	Rock Creek	3.6
Lolo Creek	3.6		

Example: To convert Clark Fork elevations to NAVD 88, 3.6 feet were added to the NGVD 29 elevations.

## PANEL INDEX



Panel Not Printed

## LEGEND

- SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**  
The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, X, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.  
**ZONE AE** Base Flood Elevations determined.  
**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.  
**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.  
**ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently derelict. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.  
**ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.  
**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.  
**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

- OTHER FLOOD AREAS**  
**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.  
**OTHER AREAS**  
**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.  
**ZONE D** Areas in which flood hazards are undetermined, but possible.  
**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**  
**OTHERWISE PROTECTED AREAS (OPAs)**

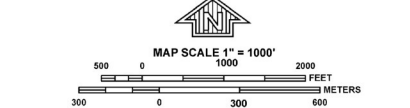
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% Annual Chance Floodplain Boundary  
0.2% Annual Chance Floodplain Boundary  
Floodway boundary  
Zone D boundary  
CBRS and OPA boundary  
Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.  
Base Flood Elevation line and value; elevation in feet\*  
Base Flood Elevation value where uniform within zone; elevation in feet\*

\*Referenced to the North American Vertical Datum of 1988

- Cross section line  
Transect line  
Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere  
4989000 M  
1000-meter ticks: Montana State Plane Zone (FIPS Zone 2500), Lambert Conformal Conic projection  
1000-meter Universal Transverse Mercator grid values, zone 11N  
DX5510 X  
Bench mark (see explanation in Notes to Users section of this FIRM panel)  
River Mile  
MAP REPOSITORIES  
Refer to Map Repositories list on Map Index  
EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP  
August 16, 1988  
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL  
July 6, 2015 - to change Base Flood Elevations, to update corporate limits, to update roads and road names, to change Special Flood Hazard Areas, to incorporate previously issued Letters of Map Revision and to reflect updated topographic information.

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.  
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 1190E**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**MISSOULA COUNTY, MONTANA**  
**AND INCORPORATED AREAS**

**PANEL 1190 OF 1900**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
MISSOULA CITY OF	300049	1190	E
MISSOULA COUNTY, Unincorporated Areas	300048	1190	E

**Notice:** This map was released on November 6, 2015 to make a correction. This version replaces any previous versions. See the Notice-to-User Letter that accompanied this correction for details.

**Notice to User:** The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

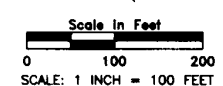
**MAP NUMBER**  
**30063C1190E**  
**MAP REVISED**  
**JULY 6, 2015**

**Federal Emergency Management Agency**

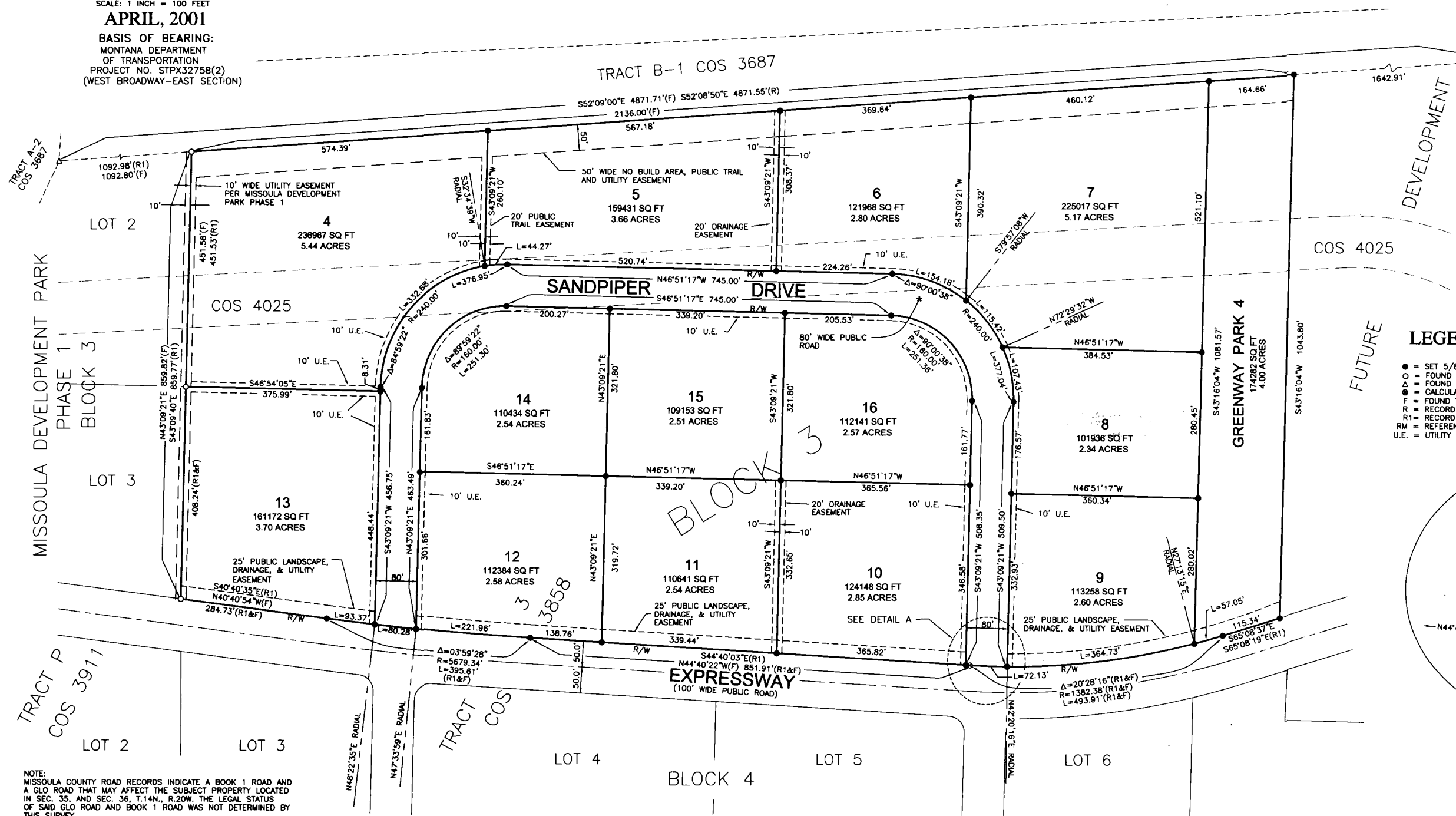


# PLAT OF MISSOULA DEVELOPMENT PARK-PHASE 4

A SUBDIVISION LOCATED IN THE E1/2 OF SECTION 35 & W1/2 OF SECTION 36, TOWNSHIP 14 NORTH,  
RANGE 20 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY, MONTANA



APRIL, 2001  
BASIS OF BEARING:  
MONTANA DEPARTMENT  
OF TRANSPORTATION  
PROJECT NO. STPX32758(2)  
(WEST BROADWAY-EAST SECTION)

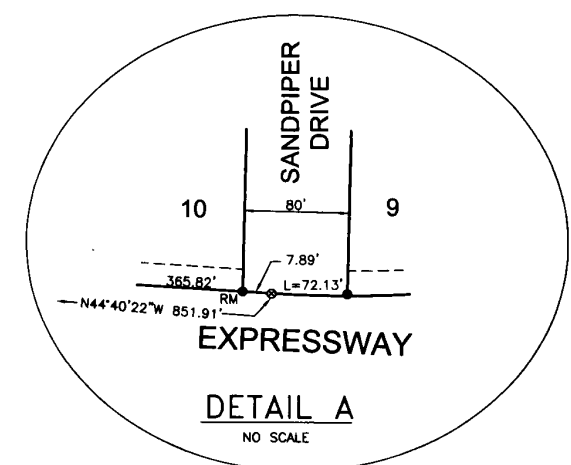


TRACT B-2  
COS 4586

ADDRESS BLOCK		
LOT	STREET	NUMBER
4	SANDPIPER DRIVE	
5	SANDPIPER DRIVE	
6	SANDPIPER DRIVE	
7	SANDPIPER DRIVE	
8	SANDPIPER DRIVE	
9	SANDPIPER DRIVE	
10	EXPRESSWAY	
11	SANDPIPER DRIVE	
12	EXPRESSWAY	
13	SANDPIPER DRIVE	
14	EXPRESSWAY	
15	SANDPIPER DRIVE	
16	SANDPIPER DRIVE	

## LEGEND

- SET 5/8" X 24" REBAR WITH 1-1/2" ALUM. CAP (AINSWORTH, 2923S)
- FOUND 1-1/4" YELLOW PLASTIC CAP (LARSON, 8990ES)
- △ FOUND 3/4" IRON PIN
- ⊕ CALCULATION POINT-NOTHING SET
- ⊙ FOUND THIS SURVEY
- R RECORD PER COS 4673 (DRUYVESTEIN, 2927ES)
- R1 RECORD PER MISSOULA DEVELOPMENT PARK-PHASE 1(LARSON, 8990ES)
- RM REFERENCE MONUMENT
- U.E. UTILITY EASEMENT



NOTE:  
MISSOULA COUNTY ROAD RECORDS INDICATE A BOOK 1 ROAD AND  
A GLO ROAD THAT MAY AFFECT THE SUBJECT PROPERTY LOCATED  
IN SEC. 35, AND SEC. 36, T.14N., R.20W. THE LEGAL STATUS  
OF SAID GLO ROAD AND BOOK 1 ROAD WAS NOT DETERMINED BY  
THIS SURVEY

**PROFESSIONAL  
CONSULTANTS  
INCORPORATED**  
ENGINEERING, PLANNING & SURVEYING  
3115 RUSSELL ST. P.O. BOX 1750  
MISSOULA, MONTANA 59808  
(406)728-1880 FAX (406)728-0276

OWNER  
MISSOULA COUNTY AIRPORT INDUSTRIAL DISTRICT

PREPARED AT THE REQUEST OF: MISSOULA COUNTY  
PCI PROJECT NO. 6420-01 Z78-83

## AREAS

PARK 174,282 SQ. FT./4.00 ACRES  
LOTS 1,798,650 SQ. FT./41.29 ACRES  
STREET 187,426 SQ. FT./4.30 ACRES  
TOTAL 2,160,358 SQ. FT./49.59 ACRES  
NOTE: INDIVIDUAL LOT ACRES ROUNDED TO NEAREST ONE-HUNDREDTH OF AN ACRE

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	35	14N	20W
<input checked="" type="checkbox"/>	36	14N	20W

SHEET 1 OF 2  
MISSOULA DEVELOPMENT PARK - PHASE 4  
A SUBDIVISION OF:  
MISSOULA COUNTY, MONTANA



# CERTIFICATE OF DEDICATION

We do hereby certify that we have caused to be surveyed, subdivided and platted into lots, as shown hereon, the following described tract of land:

A portion of Tract 3, Certificate of Survey number 3858, located in the East one-half (E1/2) of Section 35 and the West one-half (W1/2) of Section 36, Township 14 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Beginning at the northeast corner of Lot 2, Block 3, Missoula Development Park - Phase 1, a subdivision of Missoula County, also being a point on the southerly line of Certificate of Survey Number 3687; thence along said southerly line of Certificate of Survey 3687, S.52°09'00"E., 2136.00 feet; thence S.43°16'04"W., 1043.80 feet to a point on the northerly right-of-way of Expressway; thence the following five (5) courses along the northerly right-of-way of Expressway: N.85°08'37"W., 115.34 feet to the beginning of a tangent curve; thence an arc distance of 493.91 feet along said tangent curve to the right, having a central angle of 20°28'16", and a radius of 1382.38 feet to a point of tangent line; thence along said tangent line, N.44°40'22"W., 851.91 feet, to the beginning of a tangent curve; thence an arc distance of 395.81 feet along said tangent curve to the right, having a central angle of 03°59'28" and radius of 5679.34 feet to a point of tangent line; thence along said tangent line, N.40°40'54"W., 284.73 feet to the southeast corner of Lot 3, Block 3 Missoula Development Park - Phase 1; thence along the east boundary of Lots 3 and 2 Block 3, of said Missoula Development Park - Phase 1, N.43°09'21"E., 859.82 feet to the point of Beginning. Containing 49.59 acres more or less, being subject to all easements and rights-of-way, as shown, existing or of record and all according to the attached plat.

Further, that the undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public the right of the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement" to have and to hold forever, and;

Further, acceptance of a deed for a lot within this subdivision constitutes assent of the owners to waive the right to protest a future RSID/SID for any improvements to "D Drive", now known as SANDPIPER DRIVE, and may be used in lieu of their signatures on an RSID/SID petition, and;

Further, that the above described tract is to be known as MISSOULA DEVELOPMENT PARK - PHASE 4, and all streets and parks created by this plat are dedicated, donated and granted to the use and benefit of the public forever, and;

Further, that the attached plat conforms to the preliminary plat granted preliminary approval by Missoula County Commissioners on September 25, 1996.

In witness whereof we have set our hands this 28th day of June, 2001.

Missoula County Airport Industrial District

By its Directors:

Barbara Evans 6-28-01  
Barbara Evans, Director Date

Bill Carey 6-28-01  
Bill Carey, Director Date

Jean Curtiss 6-28-01  
Jean Curtiss, Director Date

Attest:

Vickie M. Zeier 6-28-01  
Clerk and Recorder Date

STATE OF MONTANA }  
County of Missoula } SS

This instrument was acknowledged before me on this 28 day of June, 2001, for Missoula County Airport Industrial District, by Barbara Evans, Bill Carey, Jean Curtiss, Directors.

ss Louanne Lee  
Notary Public for the State of Montana  
Residing at Missoula, MT  
My Commission expires 11-28-01



## SURVEYOR'S CERTIFICATION

I, Richard A. Albrecht, Professional Land Surveyor, Montana Registration No. 29235, hereby certify that the attached plat represents a Survey completed under my supervision and substantially completed on the date shown hereon.

ss Richard A. Albrecht  
Professional Land Surveyor  
Montana Registration No. 29235

## CERTIFICATION OF COUNTY SURVEYOR

I, HORACE BROWN, County Surveyor of Missoula County, Montana, do hereby certify that I have examined this plat of MISSOULA DEVELOPMENT PARK - PHASE 4, and find that the plat conforms to the surveying and platting requirements prescribed in the Montana Subdivision and Platting Act, Section 76-3-611 (2)(a) M.C.A. and State and local regulations adopted pursuant thereto.

Dated this 16th day of June, 2001. ss Horace Brown  
Horace Brown, County Surveyor

## CERTIFICATION OF COUNTY ATTORNEY

I, Fred Van Valkenburg, County Attorney of Missoula County, Montana, do hereby certify that I have examined the certificate of title of this plat of MISSOULA DEVELOPMENT PARK - PHASE 4, and find it conforms to the requirements of Section 76-3-612, M.C.A., and State and local regulations enacted pursuant thereto.

Dated this 5th day of July, 2001. ss Fred Van Valkenburg  
Fred Van Valkenburg, Missoula County Attorney

## CERTIFICATION OF HEALTH DEPARTMENT

Dated this 18th day of June, 2001. ss Don Benge  
Missoula City-County Sanitarian

## CERTIFICATION OF THE OFFICE OF PLANNING & GRANTS

Dated this 19th day of July, 2001. ss [Signature]

## CERTIFICATION OF FINAL PLAT APPROVAL

We, the Board of County Commissioners for the County of Missoula, Montana, do hereby approve this plat, finding this subdivision to be in the public interest.

Dated this 19th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS

ss Barbara Evans ss Bill Carey ss Jean Curtiss  
Barbara Evans, Chairman Bill Carey, Commissioner Jean Curtiss, Commissioner

ATTEST: Vickie M. Zeier  
Clerk and Recorder

## NOTE:

THIS PROPERTY IS WITHIN THE AIRPORT INFLUENCE AREA AND SUBJECT TO THE REQUIREMENTS OF THE AIRPORT INFLUENCE AREA RESOLUTION. AN AVIGATION EASEMENT FOR THIS SUBDIVISION IN FAVOR OF THE MISSOULA COUNTY AIRPORT AUTHORITY AND ITS SUCCESSORS AND ASSIGNS HAS ALSO BEEN FILED WITH THE MISSOULA COUNTY CLERK AND RECORDER.

SAC - BK 633 PG 155  
OR - BK 633 PG 156  
SPA - BK 633 PG 157



1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	35	14N	20W
<input checked="" type="checkbox"/>	36	14N	20W

201706650 B: 977 P: 908 Pages:1 Fee:\$0.00  
04/20/2017 02:55:23 PM Affidavit Of Correction  
Tyler R. Gernant, Missoula County Clerk & Recorder



### AFFIDAVIT OF CORRECTION

State of Montana  
County of Missoula

I, Shyra Scott, Missoula County Chief Deputy Clerk & Recorder, do hereby state that this Affidavit is for the purpose of correcting recording errors on the plat for Missoula Development Park Phase 4 located in Plat Book 24 Page 57. Related document locations were documented incorrectly on page two of the plat. The correct recording references for related documents are as follows:

SAC B 663 P 155

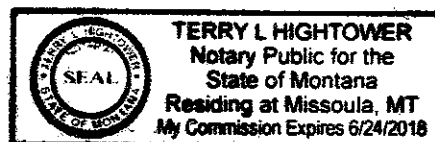
OR B 663 P 156

SPA B 663 P 157

Shyra Scott

State of Montana  
County of Missoula

This instrument was signed and sworn to before me on April 20, 2017 by Shyra Scott in her capacity as Missoula County Chief Deputy Clerk & Recorder.

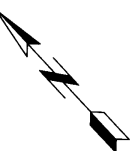
  
Notary Signature

21-84

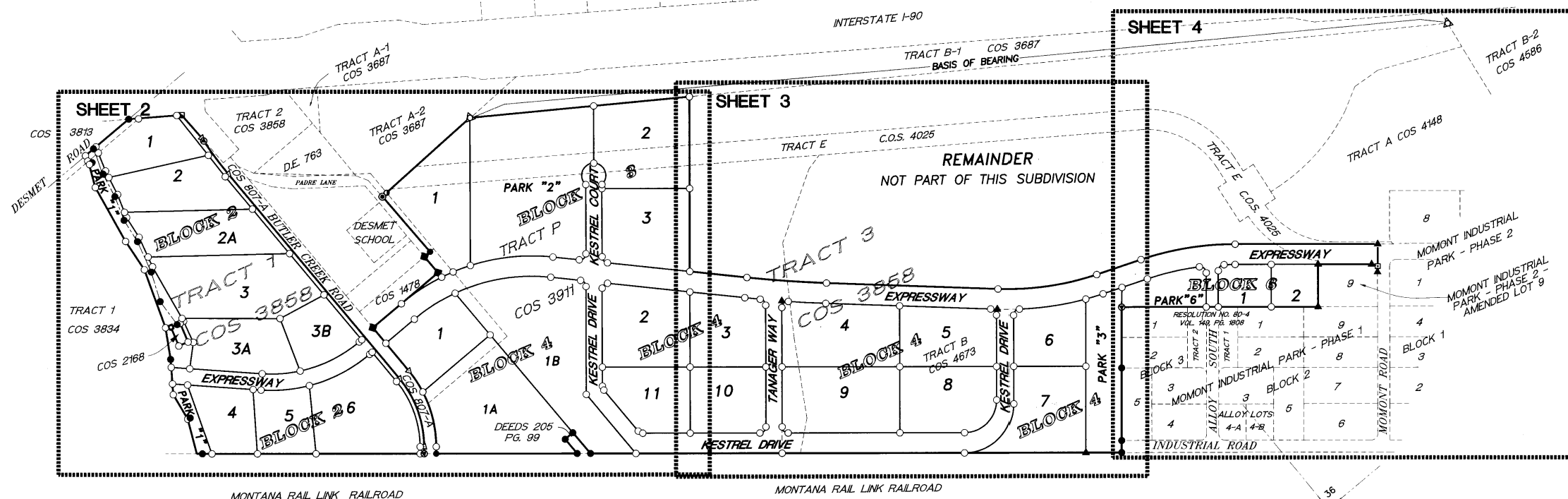
BOOK 522 PAGE 0001

# PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1

A SUBDIVISION LOCATED IN SEC. 35 & W 1/2 SEC. 36, T.14N., R.20W., P.M.M.  
MISSOULA COUNTY, MONTANA



0 300' 600'  
SCALE IN FEET



LOT ADDRESSES			
BLK.	LOT	STREET	NUMBER
2	1	BUTLER CREEK ROAD	
2	2	BUTLER CREEK ROAD	
2	2A	BUTLER CREEK ROAD	
2	3	BUTLER CREEK ROAD	
2	3A	EXPRESSWAY	
2	3B	EXPRESSWAY	
2	3B	BUTLER CREEK ROAD	
2	4	EXPRESSWAY	
2	5	EXPRESSWAY	
2	6	EXPRESSWAY	
2	6	BUTLER CREEK ROAD	
3	1	EXPRESSWAY	
3	2	KESTREL COURT	
3	3	KESTREL COURT	
3	3	EXPRESSWAY	
4	1	EXPRESSWAY	
4	1	BUTLER CREEK ROAD	
4	1A	BUTLER CREEK ROAD	
4	1B	KESTREL DRIVE	
4	1B	EXPRESSWAY	
4	2	KESTREL DRIVE	
4	3	TANAGER WAY	
4	4	TANAGER WAY	
4	5	KESTREL DRIVE	
4	6	KESTREL DRIVE	
4	7	KESTREL DRIVE	
4	8	KESTREL DRIVE	
4	9	KESTREL DRIVE	
4	9	TANAGER WAY	
4	10	KESTREL DRIVE	
4	10	TANAGER WAY	
4	11	KESTREL DRIVE	
6	1	ALLOY SOUTH	
6	2	EXPRESSWAY	

ACREAGE	
PARKS AREA	16.86 AC
LOT AREA	93.26 AC
STREET AREA	23.81 AC
TOTAL AREA	133.93 AC

## LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YPC MARKED LARSON 8990 ES  
● FOUND 1 1/4" YPC MKD. DRUYVESTEIN 2927ES  
● FOUND 1 1/4" YPC MKD. ELI 3713 S  
● FOUND 1 1/4" YPC MSLA CO.  
● FOUND 1 1/2" ALUM. CAP MKD. MSLA CO. 5609 S  
● FOUND 1 1/2" ALUM. CAP CUSTER 3325S  
● FOUND 3/4" PIPE  
□ FOUND 1 1/4" YPC MKD SORENSON & CO. MCCARTHY 4468S  
□ FOUND 1 1/4" YPC MKD SORENSON COMPANY  
● FOUND 1 1/2" BRASS CAP MKD 2518S  
■ FOUND 4" x 4" CONC. MONUMENT  
● FOUND 5/8" REBAR  
(F) FOUND  
(S) SET  
(C) CALCULATED

- (R) RECORD - CERTIFICATE OF SURVEY NO. 4673  
(R1) RECORD - CERTIFICATE OF SURVEY NO. 3858  
(R2) RECORD - MOMONT INDUSTRIAL PARK PHASE 1  
(R3) RECORD - MOMONT INDUSTRIAL PARK - PHASE 2 - AMENDED LOT 9  
(R4) RECORD - CERTIFICATE OF SURVEY NO. 4025  
(R5) RECORD - CERTIFICATE OF SURVEY NO. 3687  
R/W RIGHT-OF-WAY  
P.O.B. POINT OF BEGINNING  
UE UTILITY EASEMENT  
DE DRAINAGE EASEMENT  
(RAD) RADIAL BEARING  
PNT POINT OF NON-TANGENCY

ACCESS TO EXPRESSWAY IS LIMITED PER RESOLUTION FOR THE DESIGNATION OF LIMITED ACCESS HIGHWAY AS PROJECT DPI 0195 (001), COUNTY RESOLUTION NO. 95-013, MICRO BK. 434 PG. 2039.

IT IS MISSOULA COUNTY AIRPORT INDUSTRIAL DISTRICT'S INTENT THAT LOT 1 OF BLOCK 3 BE USED FOR RECREATION AND/OR OTHER PUBLIC PURPOSES.

ACCEPTANCE OF A DEED FOR A LOT WITHIN THIS SUBDIVISION CONSTITUTES ASSENT OF THE OWNERS OF THE LOTS ADJACENT TO DESMET ROAD TO WAIVE THE RIGHT TO PROTEST A FUTURE RSID/SID FOR ANY IMPROVEMENT TO DESMET ROAD AND THE OWNERS ADJACENT TO BUTLER CREEK ROAD TO WAIVE THE RIGHT TO PROTEST A FUTURE RSID/SID FOR ANY IMPROVEMENTS TO BUTLER CREEK ROAD AND MAY BE USED IN LIEU OF THEIR SIGNATURES ON A RSID/SID PETITION.

ACCEPTANCE OF A DEED FOR A LOT WITHIN THIS SUBDIVISION CONSTITUTES ASSENT OF THE OWNERS OF THE LOTS ADJACENT TO DESMET ROAD TO WAIVE THE RIGHT TO PROTEST A FUTURE RSID/SID FOR ANY IMPROVEMENTS TO KESTREL COURT, KESTREL DRIVE, TANAGER WAY AND ALLOY SOUTH AND MAY BE USED IN LIEU OF THEIR SIGNATURES ON A RSID/SID PETITION.

## AVIATION EASEMENT

THE MISSOULA DEVELOPMENT PARK - PHASE 1 IS SUBJECT TO THE CONDITIONS OF AN AVIATION EASEMENT. THIS EASEMENT IS FILED IN THE RECORDS OF MISSOULA COUNTY ON BOOK 521 PAGE 2039.

## OWNERS / DEVELOPERS

MISSOULA COUNTY AIRPORT INDUSTRIAL DISTRICT

PREPARED BY :

**DJA** DRUYVESTEIN JOHNSON & ANDERSON  
CONSULTING ENGINEERS & LAND SURVEYORS  
3201 RUSSELL ST. MISSOULA, MONTANA  
PHONE (406)721-4320 FAX (406)549-6371

F:\3135.03\PLAT

OCT 1997

1/4	SEC.	T.	R.
1	36	14 N.	20 W.
2	35	14 N.	20 W.
3			
4			
SHEET 1 OF 5			
PRINCIPAL MERIDIAN, MONTANA			
WO 96-3349			

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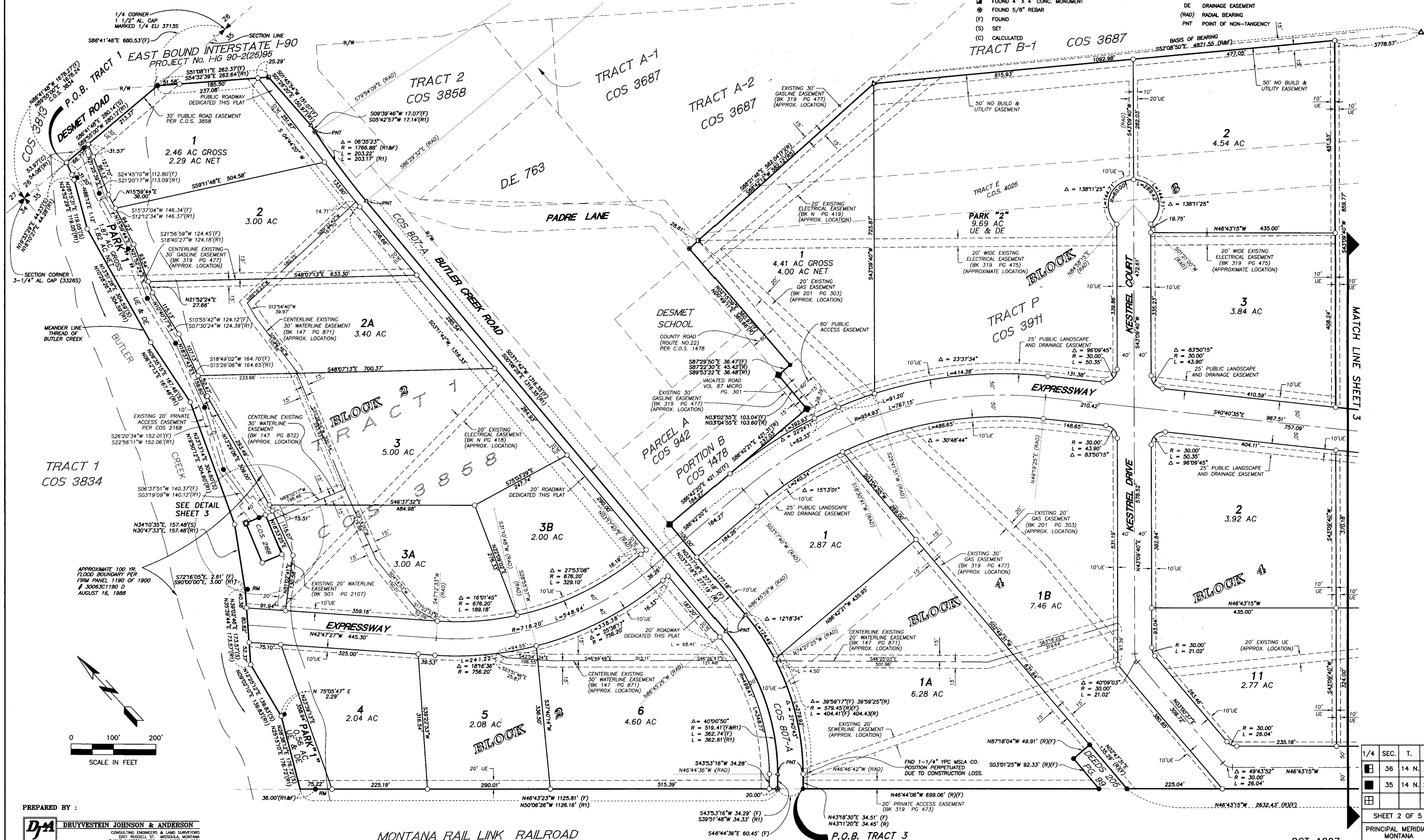
BOOK 522 PAGE 0002

# PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1

A SUBDIVISION LOCATED IN SEC. 35 & W 1/2 SEC. 36, T.14N., R.20W., P.M.M.  
MISSOULA COUNTY, MONTANA

## LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YPC
- ▲ FOUND 1 1/4" YPC MKD. DRUYVESTEIN 2927ES
- FOUND 1 1/4" YPC MKD. ELI 3713 S
- ◆ FOUND 1 1/4" YPC MSLA CO.
- FOUND 1 1/2" ALUM. CAP MKD. MSLA CO. 5609 S
- FOUND 3/4" PIPE
- ▣ FOUND 1 1/4" YPC MKD. SORENSON & CO. MCCARTHY 4468S
- ▤ FOUND 1 1/4" YPC MKD. SORENSON COMPANY
- ▥ FOUND 1 1/2" BRASS CAP MKD. 2518S
- ▧ FOUND 4" x 4" CONC. MONUMENT
- ▨ FOUND 5/8" REBAR
- (F) FOUND
- (S) SET
- (C) CALCULATED
- (R) RECORD - CERTIFICATE OF SURVEY NO. 4673
- (R1) RECORD - CERTIFICATE OF SURVEY NO. 3858
- (R2) RECORD - MOMONT INDUSTRIAL PARK PHASE 1
- (R3) RECORD - MOMONT INDUSTRIAL PARK - PHASE 2 - AMENDED LOT 9
- (R4) RECORD - CERTIFICATE OF SURVEY NO. 4025
- (R5) RECORD - CERTIFICATE OF SURVEY NO. 3687
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- UE UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- RAD RADIAL BEARING
- PNT POINT OF NON-TANGENCY



PREPARED BY :

**DJA** DRUYVESTEIN JOHNSON & ANDERSON  
CONSULTING ENGINEERS & LAND SURVEYORS  
3201 RUSSELL ST. MISSOULA, MONTANA  
PHONE (406) 721-4320 FAX (406) 549-6371

MONTANA RAIL LINK RAILROAD

OCT 1997

1/4	SEC.	T.	R.
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PRINCIPAL MERIDIAN, MONTANA			
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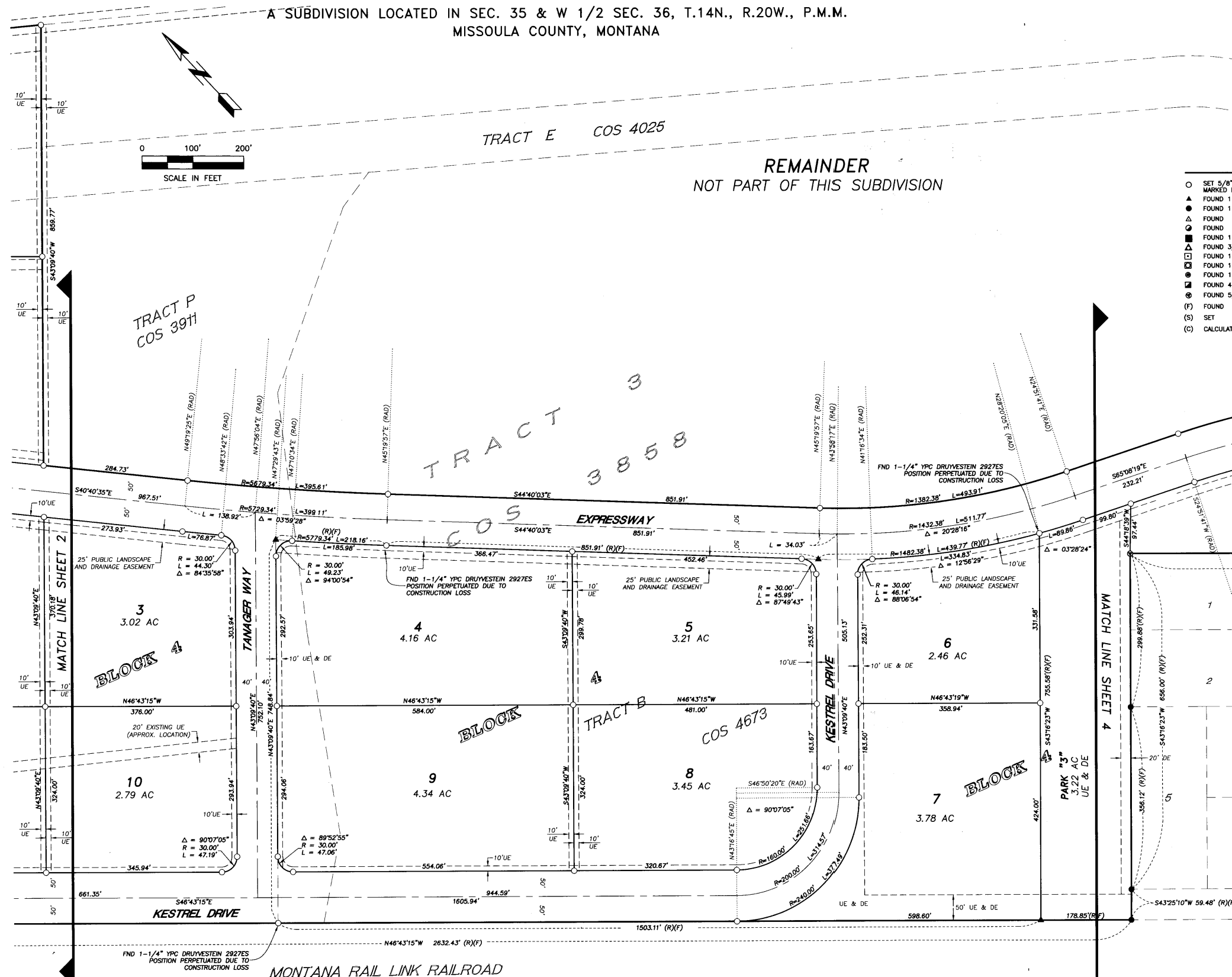
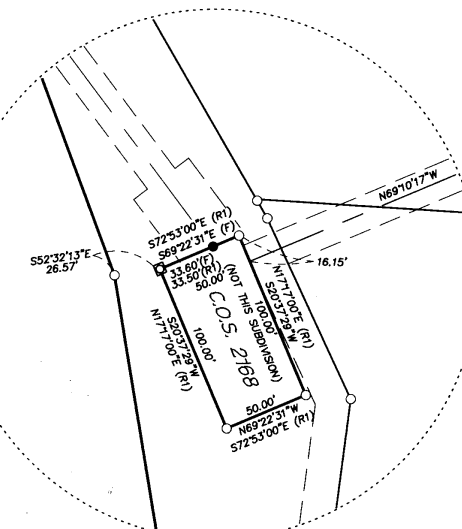
# PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1

A SUBDIVISION LOCATED IN SEC. 35 & W 1/2 SEC. 36, T.14N., R.20W., P.M.M.  
MISSOULA COUNTY, MONTANA

REMAINDER  
NOT PART OF THIS SUBDIVISION

## LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YPC MARKED LARSON 8990 ES
- ▲ FOUND 1 1/4" YPC MKD. DRUYVESTEIN 2927ES
- FOUND 1 1/4" YPC MKD. ELI 3713 S
- △ FOUND 1 1/4" YPC MSLA. CO.
- FOUND 1 1/2" ALUM. CAP MKD. MSLA. CO. 5609 S
- FOUND 1 1/2" ALUM. CAP CUSTER 3325S
- △ FOUND 3/4" PIPE
- FOUND 1 1/4" YPC MKD SORENSON & CO. MCCARTHY 4468S
- FOUND 1 1/4" YPC MKD SORENSON COMPANY
- FOUND 1 1/2" BRASS CAP MKD 2518S
- FOUND 4" x 4" CONC. MONUMENT
- FOUND 5/8" REBAR
- (F) FOUND
- (S) SET
- (C) CALCULATED
- (R) RECORD - CERTIFICATE OF SURVEY NO. 4673
- (R1) RECORD - CERTIFICATE OF SURVEY NO. 3858
- (R2) RECORD - MOMONT INDUSTRIAL PARK PHASE 1
- (R3) RECORD - MOMONT INDUSTRIAL PARK - PHASE 2 - AMENDED LOT 9
- (R4) RECORD - CERTIFICATE OF SURVEY NO. 4025
- (R5) RECORD - CERTIFICATE OF SURVEY NO. 3687
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- UE UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- (RAD) RADIAL BEARING
- PNT POINT OF NON-TANGENCY



PREPARED BY  
**DJA** DRUYVESTEIN JOHNSON & ANDERSON  
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PHONE (406) 721-4320 FAX (406) 549-4371

OCT 1997

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PRINCIPAL MERIDIAN, MONTANA			
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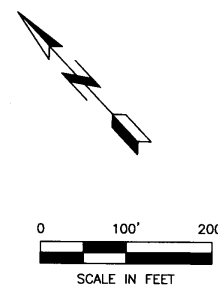
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BOOK 522 PAGE 0004

# PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1

A SUBDIVISION LOCATED IN SEC. 35 & W 1/2 SEC. 36, T.14N., R.20W., P.M.M.  
MISSOULA COUNTY, MONTANA



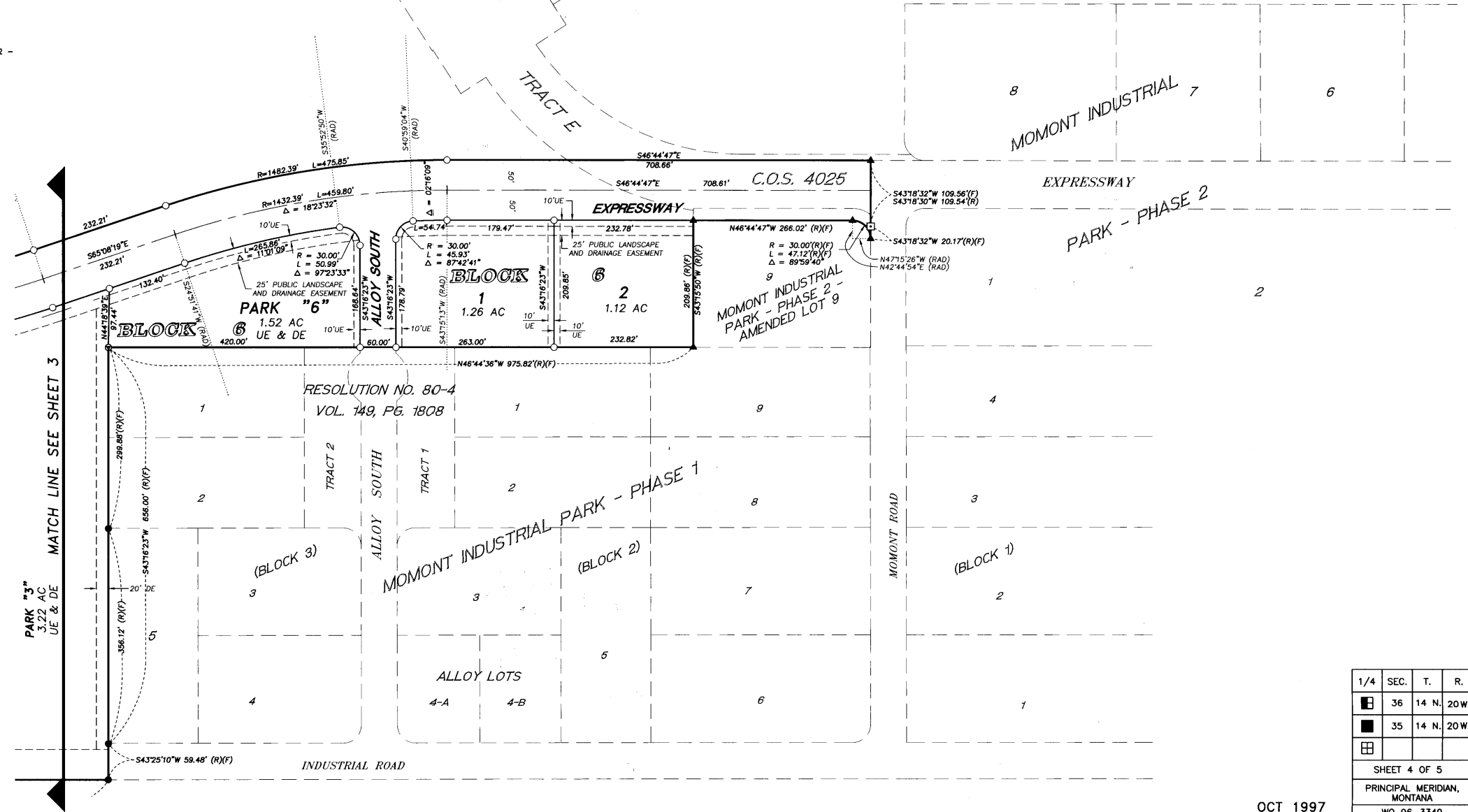
REMAINDER  
NOT PART OF THIS SUBDIVISION

TRACT B-1 COS 3687  
TRACT B-2 COS 4586

TRACT A COS 4148

## LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YPC MARKED LARSON 8990 ES
- ▲ FOUND 1 1/4" YPC MKD. DRYVSTEIN 2927ES
- FOUND 1 1/4" YPC MKD. ELI 3713 S
- △ FOUND 1 1/4" YPC MSLA. CO.
- FOUND 1 1/2" ALUM. CAP MKD. MSLA. CO. 5609 S
- FOUND 1 1/2" ALUM. CAP CUSTER 3325S
- △ FOUND 3/4" PIPE
- FOUND 1 1/4" YPC MKD SORENSON & CO. MCCARTHY 4468S
- FOUND 1 1/4" YPC MKD SORENSON COMPANY
- FOUND 1 1/2" BRASS CAP MKD 2518S
- FOUND 4" x 4" CONC. MONUMENT
- FOUND 5/8" REBAR
- (F) FOUND
- (S) SET
- (C) CALCULATED
- (R) RECORD - CERTIFICATE OF SURVEY NO. 4673
- (R1) RECORD - CERTIFICATE OF SURVEY NO. 3858
- (R2) RECORD - MOMONT INDUSTRIAL PARK PHASE 1
- (R3) RECORD - MOMONT INDUSTRIAL PARK - PHASE 2 - AMENDED LOT 9
- (R4) RECORD - CERTIFICATE OF SURVEY NO. 4025
- (R5) RECORD - CERTIFICATE OF SURVEY NO. 3687
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- UE UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- (RAD) RADIAL BEARING
- PNT POINT OF NON-TANGENCY



PREPARED BY :  
**DJA** DRYVSTEIN JOHNSON & ANDERSON  
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3001 RUSSELL ST. MISSOULA, MONTANA  
PHONE (406)721-4320 FAX (406)549-6371

1/4	SEC.	T.	R.
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SHEET 4 OF 5			
PRINCIPAL MERIDIAN, MONTANA			
WO 96-3349			

OCT 1997

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522 PART 0005

# PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1

A SUBDIVISION LOCATED IN SEC. 35 & W 1/2 SEC. 36, T.14N., R.20W., P.M.M.  
MISSOULA COUNTY, MONTANA

## CERTIFICATE OF DEDICATION

WE DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, SUBDIVIDED AND PLATTED INTO LOTS, PARKS AND STREETS AS SHOWN ON THIS PLAT THE FOLLOWING TRACTS OF LAND:

TWO TRACTS OF LAND LOCATED IN SECTION 35 AND THE W1/2 OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 20 WEST, PRINCIPAL MERIDIAN MONTANA; BEING TRACT 1 AND A PORTION OF TRACT 3, CERTIFICATE OF SURVEY No. 3858, RECORDS OF MISSOULA COUNTY, MONTANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

## TRACT 1

BEGINNING AT THE NORTHWEST CORNER OF TRACT 1, CERTIFICATE OF SURVEY No. 3858, RECORDS OF MISSOULA COUNTY, MONTANA; THENCE S86°41'48"E, 280.14 FEET UPON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LIMIT OF EAST BOUND INTERSTATE I-90, PROJECT No. I-IG 90-2(25)95; THENCE S51°08'11"E, 262.37 FEET ALONG SAID I-90 RIGHT-OF-WAY LIMIT; THENCE S01°45'54"W, 151.07 FEET ALONG SAID I-90 RIGHT-OF-WAY LIMIT TO THE WESTERLY RIGHT-OF-WAY LIMIT OF BUTLER CREEK ROAD AS SHOWN ON CERTIFICATE OF SURVEY No. 807-A, RECORDS OF MISSOULA COUNTY; THENCE UPON BUTLER CREEK ROAD RIGHT-OF-WAY THROUGH THE FOLLOWING FIVE (5) COURSES: (1) THENCE S09°39'46"W, 17.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE EAST, THE CENTER OF WHICH BEARS S79°54'09"E, 1766.88 RADIAL FEET; (2) THENCE SOUTHERLY UPON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°35'23" AN ARC DISTANCE OF 203.22 FEET; (3) THENCE S03°11'42"W, 1316.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, THE CENTER OF WHICH BEARS N86°45'26"W, 519.41 RADIAL FEET; (4) THENCE SOUTHERLY UPON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°00'50" AN ARC DISTANCE OF 362.74 FEET; (5) THENCE S43°53'16"W, 34.28 FEET TO THE NORTHERLY RIGHT-OF-WAY LIMIT OF THE MONTANA RAIL LINK RAILROAD; THENCE N46°43'23"W, 1125.81 FEET UPON SAID NORTHERLY RIGHT-OF-WAY LIMIT TO THE THREAD OF BUTLER CREEK AS SHOWN ON CERTIFICATE OF SURVEY No. 3834, RECORDS OF MISSOULA COUNTY; THENCE ALONG THE THREAD OF BUTLER CREEK THROUGH THE FOLLOWING NINE (9) COURSES: (1) THENCE N28°38'12"E, 176.72 FEET; (2) THENCE N12°25'12"E, 139.83 FEET; (3) THENCE N39°02'46"E, 173.57 FEET; (4) THENCE N34°10'35"E, 157.48 FEET; (5) THENCE N23°13'14"E, 304.60 FEET; (6) THENCE N09°35'15"E, 167.46 FEET; (7) THENCE N13°51'28"E, 304.59 FEET; (8) THENCE N28°15'31"E, 119.05 FEET; (9) THENCE N19°33'29"E, 44.23 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM CERTIFICATE OF SURVEY 2168. CONTAINING 32.86 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND/OR DEDICATIONS, AND/OR RESERVATIONS EXISTING, SHOWN OR OF RECORD.

## TRACT 3

BEGINNING AT THE WEST CORNER OF TRACT 3, CERTIFICATE OF SURVEY No. 3858, RECORDS OF MISSOULA COUNTY, MONTANA; BEING THE NORTHERLY RIGHT-OF-WAY OF THE MONTANA RAIL LINK RAILROAD AND THE EASTERLY RIGHT-OF-WAY OF BUTLER CREEK ROAD; THENCE UPON THE EASTERLY RIGHT-OF-WAY LIMIT OF BUTLER CREEK ROAD THROUGH THE FOLLOWING THREE (3) COURSES: (1) N43°18'30"E, 34.51 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, THE CENTER OF WHICH BEARS N46°46'42"W, 579.45 RADIAL FEET; (2) THENCE NORTHERLY UPON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°59'17", AN ARC DISTANCE OF 404.41 FEET; (3) THENCE N03°17'18"E, 277.18 FEET TO THE SOUTHWESTERLY CORNER OF CERTIFICATE OF SURVEY No. 1478; THENCE S86°42'20"E, 421.30 FEET; THENCE N03°02'55"E, 103.04 FEET; THENCE S87°29'50"E, 36.47 FEET; THENCE N02°15'09"E, 360.97 FEET TO THE SOUTHWESTERLY CORNER OF TRACT A-2, CERTIFICATE OF SURVEY No. 3687; THENCE S88°21'46"E, 582.04 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT A-2; THENCE S52°08'50"E ALONG THE SOUTHERLY BOUNDARY OF TRACT B-1 CERTIFICATE OF SURVEY No. 3687, 1092.98 FEET; THENCE S43°09'40"W, 859.77 FEET; THENCE S40°40'35"E, 284.73 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 5679.34 FEET; THENCE UPON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°59'28" AN ARC DISTANCE OF 395.61 FEET; THENCE S44°40'03"E, 851.91 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1382.38 FEET; THENCE UPON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°28'16" AN ARC DISTANCE OF 493.91 FEET; THENCE S65°08'19"E, 232.21 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1482.39 FEET; THENCE UPON THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°23'32" AN ARC DISTANCE OF 475.85 FEET; THENCE S46°44'47"E, 708.66 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF MOMONT ROAD AND EXPRESSWAY AS SHOWN ON MOMONT INDUSTRIAL PARK PHASE 2, RECORDS OF MISSOULA COUNTY; THENCE S43°18'32"W, 129.73 FEET UPON THE WESTERLY RIGHT-OF-WAY OF MOMONT ROAD TO A POINT ON THE EASTERLY BOUNDARY OF MOMONT INDUSTRIAL PARK - PHASE 2 - AMENDED LOT 9, RECORDS OF MISSOULA COUNTY, SAID POINT BEING ON A CURVE THE CENTER OF WHICH BEARS N47°15'26"W A RADIAL DISTANCE OF 30.00 FEET; THENCE UPON THE BOUNDARY OF MOMONT INDUSTRIAL PARK - PHASE 2 - AMENDED LOT 9 THROUGH THE FOLLOWING THREE (3) COURSES: (1) NORTHERLY UPON THE ARC OF LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 89°59'40" AN ARC DISTANCE OF 47.12 FEET; (2) THENCE N46°44'47"W, 266.02 FEET; (3) THENCE S43°15'50"W, 209.86 FEET TO THE NORTHERLY BOUNDARY OF MOMONT INDUSTRIAL PARK - PHASE 1, RECORDS OF MISSOULA COUNTY; THENCE UPON THE BOUNDARY OF MOMONT INDUSTRIAL PARK PHASE 1 THROUGH THE FOLLOWING THREE (3) COURSES: (1) THENCE N46°44'36"W, 975.82 FEET; (2) THENCE S43°16'23"W, 656.00 FEET; (3) THENCE S43°25'10"W, 59.48 FEET TO THE NORTHERLY RIGHT-OF-WAY LIMIT OF THE MONTANA RAIL LINK RAILROAD; THENCE N46°43'15"W, 2632.43 FEET ALONG SAID NORTHERLY BOUNDARY; THENCE N02°47'31"E, 135.29 FEET; THENCE N87°18'04"W, 49.91 FEET; THENCE S03°01'25"W, 92.33 FEET TO THE NORTHERLY BOUNDARY OF THE MONTANA RAIL LINK RAILROAD; THENCE N46°44'06"W, 699.06 FEET ALONG SAID NORTHERLY BOUNDARY, TO THE POINT OF BEGINNING. CONTAINING 101.07 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND/OR DEDICATIONS, AND/OR RESERVATIONS EXISTING, SHOWN OR OF RECORD.

WE THE UNDERSIGNED HEREBY DESIGNATE THIS PLAT AND SUBDIVISION TO BE KNOWN AS MISSOULA DEVELOPMENT PARK - PHASE 1, ALL STREETS AND PARKS ON THE PLAT ARE DEDICATED, DONATED AND GRANTED TO THE USE OF THE PUBLIC FOREVER. WE HEREBY CERTIFY THAT THIS PLAT CONFORMS TO THE PREVIOUSLY APPROVED PRELIMINARY PLAT.

THE UNDERSIGNED HEREBY GRANTS UNTO EACH AND EVERY PERSON, FIRM, OR CORPORATION, WHETHER PUBLIC OR PRIVATE, PROVIDING OR OFFERING TO PROVIDE TELEPHONE, TELEGRAPH, ELECTRIC POWER, GAS, CABLE TELEVISION, WATER, STORM WATER DRAINAGE OR SEWER SERVICE TO THE PUBLIC, THE RIGHT TO THE JOINT USE OF AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND REMOVAL OF THEIR LINES AND OTHER FACILITIES IN, OVER, UNDER AND ACROSS EACH AREA DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" TO HAVE AND TO HOLD FOREVER.

WE HEREBY CERTIFY THAT A SUBDIVISION IMPROVEMENTS AGREEMENT EXISTS WHICH IS ACCEPTABLE TO THE COUNTY ATTORNEY AND GOVERNING BODY SECURING THE FUTURE CONSTRUCTION OF PUBLIC AND PRIVATE IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE SET OUR HAND AND SEAL THIS 6<sup>th</sup> DAY OF NOVEMBER, 1997.

## MISSOULA COUNTY AIRPORT INDUSTRIAL DISTRICT

BY ITS DIRECTORS:

<u>Fern Hart</u>	<u>11/6/97</u>
FERN HART, DIRECTOR	DATE
<u>Michael Kennedy</u>	<u>11/6/97</u>
MICHAEL KENNEDY, DIRECTOR	DATE
<u>Barbara Evans</u>	<u>11/6/97</u>
BARBARA EVANS, DIRECTOR	DATE

ATTEST:

Vickie M. Zier 11/6/97  
CLERK & RECORDER DATE

## ACKNOWLEDGMENT

STATE OF MONTANA )  
COUNTY OF MISSOULA ) SS

ON THIS 6 DAY OF NOVEMBER, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF MONTANA, PERSONALLY APPEARED FERN HART, MICHAEL KENNEDY AND BARBARA EVANS, KNOWN TO ME TO BE THE DIRECTORS OF MISSOULA COUNTY AIRPORT INDUSTRIAL DISTRICT, THE CORPORATE AND BODY POLITIC THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH CORPORATE AND BODY POLITIC EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.  
Wendie Stibbe  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
RESIDING AT MISSOULA, MONTANA  
MY COMMISSION EXPIRES 01-03-2001

## CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION DURING THE MONTHS OF SEPTEMBER-DECEMBER, 1996 AND JANUARY-OCTOBER, 1997 AND THAT ALL MONUMENTS, ANGLES AND DISTANCES SHOWN HEREON ARE AS FOUND OR SET IN THE FIELD AND THAT SAID SURVEY WAS MADE ACCORDING TO APPLICABLE STATE AND COUNTY REGULATIONS.

BY: Gilbert M. Larson DATE 11-6-97  
GILBERT M. LARSON, P.E., P.L.S.  
MONTANA REGISTRATION NO. 8990 ES  
DRUYVESTEIN JOHNSON & ANDERSON  
MISSOULA MONTANA



## EXAMINED AND APPROVED

STATE OF MONTANA  
COUNTY OF MISSOULA

## CERTIFICATE OF COUNTY SURVEYOR

I, Harace Brown, COUNTY SURVEYOR OF MISSOULA COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1, AND I FIND THAT THIS PLAT CONFORMS TO THE REQUIREMENTS PRESCRIBED BY THE MONTANA SUBDIVISION AND PLATTING ACT, SECTION 76-3-611(2)(A)MCA, AND STATE AND LOCAL REGULATIONS ENACTED PURSUANT THEREIN.

DATED THIS 13<sup>th</sup> DAY OF NOVEMBER, 1997  
Harace Brown  
COUNTY SURVEYOR

## FINAL APPROVAL OF THIS PLAT HAS BEEN GRANTED BY:

<u>[Signature]</u>	<u>11-14-97</u>
MISSOULA OFFICE OF PLANNING AND GRANTS	DATE
<u>[Signature]</u>	<u>11/6/97</u>
MISSOULA CITY-COUNTY HEALTH DEPARTMENT	DATE

## CERTIFICATE OF COUNTY ATTORNEY

I, Michael W. Schostedt Dore, COUNTY ATTORNEY OF MISSOULA COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE CERTIFICATE OF TITLE OF THIS PLAT OF MISSOULA DEVELOPMENT PARK - PHASE 1 AND I FIND THAT IT CONFORMS TO THE REQUIREMENTS PRESCRIBED BY THE MONTANA SUBDIVISION AND PLATTING ACT SECTION 76-3-612(2) MCA, AND STATE AND LOCAL REGULATIONS ENACTED PURSUANT THEREIN.

DATED THIS 14<sup>th</sup> DAY OF November, 1997.  
Michael W. Schostedt  
COUNTY ATTORNEY

WE, THE BOARD OF COUNTY COMMISSIONERS, FOR THE COUNTY OF MISSOULA, MONTANA DO HEREBY APPROVE THIS PLAT IN THE PUBLIC INTEREST. THE REQUIREMENT FOR PARKLAND FOR THIS PLAT HAS BEEN SATISFIED THROUGH THE PARK DEDICATION INCLUDED ON THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997

<u>[Signature]</u>
CHAIR
<u>[Signature]</u>
COMMISSIONER
<u>[Signature]</u>
COMMISSIONER

ATTEST:

Vickie M. Zier  
CLERK AND RECORDER

PREPARED BY:

**DJA** DRUYVESTEIN JOHNSON & ANDERSON  
CONSULTING ENGINEERS & LAND SURVEYORS  
3201 RUSSELL ST. MISSOULA, MONTANA  
PHONE (406)721-4320 FAX (406)549-6371

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OCT 1997

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SHEET 5 OF 5			
PRINCIPAL MERIDIAN, MONTANA			
WO 96-3349			

9721926

I received and filed this instrument for record on the 13 day of NOV. 1997  
at 8:10 o'clock A.M., permanent files of Missoula County, State of Montana.  
Witness my hand:  
[Signature] County Recorder  
BY [Signature] Deputy  
Fee \$ 0 Paid

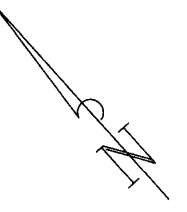
Book 21 PLATS Pg. 84  
FILE Q-84  
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COVENANTS:  
Book 522 Pg. 33

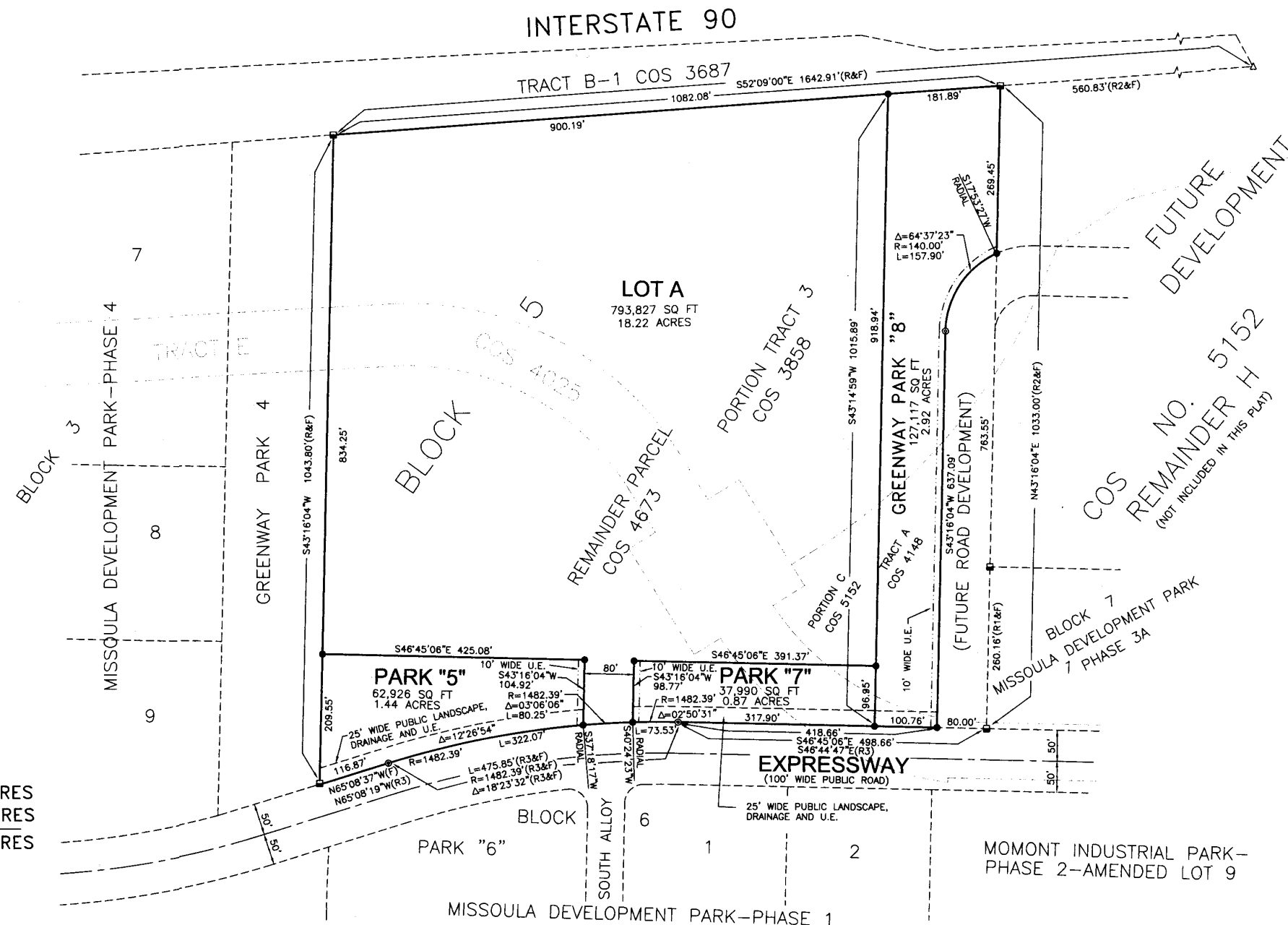
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# PLAT OF MISSOULA DEVELOPMENT PARK—PHASE 3D

A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 35 AND THE SW1/4 OF SECTION 36, TOWNSHIP 14 NORTH,  
RANGE 20 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY, MONTANA

  
Scale in Feet  
0 100 200  
SCALE: 1 INCH = 100 FEET  
AUGUST, 2001  
BASIS OF BEARING:  
MONTANA DEPARTMENT  
OF TRANSPORTATION  
PROJECT NO. STPX32758(2)  
(WEST BROADWAY—EAST SECTION)



ADDRESS BLOCK			
LOT	BLK.	STREET	NUMBER
A	5	EXPRESSWAY	

AREAS		
LOT	18.22 ACRES	
PARKS	5.23 ACRES	
TOTAL	23.45 ACRES	

## LEGEND

- = SET 5/8" X 24" REBAR WITH 1-1/2" ALUM. CAP (AINSWORTH, 2923S)
- = SET 5/8" X 24" REBAR WITH 1-1/4" Y.P.C. (AINSWORTH, 2923S)
- = FOUND 5/8" REBAR WITH 1-1/2" ALUM. CAP (AINSWORTH, 2923S)
- △ = FOUND 3/4" IRON PIN
- ⊙ = FOUND 5/8" REBAR WITH 1-1/4" Y.P.C. (LARSON, 8990ES)
- F = FOUND THIS SURVEY
- R = RECORD PER MISSOULA DEVELOPMENT PARK PHASE 4 (AINSWORTH, 2923S)
- R1 = RECORD PER MISSOULA DEVELOPMENT PARK PHASE 3A (AINSWORTH, 2923S)
- R2 = RECORD PER COS 5152 (AINSWORTH, 2923S)
- R3 = RECORD PER MISSOULA DEVELOPMENT PARK PHASE 1 (LARSON, 8990ES)
- Y.P.C. = YELLOW PLASTIC CAP
- U.E. = UTILITY EASEMENT

NOTE:  
MISSOULA COUNTY ROAD RECORDS INDICATE A BOOK 1 ROAD AND A GLO ROAD THAT MAY AFFECT THE SUBJECT PROPERTY LOCATED IN SEC. 35, AND SEC. 36, T.14N., R.20W. THE LEGAL STATUS OF SAID GLO ROAD AND BOOK 1 ROAD WAS NOT DETERMINED BY THIS SURVEY

**PROFESSIONAL  
CONSULTANTS  
INCORPORATED**  
ENGINEERING, PLANNING & SURVEYING  
5115 RUSSELL ST., P.O. BOX 1750  
MISSOULA, MONTANA 59806  
(406)728-1880 FAX (406)728-0276

**OWNER**  
MISSOULA COUNTY AIRPORT INDUSTRIAL DISTRICT  
**PREPARED AT THE REQUEST OF: MISSOULA COUNTY**  
PCI PROJECT NO. 6420-01 Z78-83

PLAT003091  
Missoula County Vickie H. Zeier PL  
12/05/2001 03:13P  
Bk-24 Pg-95

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	36	14N	20W
<input checked="" type="checkbox"/>	35	14N	20W

**SHEET 1 OF 2**  
**MISSOULA DEVELOPMENT PARK - PHASE 3D**  
**A SUBDIVISION OF**  
**MISSOULA COUNTY, MONTANA**

# CERTIFICATE OF DEDICATION

We do hereby certify that we have caused to be surveyed, subdivided and platted into 1 lot and Parks, as shown hereon, the following described tract of land:

A portion of Tract 3, Certificate of Survey number 3858, and Portion C, Certificate of Survey number 5152, located in the Southeast one-quarter (SE1/4) of Section 35 and the Southwest one-quarter (SW1/4) of Section 36, Township 14 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Beginning at the northeasterly corner of GREENWAY PARK 4, Block 3, Missoula Development Park - Phase 4, a subdivision of Missoula County, also being a point on the southerly line of Certificate of Survey Number 3687; thence along said southerly line of Certificate of Survey 3687, S.52°09'00"E., 1082.08 feet to a point on the north-westerly line of Certificate of Survey 5152; thence along said north-westerly line of Certificate of Survey 5152, S.43°16'04"W., 269.45 feet to a point of non-tangent curve, said point having a radial bearing of S.17°53'27"W.; thence an arc distance of 157.90 feet along said non-tangent curve to the left, having a central angle of 64°37'23", and a radius of 140.00 feet to a point of tangent line; thence along said tangent line, S.43°16'04"W., 637.09 feet to a point on the northerly right-of-way of Expressway; thence the following three (3) courses along the northerly right-of-way of Expressway: N.46°45'06"W., 418.66 feet to the beginning of a tangent curve; thence an arc distance of 475.85 feet along said tangent curve to the left, having a central angle of 18°23'32", and a radius of 1482.39 feet to a point of tangent line; thence along said tangent line, N.65°08'37"W., 116.87 feet to a point on the southeasterly line of Missoula Development Park - Phase 4, a subdivision of Missoula County; thence along said southeasterly line of Missoula Development Park - Phase 4, N.43°16'04"E., 1043.80 feet to the point of Beginning. Containing 23.45 acres more or less, being subject to all easements and rights-of-way, as shown, existing or of record and all according to the attached plat.

Further, that the undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement" to have and to hold forever, and

Further, acceptance of a deed for a lot within this subdivision constitutes assent of the owners to waive the right to protest a future RSID/SID for any improvements to EXPRESSWAY, and may be used in lieu of their signatures on an RSID/SID petition, and

Further, that the above described tract is to be known as MISSOULA DEVELOPMENT PARK - PHASE 3D. The parks on this plat are dedicated, donated and granted to the use and benefit of the public forever, and

Further, that the attached plat conforms to the preliminary plat granted preliminary approval by Missoula County Commissioners on September 25, 1996.

In witness whereof we have set our hands this 4th day of October, 2001.

Missoula County Airport Industrial District

By its Directors:

Barbara Evans 10-4-01  
Barbara Evans, Director Date

Bill Carey 10-4-01  
Bill Carey, Director Date

Jean Curtiss 10-4-01  
Jean Curtiss, Director Date

Attest: VICKIE M. ZEIER, Missoula County Clerk  
By Debra L. Murrell  
DEPUTY

Clerk and Recorder Date

STATE OF MONTANA }  
County of Missoula }

This instrument was acknowledged before me on this 4th day of October, 2001, for Missoula County Industrial District, by Barbara Evans, Bill Carey, Jean Curtiss, Directors.

ss Louanne Lee  
Notary Public for the State of Montana  
Residing at Missoula, Montana  
My Commission expires 11-14-2001



# SURVEYOR'S CERTIFICATION

I, Richard A. Ainsworth, Professional Land Surveyor, Montana Registration No. 29235, hereby certify that the attached plat represents a Survey completed under my supervision and substantially completed on the date shown hereon.

ss Richard A. Ainsworth  
Professional Land Surveyor  
Montana Registration No. 29235

# CERTIFICATION OF COUNTY SURVEYOR

I, HORACE BROWN, County Surveyor of Missoula County, Montana, do hereby certify that I have examined this plat of MISSOULA DEVELOPMENT PARK - PHASE 3D, and find that the plat conforms to the surveying and plotting requirements prescribed in the Montana Subdivision and Platting Act, Section 76-3-611 (2)(a) M.C.A. and State and local regulations adopted pursuant thereto.

Dated this 3rd day of October, 2001. ss Horace Brown  
Horace Brown, County Surveyor

# CERTIFICATION OF COUNTY ATTORNEY

I, Fred Van Valkenburg, County Attorney of Missoula County, Montana, do hereby certify that I have examined the certificate of title of this plat of MISSOULA DEVELOPMENT PARK - PHASE 3D, and find it conforms to the requirements of Section 76-3-612, M.C.A., and State and local regulations enacted pursuant thereto.

Dated this 1st day of November, 2001. ss Fred Van Valkenburg  
Fred Van Valkenburg, Missoula County Attorney

# CERTIFICATION OF HEALTH DEPARTMENT

Dated this 1st day of Oct, 2001. ss David D. Eulsen  
Missoula City-County Sanitarian

# CERTIFICATION OF THE OFFICE OF PLANNING & GRANTS

Dated this 2 day of November, 2001. ss Jay G. Hall

# CERTIFICATION OF FINAL PLAT APPROVAL

We, the Board of County Commissioners for the County of Missoula, Montana, do hereby approve this plat, finding this subdivision to be in the public interest.

Dated this 5th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS

ss Barbara Evans  
Barbara Evans, Chairman

ss Bill Carey  
Bill Carey, Commissioner

ss Jean Curtiss  
Jean Curtiss, Commissioner

ATTEST: Vickie M. Zeier  
VICKIE M. ZEIER, Missoula County Clerk  
By Debra L. Murrell  
Clerk and Recorder

# NOTE:

This property is within the AIRPORT INFLUENCE AREA and is subject to the requirements of the Airport Influence Area Resolution. An Avigation Easement for this Subdivision in favor of the Missoula County Airport Authority and its successors and assign, has been filed with the Missoula County Clerk and Recorder.

SAC- BK 672 PG 1147 DOC 200130929  
OR - BK 672 PG 1148 DOC 200130930  
E - BK 672 PG 1149 DOC 200130931  
WD - BK 672 PG 1150 DOC 200130932



1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	36	14N	20W
<input checked="" type="checkbox"/>	35	14N	20W

SHEET 2 OF 2  
MISSOULA DEVELOPMENT PARK - PHASE 3D  
A SUBDIVISION OF  
MISSOULA COUNTY, MONTANA

**PROFESSIONAL  
CONSULTANTS  
INCORPORATED**  
ENGINEERING, PLANNING & SURVEYING  
3115 RUSSELL ST. P.O. BOX 1750  
MISSOULA, MONTANA 59806  
(406)728-1880 FAX (406)728-0276

PREPARED AT THE REQUEST OF: MISSOULA COUNTY  
PCI PROJECT NO. 6420-01 Z78-83

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**STORMWATER- INTERLOCAL AGREEMENT BETWEEN  
CITY OF MISSOULA  
AND MISSOULA COUNTY**

This Interlocal Agreement (Agreement) is made and entered into between the City of Missoula (the “City”) and Missoula County (the “County”). The purpose of this agreement is to define roles and responsibilities of both the County and the City for providing a conditions assessment, alternatives analysis, and improvements to the regional stormwater system in the Missoula Development Park Subdivision and Canyon Creek Village Subdivision (the Project) as well as document the intent to transfer ownership of certain park and stormwater parcels upon Project completion.

WHEREAS, the City of Missoula annexed the project area in the Missoula Development Park in 2017.

WHEREAS, in 2022 the County and Property Owners Association requested the City take ownership and maintenance responsibilities for stormwater, landscaped Boulevard, and park facilities in the project area.

WHEREAS, the City agreed to take ownership of these parcels and associated infrastructure contingent on the systems operating effectively upon transfer.

WHEREAS, it is critical to understand the condition and effectiveness of the stormwater system components so that improvements can be made before the parcels and associated infrastructure are transferred from the County to the City.

WHEREAS, the City and County each have a pre-qualified list of engineering firms capable of performing this analysis and have agreed that Herrera Environmental Engineering Consultants is best suited to perform the work.

WHEREAS, Herrera Environmental Engineering Consultants provided the County and City with an acceptable proposal for \$122,756 to perform the stormwater conditions assessment.

WHEREAS, the County has funding sources from lease agreements in the area to pay for the stormwater system conditions assessment.

WHEREAS, the County will likely have funds from land sales of unnecessary stormwater and parks facilities in the area to pay for the cost of improvements.

WHEREAS, City Public Works and Mobility Department Stormwater Division is best suited to manage the stormwater system and contract and provide routine maintenance on the stormwater system while it is being assessed and improved.

WHEREAS, the City and County have a common interest in providing a quality stormwater system.

NOW THEREFORE, based on the foregoing, and the mutual covenants and promises made herein, the parties agree as follows:

- 1. DURATION.** The duration or term of this agreement shall be THREE (3) years unless sooner terminated pursuant to section 6 of this Agreement.

- 2. ORGANIZATION, COMPOSITION AND NATURE OF ANY SEPARATE LEGAL ENTITY CREATED BY THE CONTRACT.** The parties agree that a separate legal entity is not created by this Agreement. This Agreement does not void or supersede any other existing agreements involving the parties. Both the City and the County are independent units of local government with separate governance bodies.
- 3. PURPOSE OF INTERLOCAL CONTRACT.** The purpose of this Agreement is to clearly define roles and responsibilities of both the City and County to: (1) provide a conditions assessment and alternatives analysis; (2) construct improvements for the Missoula Development Park to ensure that the stormwater system functions to accommodate the 5-year, 24-hour storm event; and (3) document the intent of the County to transfer ownership and maintenance responsibility of the Development Park's stormwater system, the Airway-Expressway Boulevard Landscaped Right-of-Way, and Kestrel Park and other park parcels to the City of Missoula. The relevant parcels are shown on the attached Exhibit A, which by this reference is made part of this Agreement, and are described below:
  - 3.1.** Parcels 4, 6, and 8 shown on Exhibit A are to be retained by the County for possible sale ("County Parcels").
  - 3.2.** Parcels 3, 5, 7, 9A, 11, and 12 are intended to be conveyed to the City pursuant to the terms of this Agreement for management by the City's Public Works and Mobility Department ("Stormwater Parcels").
  - 3.3.** Parcels 1 (east), 1 (west), 2 (east), and 2 (west) are intended to be conveyed to the City pursuant to the terms of this Agreement for management by the City's Parks and Recreation Department (together referred to as "Park Parcels").
- 4. MANNER OF COOPERATIVE UNDERTAKING AND ESTABLISHMENT OF BUDGET.** The parties are responsible for the following financial obligations:
  - 4.1.** The City is responsible for all City expenses unless otherwise provided for in this Agreement or by operation of law.
  - 4.2.** The County is responsible for all County expenses unless otherwise provided for in this Agreement or by operation of law.
  - 4.3.** The County agrees to reimburse the City for the cost of the stormwater infrastructure conditions assessment not to exceed \$122,756.
  - 4.4.** The City agrees to pay for any costs of the stormwater infrastructure conditions assessment that exceed \$122,756.
  - 4.5.** The County agrees to fund necessary and reasonable construction and maintenance actions required, as agreed upon by the City and County and based on the recommendation by Herrera Environmental Engineering Consultants, to ensure that the stormwater system functions to accommodate the 5-year, 24-hour storm event when the cost and scope of work for improvements are known.
  - 4.6.** The County agrees to assist in funding improvements to the Airway Boulevard



landscape median if funds from the County's sale of the surplus Development Park lands remain after the stormwater improvements project is funded.

- 4.7. The City agrees to submit an electronic invoice via email for project costs to the County for payment. The County agrees to review and pay the invoices within 30 days of receiving the invoices via ACH payment.
- 4.8. The County agrees to pay the invoice within 30 days of receiving the invoice.
- 4.9. Invoices will be sent to:

Missoula County Department of Land and Economic Development  
Attn: Emily Brock  
Email: [ebrock@missoulacounty.us](mailto:ebrock@missoulacounty.us)

And

Missoula County Department of Land and Economic Development  
Attn: Flanna McClarty  
Email: [fmclarty@missoulacounty.us](mailto:fmclarty@missoulacounty.us)

Questions regarding ACH Payment information should be directed to:

Missoula County Department of Land and Economic Development  
Attn: Flanna McClarty  
Email: [fmclarty@missoulacounty.us](mailto:fmclarty@missoulacounty.us)

and

Missoula County Financial Services  
Attn: Michelle Denman  
Email: [mdenman@missoulacounty.us](mailto:mdenman@missoulacounty.us)

**5. MANAGEMENT AND ADMINISTRATION.** The parties are responsible for the following management and administrative activities:

- 5.1. Each party is respectively responsible for the management of its employees.
- 5.2. The City agrees to enter a contract with Herrera Environmental Engineering Consultants to: (1) assess conditions and analyze capacity of the system; and (2) develop alternatives and recommendations for repairs, maintenance, and/or improvements to ensure that the stormwater system functions to accommodate the 5-year, 24-hour storm event.
  - Payment for services will be made by the City directly to Herrera within THIRTY (30) days of receiving an invoice.
- 5.3. The City agrees the conditions assessment will be conducted in 2023 and 2024.
- 5.4. The City agrees to provide routine maintenance and incur associated costs on (1) the

Stormwater Parcels and their associated public infrastructure including adjacent pedestrian pathways; the Airway-Expressway landscaped Right of Way; and Parcel 1 (east) and Parcel 1 (west) for the duration of this agreement. The routine maintenance shall be at the discretion of the City, and shall follow standard City protocols for determining when routine maintenance shall occur.

- 5.5.** The County agrees to continue to pay electrical invoices for the duration of the Project until the Stormwater Parcels and Park Parcels, along with their associated infrastructure, water rights, utility bills and improvements are transferred to the City.
- 5.6.** The County agrees to continue to provide all maintenance of Kestrel Park (Parcel 2 (east) and Parcel 2 (west)) and associated infrastructure including maintenance of adjacent pedestrian pathways until the time either parcel is transferred to the City. The maintenance shall be at the discretion of the County and shall follow standard County protocols for determining when maintenance shall occur.
- 5.7.** The County agrees to receive approval from the City of Missoula Parks & Recreation Department before entering into any maintenance and management agreements with external recreation partners for Parcel 2 (east) and Parcel 2 (west).
- 5.8.** The City and County agree the City and County Department of Land and Economic Development will work together to remove the blanket utility easement on Parcel 1 (east), Parcel 1 (west) and Parcel 2 (east) through a City process before ownership is transferred to the City.
- 5.9.** The County agrees that the County Parcels will be sold to fund the infrastructure improvements contemplated by this agreement, such as storm water and park improvements in the area at the discretion of the County.
- 5.10.** The City agrees the City Attorney will assist the County to remove all encumbrances, including park designations and any unnecessary utility easements, through an appropriate process on the County Parcels, in compliance with state law, to ensure highest and best use can occur on these parcels in the future.
- 5.11.** The County agrees to seek transfer of ownership and responsibilities of Redfern 2 and Canyon Creek Village's Park parcels and their associated infrastructure to third parties. The County also agrees the City is not responsible for maintenance associated with these parcels for the duration of this agreement.

## **6. TRANSFER AND ACCEPTANCE**

- 6.1.** The County agrees to transfer ownership of the Development Park Stormwater Parcels along with all associated public infrastructure, water rights, utility accounts, and improvements when improvements have been made to ensure that the stormwater system functions to accommodate the 5-year, 24-hour storm event.
- 6.2.** The County agrees to transfer ownership of the 9.69-acre parcel of Kestrel Park, Parcel 2 (east), and the Butler Creek parcels (Parcel 1 (east and west), and the Airway-

Expressway landscaped Boulevard along with all associated water rights, utility accounts, and improvements.

- 6.3. The County agrees to transfer ownership of the western 4.41-acre parcel of Kestrel Park, Parcel 2(west), along with all associated water rights, utility accounts and improvements if DeSmet School does not successfully acquire the parcel under the provisions set forth in the recorded Option to Purchase recorded in Book 713, Page 41 in the official records of Missoula County, Montana.
- 6.4. The City agrees to accept transfer of the Stormwater Parcels and associated infrastructure when the necessary and reasonable improvements, as agreed upon by the City and County and based on the recommendation by Herrera Environmental Engineering Consultants, have been made to ensure that the stormwater system functions to accommodate the 5-year, 24-hour storm event.
- 6.5. The City Agrees to accept transfer of ownership of the Airway-Expressway Boulevard landscaped right-of-way along with all associated water rights, utility accounts, and improvements.
- 6.6. The City agrees to accept transfer of ownership of the eastern 9.69 acre parcel of Kestrel Park, Parcel 2 (east) and the Butler Creek parcels, Parcel 1 (east and west), along with all associated water rights, utility accounts, and improvements, .
- 6.7. The City agrees to accept transfer of ownership for the western 4.41 acre parcel of Kestrel Park, Parcel 2 (west), along with all associated water rights, utility accounts and improvements, if DeSmet School does not successfully acquire the parcel under the provisions set forth in recorded Option to Purchase recorded in Book 713, Page 41 in the official records of Missoula County, Montana.
7. **TERMINATION.** This agreement may be terminated by either party unilaterally prior to (1) the City and County agreeing to the improvements that must be made based on the Herrera report and (2) the County actually funding any of the agreed upon improvements by giving notice of termination in writing at least thirty (30) days prior to the date of the intended termination. After both (1) and (2) in the previous sentence have occurred, termination is only allowed through mutual agreement of the Parties.
8. **RETIREMENT SYSTEM REPORTING.** Each party is respectively responsible for any reports or payments of retirement system contributions for its employees.
9. **INDEMNIFICATION.** The City shall defend, indemnify and hold harmless the County, its employees and agents, from all claims, liabilities, causes of action or judgments, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the City, its employees or agents in performance of work or services.

The County shall defend, indemnify and hold harmless the City, its employees and agents, from all claims, liabilities, causes of action or judgments, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the County, its employees or agents in performance of work or

services.

**10. FILING OF INTERLOCAL AGREEMENT.** The County shall file this agreement with the Missoula County Clerk and Recorder and with the Secretary of State.

**11. AUTHORIZATION TO APPROPRIATE FUNDS.** In accordance with Montana Code Annotated Section 7-11-108 the City and the County may appropriate funds for the purpose of performance of this agreement and provide such personnel or services therefore as may be within its legal power to furnish.

Signed this \_\_\_\_\_ day of June, 2023

MISSOULA BOARD OF COUNTY  
COMMISSIONERS

CITY OF MISSOULA

BY:

BY:

\_\_\_\_\_  
Josh Slotnick  
Chair

\_\_\_\_\_  
Jordan Hess  
Its: Mayor

\_\_\_\_\_  
Dave Strohmaier  
Commissioner

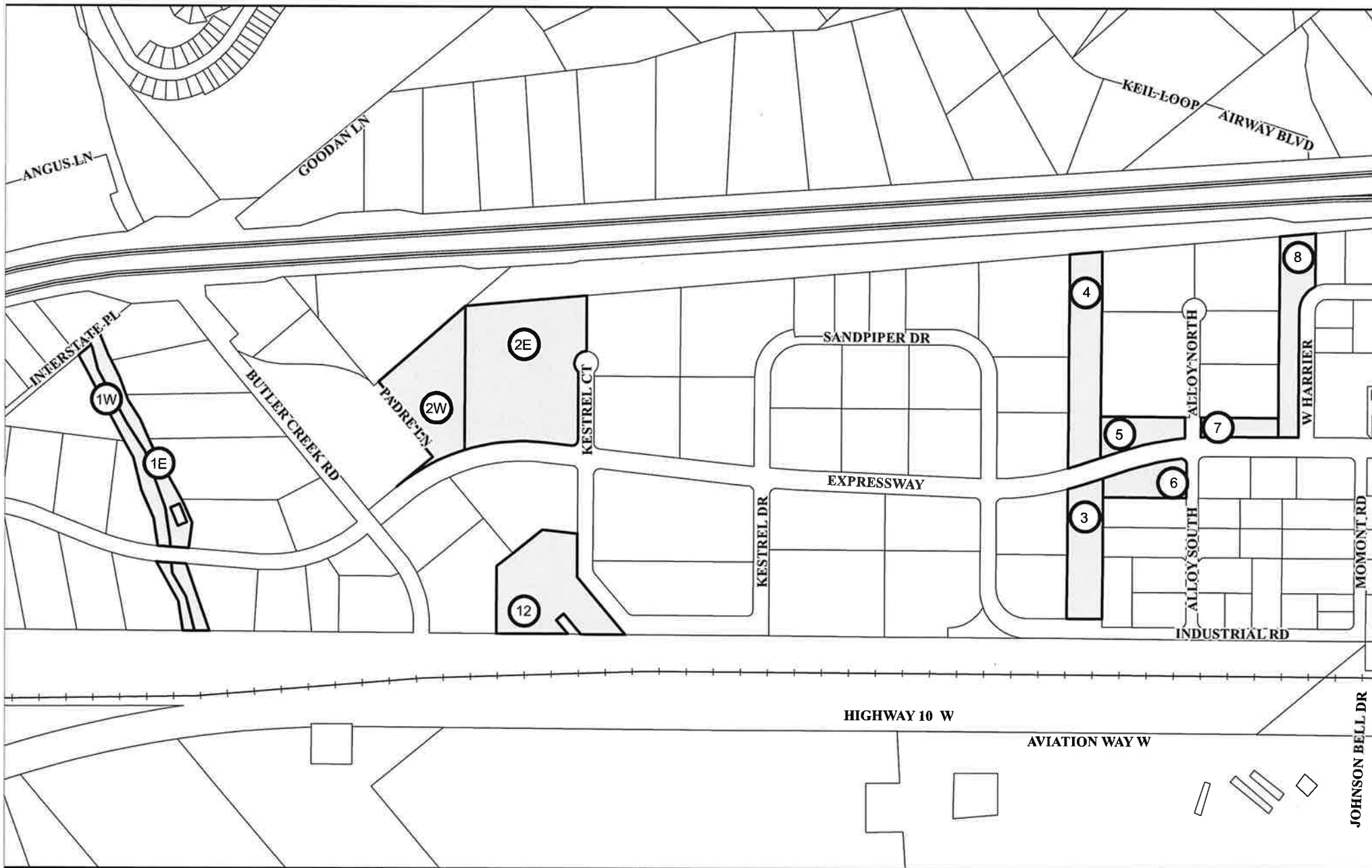
ATTEST:

\_\_\_\_\_  
Juanita Vero  
Commissioner

\_\_\_\_\_  
Marty Rehbein, City Clerk

ATTEST:

\_\_\_\_\_  
Tyler Gernant, Clerk and Recorder



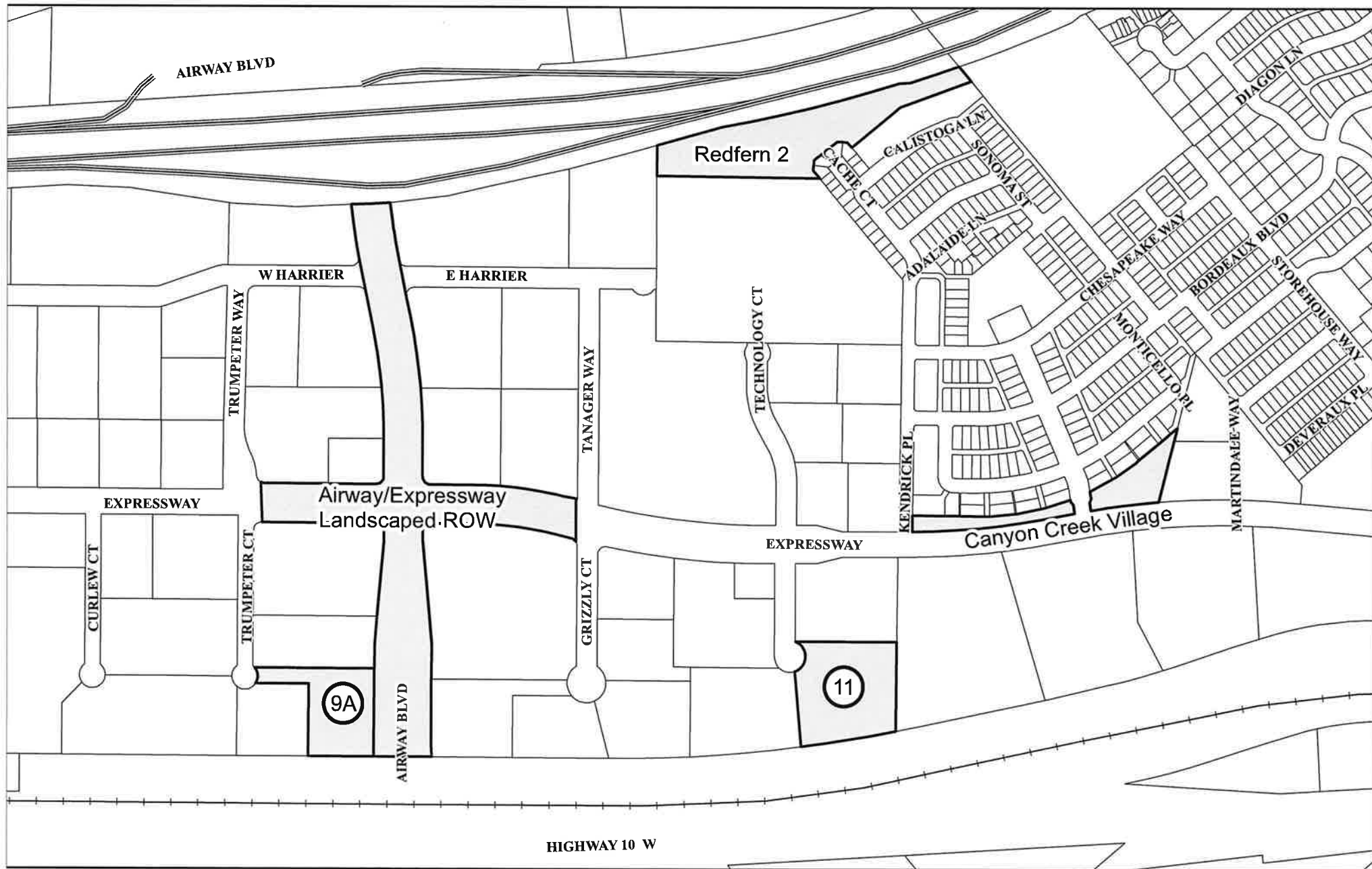
# City of Missoula - Missoula County Stormwater Interlocal Agreement



0 500 1,000 1,500 2,000 Feet

**EXHIBIT "A"**

Page 1 of 2



# City of Missoula - Missoula County Stormwater Interlocal Agreement



**EXHIBIT "A"**

Page 2 of 2