

Return to:

City of Missoula
City Clerk
435 Ryman
Missoula, MT 59802

CERTIFICATE AS TO RESOLUTION AND VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Missoula, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 6993, entitled: "A RESOLUTION OF INTENTION TO MODIFY THE BOUNDARIES OF URBAN RENEWAL DISTRICT II TO INCLUDE A BLIGHTED AREA IN NEED OF REDEVELOPMENT AND REHABILITATION" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on November 28, 2005, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: Ballas, Childers, Crowley, Engen, Floyd, Hendrickson, Kendall, Nicholson, Peissig, Reidy, and Rye; voted against the same: none; abstained from voting thereon: none; or were absent: none.

WITNESS my hand officially this 30th day of November, 2005.

(SEAL)

/s/ Martha L. Rehbein
Martha L. Rehbein, City Clerk

RESOLUTION NUMBER 6993

A RESOLUTION OF INTENTION TO MODIFY THE BOUNDARIES OF URBAN RENEWAL DISTRICT II TO INCLUDE A BLIGHTED AREA IN NEED OF REDEVELOPMENT AND REHABILITATION

BE IT RESOLVED by the City Council (the "Council") of the City of Missoula, Montana (the "City"), as follows:

Section 1. Recitals.

1.01. Title 7, Chapter 15, Part 42 and 43 of the Montana Codes Annotated (M.C.A.) (the "Act") authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects.

1.02. Urban Renewal District II and the Urban Renewal Plan therefor (the "Plan") was created by City of Missoula Ordinance 2803 on December 16, 1991 and amended to include additional area on July 22, 2002 pursuant to City Council Resolution 6533 and Ordinance 3215.

1.03. The Act provides that a municipality may amend its plan by ordinances pursuant to the procedures set forth in Sections 7-15-4212 through 7-15-4219, M.C.A. of the Act or the procedure set forth in the Urban Renewal Plans.

1.04. The Urban Renewal Plan provides that it may be amended by an ordinance adopted by the City Council, after a public hearing and notice of such hearing being given by publication in the newspaper for two weeks, with at least six days separating each publication, or if the modification or amendment involves in addition or deletion of land from the District, notice shall also be mailed to all persons owning property to be added or deleted.

1.05. Section 7-15-4202 of the Act requires that in order to exercise the powers under the Act, the municipality must find that a blighted area exists and that the continued existence of blighted areas substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use.

1.06. The City, pursuant to Ordinance No. 2803, in the creation of its Urban Renewal District I determined that an area, including the area generally described as:

Lots 1 to 19 in Block 9 of Sunnyside Addition to the City of Missoula, Montana, according to the official map or plat thereof on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana as recorded in Book 1 of Plats at Page 88; and,

All of Block 18 of Sunnyside Addition to the City of Missoula, lying West of the right-of-way line of the Northern Pacific Railway Company which includes: Fraction of Lots 2 and 3, all of Lots 4 thru 10, and fraction of Lots 11 and 12 of said Block 18 of Sunnyside Addition as recorded in Book 1 of Plats at Page 88 and depicted in Exhibit A hereto; and,

That portion of Montana Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, that portion of Walnut Street lying between the center line of Montana Street and the extended south right of way line of Dakota Street and, that portion of Wyoming Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, that portion of Dakota Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, a portion of Hickory Street lying between the center line of Montana Street and the west right of way line of the Montana Rail Link

Bitterroot Branch, and all of the alley within Block 9 Sunnyside Addition and, that portion of the alley within Block 18 Sunnyside Addition lying west of the right of way line of the Montana Rail Link Bitterroot Branch.

(hereinafter, the "Area") was blighted and included it in the boundaries of Urban Renewal District I. Urban Renewal District I will terminate prior to any rehabilitation of the Area.

1.07. The Area is also a part of the Champion Mill Site Property, which was described, annexed into, and made a part of Urban Renewal District II, pursuant to Resolution No. 6972.

1.08. The Missoula Development Area had conducted a recent study of the Area and has determined that the Area is still blighted as defined in Section 7-15-4206 (2), M.C.A. in the following particulars:

1. The substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential. The only structure in the Area has been partially destroyed by fire.
2. Unsanitary or unsafe conditions. The area, part of an abandoned lumber producing mill site, is vacant of residents; businesses; basic public infrastructure such as streets, curbs, sidewalks, water, sewer, electrical and gas service, etc. The area is associated with former lumber mill activities that have been deemed by the US Environmental Protection Agency and Montana Department of Environmental Quality to contain contaminants and subsurface conditions that must be mitigated prior to use of the Area or adjacent property.
3. Defective or inadequate street layout. Although platted, there are no streets, sidewalks, curbs, or gutters in the Area.
4. The existence of conditions that endanger life or property by fire or other causes. Fires have partially or completely destroyed structures in the Area as well as adjacent abandoned land already included in Urban Renewal District II. The Missoula Fire Department has noted that other unsecured buildings within land adjacent to the Area, large quantities of wood waste, and several years' buildup of weeds and trash are likely candidates for future fires. The Missoula County Sheriff's Office and Missoula Police Department have responded to several murders, assaults, and drug related crimes within the Area and adjacent land.

1.09. The Missoula Redevelopment Agency (the "MRA") has determined that it would be in the best interests of the City and Urban Renewal District II that the Area be included within the boundaries of Urban Renewal District II.

Section 2. Determination of Blight; Rehabilitation, Redevelopment, and Improvement; Incorporation of Area into Boundaries of Urban Renewal District II. Subject to the testimony presented at the public hearing herein provided for, the Council hereby preliminarily determines as follows:

a) Blight exists under the definition contained in Section 7-15-4206 (2), M.C.A. in the area described as: Lots 1 to 19 in Block 9 of Sunnyside Addition to the City of Missoula, Montana, according to the official map or plat thereof on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana as recorded in Book 1 of Plats at Page 88; and, All of Block 18 of Sunnyside Addition to the City of Missoula, lying West of the right-of-way line of the Northern Pacific Railway Company which includes: Fraction of Lots 2 and 3, all of Lots 4 thru 10, and fraction of Lots 11 and 12 of said Block 18 of Sunnyside Addition as recorded in Book 1 of Plats at Page 88 and depicted in Exhibit A attached hereto (the "Area").

b) Rehabilitation, redevelopment, and improvement of the Area pursuant to the Act is necessary and desirable in the interest of the public health, safety, and welfare of the residents of the City of Missoula.

c) The rehabilitation, redevelopment, and improvement of the Area is consistent with the Plan for Urban Renewal District II and the area is adjacent to the boundaries of Urban Renewal District II.

Section 3. Declaration of Intent. This Council hereby declares its intention to confirm its finding that the Area is blighted within the meaning of the Act and to include the Area within the boundaries of Urban Renewal District II.

Section 4. Public Hearing. A public hearing on the determination of blight, the inclusion of the Area within the boundaries of Urban Renewal District II, and the proposed modification of the City's Urban Renewal Plans is hereby called and shall be held on Monday December 12, 2005 at 7:00 p.m. at St. Patrick's Hospital, Conference Center # 3, 500 West Broadway Missoula, Montana.

Section 5. Notice. Notice of the public hearing shall be published in the *Missoulian* on December 4 and December 11, 2005, in substantially the form attached as Exhibit B hereto (which is incorporated by reference and made a part hereof).

PASSED AND ADOPTED this 28th day of November, 2005.

ATTEST:

/s/ Martha L. Rehbein
Martha L. Rehbein, City Clerk

APPROVED:

/s/ Mike Kadas
Mike Kadas, Mayor

(SEAL)

EXHIBIT A
MAP OF THE AREA

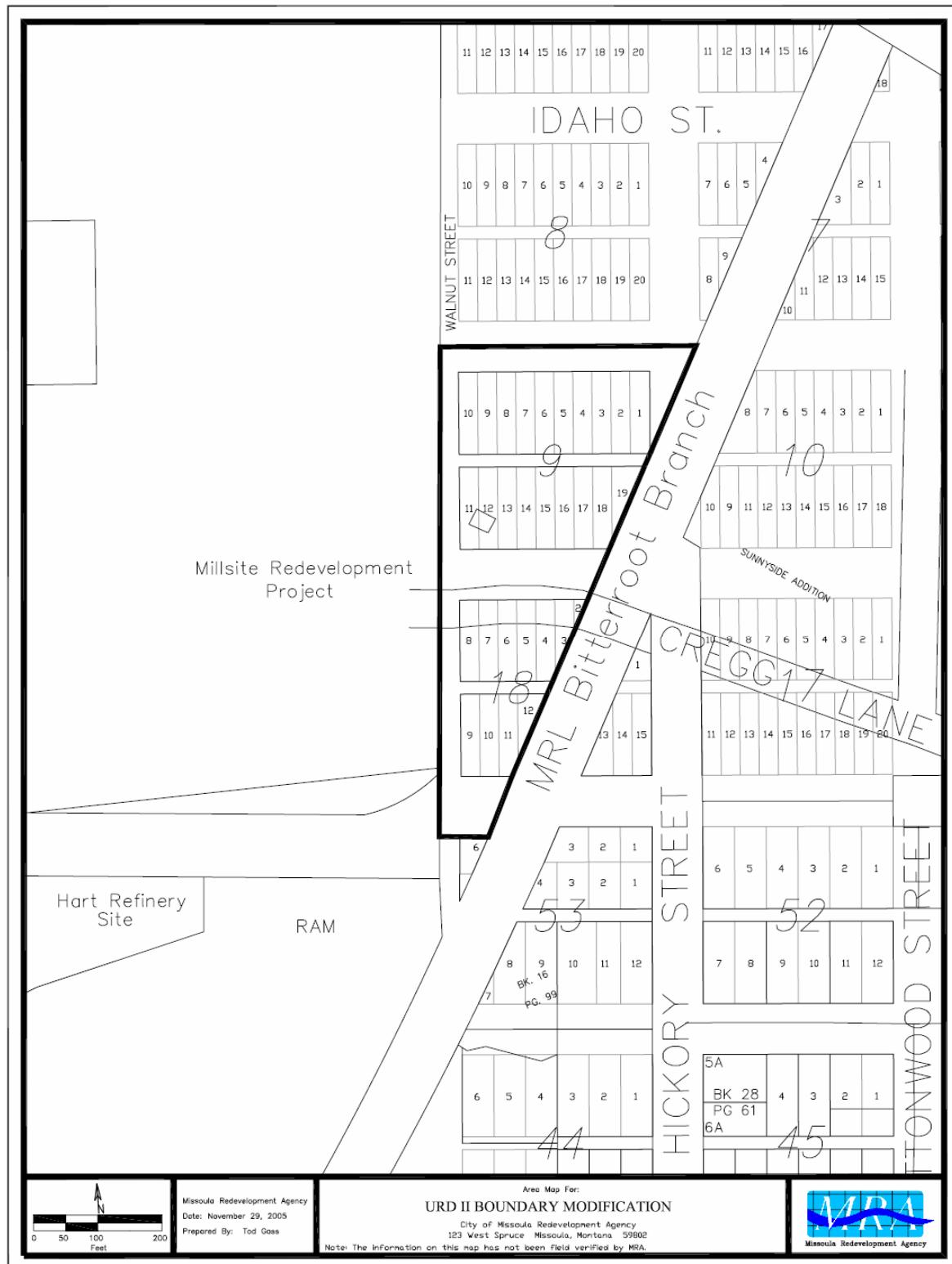


EXHIBIT B

NOTICE OF PUBLIC HEARING ON THE RESOLUTION OF INTENTION TO MODIFY
THE BOUNDARIES OF URBAN RENEWAL DISTRICT II TO INCLUDE A BLIGHTED
AREA IN NEED OF REDEVELOPMENT AND REHABILITATION

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Missoula, Montana (the "City") will hold a public hearing on its proposed intention to reconfirm its original determination that blight exists within the meaning of the Act in the Area generally described as:

Lots 1 to 19 in Block 9 of Sunnyside Addition to the City of Missoula, Montana, according to the official map or plat thereof on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana as recorded in Book 1 of Plats at Page 88; and,

All of Block 18 of Sunnyside Addition to the City of Missoula, lying West of the right-of-way line of the Northern Pacific Railway Company which includes: Fraction of Lots 2 and 3, all of Lots 4 thru 10, and fraction of Lots 11 and 12 of said Block 18 of Sunnyside Addition as recorded in Book 1 of Plats at Page 88 and depicted in Exhibit A to the Resolution (a portion of the Champion Mill Site Property).

and to include such areas within the boundaries of Urban Renewal District II pursuant to Ordinance No. _____, on December 12, 2005 at 7:00 p.m., M.T., at St. Patrick's Hospital, Room _____, Missoula, Montana.

A copy of the Ordinance and a map of the Area are in file in the office of the City Clerk of the City of Missoula, at 435 Ryman Street, Missoula, Montana.

Any interested persons may appear and will be heard or may file written comments with the City Clerk prior to such hearing.

Dated: _____, 2005.

Martha L. Rehbein, City Clerk

Publication Dates: December 4, 2005
December 11, 2005