

## ORDINANCE NUMBER 3338

### 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 (the "Council") of the City of Missoula, Montana (the "City") as follows:

#### Section 1. Recitals.

1.01. On December 16, 1991, the Council created Urban Renewal District II and an urban renewal plan (the "Plan") through Ordinance 2803. The Plan was subsequently amended to include additional areas on July 22, 2002 pursuant to Council Resolution 6533 and Ordinance 3215, and on December 12, 2005 pursuant to Council Resolution 6993 and Ordinance 3308.

1.02. On January 8, 2007, the Council adopted Resolution No. 7207, "A Resolution of Intention to Modify the Boundaries Of Urban Renewal District II to Include Blighted Areas In Need Of Redevelopment Rehabilitation". There are several parcels of land adjacent to Urban Renewal District II that meet the conditions of blight defined in Section 7-15-4206(2), M.C.A. (the "Areas"). Resolution No. 7207 determined the boundaries of the Areas and declared that rehabilitation and redevelopment of the Areas 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.

1.03. On January 22, 2007, the Council held a public hearing on the proposed modification to the Urban Renewal Plan for Urban Renewal District II to include the Areas within the boundaries of the District. Such hearing was preceded by actual notice mailed prior to January 22, 2007 to the persons whose names appear on the county treasurer's tax roll as the owners of property in the Areas, and by publication published January 14, 2007 and January 21, 2007, as required by Section 7-15-4215, M.C.A. and the Urban Renewal Plan for Urban Renewal District II. All persons appearing at the hearing were given an opportunity to speak.

#### Section 2. Finding of Blight.

The Council hereby confirms that the property described below is blighted within the meaning of Section 7-15-4206(A), M.C.A.:

- The Area bounded on the east by the current west boundary of Urban Renewal District II; bounded on the south by the centerline of the alley between South 3<sup>rd</sup> Street West and South 4<sup>th</sup> Street West. Bounded on the west by a line that traces the centerline of Garfield Street (and its projections along parcels where Garfield Street has been vacated between South Third Street West and South Second Street West and between Trail Street and Wyoming Street) to Garfield Street's intersection with Idaho Street, then east along the centerline of Idaho Street to the intersection of Idaho Street and Catlin Street, then north along parcel boundaries that approximate the projected west line of Catlin Street to the centerline of River Road, then east to the current west boundary of Urban Renewal District II, then east along River Road/west boundary of Urban Renewal District II to location that when projected north across the Clark Fork River intersects with the western property boundary of Tract 1 of Certificate of Survey No. 3453 projected to the centerline of West Broadway and the intersection of the northern Urban Renewal District II Boundary.
- The Area described as: all Lots west of the Montana Rail Link Railroad Bitterroot Branch Line that are within Blocks 1,2,3,7,8 of Sunnyside Addition to the City of Missoula along with all

adjacent vacated streets and alleys; fraction of Lot 6 within Block 53 of Sunnyside Addition to the City of Missoula; Lots 7,8,9 within Block 44 of Sunnyside Addition to the City of Missoula.

- The Area described as: the south half of Block 29 Knowles Addition and the south half of Block 58 Knowles Addition No. 2 to the City of Missoula.

**Section 3. Modification of the Urban Renewal District II Boundaries.**

The Council hereby modifies the boundaries of Urban Renewal District II as defined by Ordinance 2803 and Resolution 5210 to include the Areas generally described herein and as set forth in Exhibit A to this Ordinance.

**Section 4. Conformity with the Plan.**

For redevelopment purposes, the Areas included into Urban Renewal District II pursuant to this Ordinance are comparable to adjacent contiguous land within the original boundaries of Urban Renewal District II, and the redevelopment thereof is consistent with the Plan, the Comprehensive Plan, and the City's Growth Policy. The Areas shall be considered part of the Urban Renewal Plan for Urban Renewal District II Sub-Areas they are within or immediately adjacent. All goals, objectives, and statements within the Urban Renewal Plan for Urban Renewal District II regarding those Sub-Areas shall hereinafter include the areas identified and described pursuant to this Ordinance.

**Section 5. Tax Increment Provision.**

The Urban Renewal Plan for Urban Renewal District II contains a provision for the use of tax increment financing (TIF) for the 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 6. Codification.**

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

**Section 7. 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 10 ayes, 0 nays, 1 abstention and 1 absent vote and

**ADOPTED** this 5<sup>th</sup> day of March, 2007.

**ATTEST:**

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

**APPROVED:**

/s/ John Engen \_\_\_\_\_  
John Engen,  
Mayor

(SEAL)

## EXHIBIT A

### Areas to be Included in Urban Renewal District II

- The Area bounded on the east by the current west boundary of Urban Renewal District II; bounded on the south by the centerline of the alley between South 3<sup>rd</sup> Street West and South 4<sup>th</sup> Street West. Bounded on the west by a line that traces the centerline of Garfield Street (and its projections along parcels where Garfield Street has been vacated between South Third Street West and South Second Street West and between Trail Street and Wyoming Street) to Garfield Street's intersection with Idaho Street, then east along the centerline of Idaho Street to the intersection of Idaho Street and Catlin Street, then north along parcel boundaries that approximate the projected west line of Catlin Street to the centerline of River Road, then east to the current west boundary of Urban Renewal District II, then east along River Road/west boundary of Urban Renewal District II to location that when projected north across the Clark Fork River intersects with the western property boundary of Tract 1 of Certificate of Survey No. 3453 projected to the centerline of West Broadway and the intersection of the northern Urban Renewal District II Boundary.
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EXHIBIT A - Continued

Areas to be Included in Urban Renewal District II

