

**ORDINANCE NUMBER 3215**

AN ORDINANCE OF THE MISSOULA CITY COUNCIL PERTAINING TO THE MODIFICATION TO THE MISSOULA URBAN RENEWAL PLAN FOR URBAN RENEWAL DISTRICT II TO INCLUDE ADDITIONAL PROPERTY BY ADJUSTING THE DISTRICT BOUNDARIES AND BY AMENDING ORDINANCE 2803 TO REFLECT THE ADJUSTED DISTRICT BOUNDARIES

Be it ordained by the City Council of the City of Missoula, Montana as follows:

Section 1 Historical Recitals. For the Missoula Urban Renewal Plan for Urban Renewal District II to be adopted the Missoula City Council first adopted Resolution 5210 on November 5, 1990, declaring a blighted area exists within the City of Missoula, Montana, determining the boundaries of that area and declaring that rehabilitation and redevelopment of that area is necessary and desirable in the interest of the public health, safety, and welfare of the residents of Missoula pursuant to 7-15-4210 M.C.A.

On December 16, 1991, the Missoula City Council adopted the Missoula Urban Renewal Plan for Urban Renewal District II through Ordinance 2803 pursuant to 7-15-4221 M.C.A.

On March 11, 2002, the Missoula City Council directed the Missoula Redevelopment Agency to conduct a study to determine the existence of blight adjacent to and west of Urban Renewal District II. The intent of the study was to provide evidence to modify the boundary of Urban Renewal District II, in part in response to a real property owner petition of inclusion of their property into Urban Renewal District II.

On July 22, 2002, the Missoula City Council adopted Resolution 6533 applicable to this area finding that an additional area adjacent to Urban Renewal District II meeting the conditions defined as blight by 7-15-4206(2) M.C.A. exists within the City of Missoula, Montana. The area includes one property whose owner petitioned the City to be included in Urban Renewal District II. Such Resolution 6533, determined the boundaries of that area, and declared that rehabilitation and redevelopment of that area is necessary and desirable in the interest of the public health, safety, and welfare of the residents of Missoula, pursuant to 7-15-4210 M.C.A.

On July 22, 2002, the Missoula City Council held a public hearing on the proposed modification to the Urban Renewal Plan for Urban Renewal District II. Such hearing was preceded by actual notice mailed prior to July 12, 2002 to the persons whose names appear on the county treasurer's tax roll as the owners within the affected area and by publication published July 14, 2002 and July 21, 2002 as required by Section 7-15-4215 M.C.A. and the Urban Renewal Plan for Urban Renewal District II. The area within the modified boundary is generally described in the aforementioned Resolution

6533 as: Lots 4 through 14 of Block 13, Riverside Addition, and the Montana Street right-of-way north of Lots 9 and 10, Block 13, Riverside Addition.

Section 2. Modification of the Urban Renewal District II Boundaries. Modification of Urban Renewal Plan for Urban Renewal District II is hereby adopted by the Missoula City Council based on the following findings of the City Council:

1. A workable and feasible plan exists for making available adequate housing for persons who may be displaced by urban renewal projects.
2. Modification of the Urban Renewal Plan for Urban Renewal District II conforms to the Comprehensive Plan for the municipality as a whole.
3. The Urban Renewal Plan for Urban Renewal District II will afford maximum opportunity, consistent with the sound public interest needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.
4. That a sound and adequate financial program exists within the Urban Renewal Plan for Urban Renewal District II for the financing, special improvement districts, general obligation bonds, and private financing.

And the described boundaries within Ordinance 2803 and Resolution 5210 are hereby amended pursuant to this Ordinance to include an area generally described as: Lots 4 through 14 of Block 13, Riverside Addition, and the Montana Street right-of-way north of Lots 9 and 10, Block 13, Riverside Addition, such boundary to read as set forth in Attachment "A" to this Ordinance.

Section 3. Blighted Area Determination. The area included into Urban Renewal District II pursuant to this Ordinance is comparable to adjacent contiguous land within the original boundaries of Urban Renewal District II. The area shall be considered part of the Russell Street Corridor Sub-Area within the Urban Renewal Plan for Urban Renewal District II. All goals, objectives, and statements within the Urban Renewal Plan for Urban Renewal District II regarding that Sub-Area shall hereinafter include the area identified and described pursuant to this Ordinance.

Section 3. Tax Increment Provision. The Urban Renewal Plan for Urban Renewal District II contains a provision for the use of tax increment financing (TIF) district. The TIF district for Urban Renewal District II shall be expanded to include all properties within the modified boundary and be administered pursuant to Section 7-15-4282 through 7-15-4292 M.C.A.

Section 4. Codification. This Ordinance is not to be codified in the Missoula Municipal Code.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision by a court of competent jurisdiction shall not affect the validity of the remaining portions of

this ordinance and, if for any reason, a portion of this ordinance should be declared invalid or unconstitutional, the remaining portions will be in full force and effect.

Passed by a 11 Ayes, 0 Nays, 0 Abstain, 1 Absent

Approved by the Mayor this 22nd day of July, 2002.

ATTEST:

APPROVED:

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

/s/ Mike Kadas  
Mike Kadas  
Mayor

(SEAL)

## **ATTACHMENT A**

### **DESCRIPTION:**

A tract of land located in the S ½ of Section 16, the SE ¼ of Section 17, the E ½ of Section 20, and in Section 21, Township 13 North, Range 19 West, Principal Meridian Montana, Missoula County, Montana and being more fully described below and shown on Exhibit A attached hereto:

NOTE: All Subdivision Plats, Certificate of Surveys, and Book, Page references are filed in the Missoula County Clerk and Recorder's Office, Missoula, Montana.

BEGINNING at the southeast corner of the east boundary line of Missoula Redevelopment Agency Urban Renewal District I as described in Ordinance Number 2790, same being the intersection of the centerline of River Street and the west line of Walnut Street as shown on the plat of Knowles Addition (Book 1, Page 25);

THENCE leaving said Missoula Redevelopment Agency Urban Renewal District I boundary, southerly along said west line of Walnut Street to its intersection with the easterly prolongation of the centerline of the alley in Block 28 of said Knowles Addition;

THENCE westerly along the prolongation of the centerline and the centerlines of Blocks 28 and 29 of said Knowles Addition to its intersection with the easterly right-of-way line of the Bitterroot Branch of the Burlington Northern Railroad;

THENCE leaving said right-of-way line and crossing said Bitterroot Branch of the Burlington Northern Railroad right-of-way and westerly to the intersection of the westerly right-of-way line of said Bitterroot Branch of the Burlington Northern Railroad and the centerline of the alley in Block 58 of the Knowles Addition Number 2 (Book 1, Page 93);

THENCE westerly along the centerline of said alley in Block 58 and westerly prolongation of the centerlines and centerlines of the alleys in Blocks 59, 60, 61, and 62 of said Knowles Addition Number 2 to its intersection with the easterly right-of-way line of Russell Street;

THENCE continuing westerly crossing said Russell Street right-of-way to the intersection of the westerly right-of-way line of said Russell Street and the centerline of the alley in Block 1 of Low's Addition (Book 1, Page 81);

THENCE leaving said westerly right-of-way line of Russell Street and continuing westerly along the centerline of said Block 1 and the prolongation of the centerline and centerline of the alley in Block 2 of said Low's Addition to its intersection with the centerline of Catlin Street;

THENCE northerly along said line of Catlin Street to its intersection with the easterly prolongation of the south line of the vacated alley in Block 34 of D and K Addition (Book 1, Page 77), same being the north line of that area annexed into the City of Missoula by Resolution No. 3274;

THENCE along the City limit boundary as described by Resolution Nos. 3274, 2629, 2589, 60-A, and 5110 the following Ten (10) courses:

1. Easterly along easterly prolongation of said south line of the vacated alley in Block 34 to its intersection with the east right-of-way line of said Catlin Street;
2. Northerly along said east right-of-way line of Catlin Street to its intersection with the south right-of-way line of Catlin Street to its intersection with the south right-of-way line of South Second Street;
3. Easterly along said south right-of-way line of South Second Street to its intersection with the west right-of-way line of Russell Street;
4. Continuing easterly and crossing said Russell Street right-of-way to the intersection of the east right-of-way line of said Russell Street and the south right-of-way line of said South Second Street;
5. North to the intersection of said east right-of-way line of Russell Street and the north right-of-way of said South Second Street, same being the southwest corner of Block 6 of Cook's Addition (Book 1, Page 85);
6. Westerly leaving said east right-of-way line of Russell Street and crossing said Russell Street right-of-way to the intersection of the west right-of-way line of said Russell Street and the north right-of-way line of said South Second Street, same being the southeast corner of Certificate of Survey No. 1042;
7. Westerly along the south line of said Certificate of Survey No. 1042 and said north right-of-way line of South Second Street to the most southerly southwest corner of said Certificate of Survey No. 1042;
8. Northerly leaving said north right-of-way line of South Second Street along a west line in said south line of Certificate of Survey No. 1042 to a reentrant corner in said south line of Certificate of Survey No. 1042;
9. Westerly along said south line of Certificate of Survey 1042 to the most westerly southwest corner of said Certificate of Survey No. 1042, same being the east right-of-way line of Catlin Street;

10. Continuing westerly crossing Catlin Street right-of-way and along the westerly prolongation of said south line of Certificate of Survey No. 1042 to the centerline of said Catlin Street;

THENCE leaving said City limits boundary (Resolution 5110) northerly along said centerline of Catlin Street to its intersection with the westerly prolongation of the north right-of-way line of Wyoming Street, same being in a north line of the City limits boundary as described by Resolution No. 5114;

THENCE along the City limits boundary as described by Resolution No.s 5110, 5114, and 2308 the following Fourteen (14) courses:

1. Easterly crossing said Catlin Street right-of-way and along said westerly prolongation to its intersection with the east right-of-way line of said Catlin Street, same being the southwest corner of Block 14 of the Riverside Addition (Book 1, Page 23);
2. Continuing easterly along said north right-of-way line of Wyoming Street to the southeast corner of Block 14 of said Riverside Addition, same being the southwest corner of Block 13 of said Riverside Addition;
3. Leaving said north right-of-way line of Wyoming Street northerly along the west line of said Block 13 of said Riverside Addition to the south right-of-way line of Montana Street, same being the northwest corner of said Block 13;
4. Crossing said Montana Street right-of-way northerly to the north right-of-way line of said Montana Street;
5. Easterly along the north right-of-way line of said Montana Street to the southwest corner of Lot 13, Block 12 of said Riverside Addition;
6. Leaving said north right-of-way line of Montana Street northerly along the west line of said Lot 13 to the south line of the alley in said Block 12, same being the northwest corner of said Lot 13;
7. Crossing said alley in Block 12 northerly to the north line of said alley in Block 12, same being the southwest corner of Lot 8 of said Block 12;
8. Easterly along said north line of the alley in Block 12 to the southwest corner of Lot 7 of said Block 12;
9. Leaving said north line of the alley in Block 12 northerly along the west line of said Lot 7 to the south line of vacated Idaho Street, same being the northwest corner of said Lot 7;

10. Crossing said vacated Idaho Street northerly with the northerly prolongation of said Lot 7, Block 12 to its intersection with the north line of said vacated Idaho Street;
11. Westerly along said north line of Idaho Street to the southwest corner of Lot 17, Block 2 of said Riverside Addition;
12. Northerly along the west line of said Lot 17 to the northwest corner of said Lot 17, same being in the south line of Lot 13 of Cobban & Dinsmore's Orchard Homes Addition No. 2 (Book 1, Page 8);
13. Easterly along the north line of said Lot 17, Block 2, Riverside Addition and the south line of said Lot 13, Cobban & Dinsmore's Orchard Homes Addition No. 2 to the southeast corner of said Lot 13, same being the southwest corner of Lot 14 of said Cobban & Dinsmore's Orchard Homes Addition No. 2;
14. Northerly along the common line between said Lots 13 and 14 to a point 513.49 feet south of the northeast corner of said Lot 13, same being the most southerly southwest corner of that area annexed into the City by Resolution No. 3875;

THENCE leaving said common line between Lots 13 and 14 and west boundary of said Resolution No. 2308 along the City limit boundary as described by resolution No. 3875 the following Four (4) courses:

1. N89°57'42"W a distance of 162.77 feet to a point;
2. N00°20'42"W a distance of 513.15 feet to the south right-of-way line of River Road;
3. Continuing N00°20'42"W to the north right-of-way line of said River Road;
4. Easterly and southeasterly along the north right-of-way line of said River Road to the City limits line as described in said Resolution No. 2308;

THENCE northeasterly along said City limits line (Resolution No. 2308) to its intersection with the centerline of the Clark Fork River;

THENCE leaving said City limits line (Resolution No. 2308) southeasterly along said centerline of the Clark Fork River to its intersection with the west right-of-way line of Russell Street;

THENCE northerly along said west right-of-way line of Russell Street to its intersection with the centerline of West Broadway right-of-way;

THENCE northwesterly along said centerline of West Broadway to its intersection with the westerly prolongation of the north line of Certificate of Survey No. 373;

THENCE leaving said centerline of West Broadway easterly along said westerly prolongation of the north line of Certificate of Survey No. 373 to its intersection with the east right-of-way line of said West Broadway, same being the northwest corner of said Certificate of Survey No. 373;

THENCE continuing easterly along the north line of said Certificate of Survey No. 373 to the northwest corner of Tract 2 of Certificate of Survey No. 3302;

THENCE continuing easterly along said north line of Tract 2 to the northeast corner of said Tract 2, Certificate of Survey 3302, same being in the west right of way line of Russell Street;

THENCE easterly along the easterly prolongation of the north line of said Certificate of Survey No. 3302 to its intersection with the centerline of said Russell Street right-of-way;

THENCE southerly along said centerline of Russell Street right-of-way to its intersection with the westerly prolongation of the centerline of the alley in Block 98 of the School Addition (Book 1, Page 48);

THENCE easterly along the prolongation of the centerlines and the centerlines of the alleys in Blocks 98, 85, 84, 71, 70, 57, 56, 43, 42, 29, and 28 of said School Addition to its intersection with the centerline of the Bitterroot Branch of the Burlington Northern Railroad right-of-way, same being in the boundary of said Missoula Redevelopment Agency Urban Renewal District I as described in Ordinance Number 2790;

THENCE following along the west boundary of said Missoula Redevelopment Agency Urban Renewal District I the following Three (3) courses:

1. Southwesterly along the centerline of said Bitterroot Branch of the Burlington Northern Railroad right-of-way to its intersection with the centerline of the Clark Fork River;
2. Northwesterly along said centerline of the Clark Fork River to its intersection with the northerly prolongation of the west line of Walnut Street as shown on the plat of Sunnyside Addition (Book 1, Page 88);
3. Southerly along said west line of Walnut Street to the point of beginning.