

TRANSMITTAL

TO: City of Missoula ATTN: Development Services 435 Ryman Street Missoula, MT 59802 Hand Delivered	DATE: 06-04-21
	PROJECT NAME: 6014 W. Broadway ROW Vacation
	PROJECT NO: 19-08-11

ITEM NO.	DESCRIPTION
1.	Right-of-Way Vacation Application for Completeness/Sufficiency Review

COMMENTS:
If you have any questions, please call us at 406.728.4611. Thank you.

SIGNED: Nick Kaufman

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R E C E I V E D
JUN 08 2021

MISSOULA, MONTANA
DEVELOPMENT SERVICES

**Lots A and B in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's
Addition to the town of Missoula
Public Right-of-Way Vacation Proposal Summary
January 2021**

Location:

The public right-of-way proposed to be vacated is that portion of Front Street lying northwesterly of the northeasterly prolongation of the southeasterly line of Lot 48 in Block 56 of W.J. McCormick's Addition to the Town of Missoula, a recorded subdivision in Missoula County, Montana and lying between the southwesterly right-of-way line of West Broadway and the northeasterly lines of Block 56 and Block 51 of said W.J. McCormick's Addition to the Town of Missoula, located in the Northeast 1/4 of Section 21, Township 13 North, Range 19 West, P.M.,M.

Condition of Public Rights-of-Way:

The public right-of-way to be vacated is the last remaining portion of platted Front Street right-of-way lying between Owen Street and West Broadway and does contain public transportation improvements such as asphalt, curb, and sidewalk.

This petition is submitted to complete the vacation of Front Street and better utilize the adjoining property to the southwest.

Current Situation:

This is the last portion of platted Front Street right-of-way that has not been vacated between Owen Street and West Broadway. This area adjoins that portion of Front Street vacated per City of Missoula Resolution No. 8157. The public right-of-way does have existing subsurface utility lines through the proposed vacation area.

Purpose of Altering and Relocating the Easement:

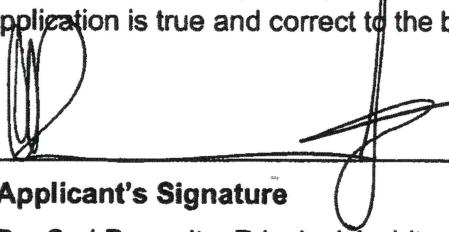
1. The public right-of-way described above and outlined in red on the enclosed exhibit entitled "Existing Public Right-of-Way to Be Vacated", is effectively the last remaining portion of Front Street lying between West Broadway and Owen Street. See City of Missoula Resolution No. 8157 for previously vacated portion of Front Street.
2. Vacating this public right-of-way relieves a pinch point in the adjoining property allowing for a more useable area for any future improvement and allow for the riverfront trail connection. This completes the vacation of Front Street in the planned area of the Riverfront Triangle.

RIGHT-OF-WAY VACATION APPLICATION

A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the applicant shall submit a final hard copy of the application and appropriate review fee.
3. Proposed Right-of-Way Vacation:
4. Name(s) of Applicant(s): **Paradigm 3 Architecture – Carl Posewitz**
Mailing Address: **125-1/2 W. Main St., Missoula, MT 59801**
Telephone Number: **(406) 239-2275**
Email Address: **Paradigm1@aol.com**
5. Name(s) of all Owners of Record Adjacent to Right-of-Way: **Riverfront LLC**
Mailing Address: **Ryan Shaffer 430 Ryman St. Missoula MT 59802**
Telephone Number: **(406) 543-6929**
Email Address: **ryan@mss-lawfirm.com**
6. Name and Company & Representative: **WGM Group, Inc. – Nick Kaufman**
Mailing Address: **1111 E. Broadway, Missoula, MT 59802**
Telephone Number: **(406) 728-4611**
Email Address: **nkaufman@wgmgroup.com**
7. If the applicant is someone other than the adjacent property owner, the titled owner(s) 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.

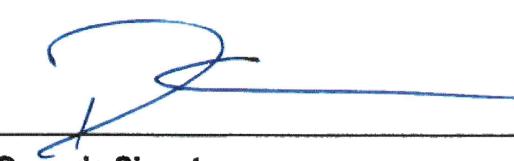


Applicant's Signature

By: Carl Posewitz, Principal Architect

6-2-21

Date



6-3-21

Owner's Signature

Riverfront LLC

By: Ryan Shaffer; Manager



6/3/2021

Representative's Signature

Nick Kaufman, Principal Planner

WGM Group, Inc.

Date

B. SUBJECT PROPERTY INFORMATION

1. General location of proposed right(s)-of-way vacation:

The public right-of-way proposed to be vacated is that portion of Front Street lying northwesterly of the northeasterly prolongation of the southeasterly line of Lot 48 in Block 56 of W.J. McCormick's Addition to the Town Of Missoula, a recorded subdivision in Missoula County, Montana and lying between the southwesterly right-of-way line of West Broadway and the northeasterly lines of Block 56 and Block 51 of said W.J. McCormick's Addition to the Town Of Missoula, located in the Northeast 1/4 of Section 21, Township 13 North, Range 19 West, P.M.,M.

2. Complete Legal Description(s) of adjacent property:

Lots A and B in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition To The Town Of Missoula, a recorded subdivision in Missoula County, Montana, located in the Northeast 1/4 of Section 21, Township 13 North, Range 19 West, P.M.,M.

3. Geocode(s) of adjacent property:

04-2200-21-1-13-11-0000 and 04-2200-21-1-13-10-0000

B. RESPONSES TO TITLE 12, SECTION 12.04 STREET VACATION

1. When any request to vacate or close any public right-of-way is made, the initiator of the request to vacate or close any right-of-way is responsible for contacting all property owners adjacent to the right-of-way proposed vacation or closure to solicit their signatures upon the petition. If signatures of any of the adjacent property owners are not provided the initiator of the request must provide the reasons for the lack of any property owner's signature on the petition for the vacation or closure.
2. Provide the following information and exhibits:
 - a. A site-specific evaluation explaining the reasons of the proposed public right-of-way vacation;

In May of 2017, a large portion of Front Street was vacated per City of Missoula Resolution No. 8157. The proposed public right-of-way to be vacated by this petition will complete the vacation of Front Street between the northwesterly right-of-way line of Owen Street and Southwesterly right-of-way line of West Broadway.

This petition is submitted to vacate that portion of the Front Street right-of-way to relieve a pinch point in the adjoining property allowing for a more useable area for any future improvements and allow for the riverfront trail connection. This proposed vacation will also closely represent the existing public

improvements on West Broadway and follow the overall planned improvements of the Riverfront Triangle area.

- b. A description of the intended usage and goals of the public right-of-way if the vacation is approved, including a site plan;

Vacation of this proposed public right-of-way will be advantageous as described herein. The area relieves a pinch point on the adjoining property allowing for a more useable property for future site improvements and riverfront trail connection. No site plan is available at this time.

- c. A review of the existing utilities occupying any portion of the proposed public right-of-way vacation area, including a utility exhibit;

The public right-of-way does have existing subsurface utility lines through the proposed vacation area. See attached Existing public right-of-way exhibit for utility locations.

- d. An evaluation of other alternatives explored other than vacating right-of-way, including, but not limited to, zoning variances, adjacent land use, design modifications, and/or a partial right-of-way vacation or closure;

No alternatives evaluated. As previously mentioned above, vacating the public right-of-way completes the process of fully vacating Front Street from Owen to West Broadway, which was started in May of 2017 with City of Missoula Resolution No. 8157.

- e. Provide an analysis of potential tax impacts to the affected properties adjacent to the right-of-way proposed for vacation; and

The parcel size within said Lots A, B, 48, and 49 will expand with a total increase of 2,628 square feet.

- f. A description of public benefits the property owner(s) adjacent to the proposed right-of-way vacation are willing to consider in exchange for the approval of the vacation, e.g. any public improvements, easements, walkways, bicycle paths, etc.

No public improvement considered. Proposed vacation to help better utilize the adjoining subject property development and overall development of the Riverfront Triangle area.

C. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Required information may be combined on one attachment 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"

- ✓ **Petition to Vacate** the subject right(s)-of-way. - **Attached**
- ✓ **A utility map** showing all utilities within and surrounding the proposed right(s)-of-way vacation. – **See Existing Public Right-of-Way Exhibit**
- ✓ **A cover letter** describing the purpose of the proposed right(s)-of-way vacation, existing site conditions, and a brief description of the proposed project. - **Attached**
- ✓ **A vicinity map** showing the proposed right(s)-of-way vacation and the area within 300. – **See Existing Public Right-of-Way Exhibit**
- ✓ **An aerial photo** showing the subject right(s)-of-way. – **See Existing Public Right-of-Way Exhibit**
- ✓ **The current plat(s)** containing the subject right(s)-of-way and any easements. - **Attached**

N/A **Site plans and building elevation drawings** of the proposed project associated with the right(s)-of-way vacation. – **NA**

- ✓ **A Zoning map** of the surrounding property extending at least 300 feet from the subject right(s)-of-way. - **Attached**
- ✓ **A land use map** of the applicable vicinity and regional plans. – **Supplied by Development Services**

Return to: City Clerk
City of Missoula
435 Ryman Street
Missoula MT 59802-4297

**PETITION NO. _____
BEFORE THE CITY COUNCIL
OF THE
CITY OF MISSOULA**

PETITION TO VACATE PUBLIC RIGHT-OF-WAY

COME NOW the undersigned and respectfully petition the City Council of the City of Missoula to consider vacating the herein described public right-of-way.

The petitioner(s) hereby:

1. Agrees to comply with any conditions described in the resolution that vacates the herein described public right-of-way; and
2. Recognizes the fact that non-compliance will result in the vacation becoming null and void and reverting to public right-of-way.

Petitioner(s) has prepared a submittal package describing the particulars of the request according to Missoula Municipal Code 12.04 and have attached the same to this petition for City Council review.

Dated this _____ day of _____ 2021.

DESCRIPTION OF RIGHT-OF-WAY SUBJECT TO THIS PETITION:

That portion of Front street lying northwesterly of the northeasterly prolongation of the southeasterly line of Lot 48 in Block 56 of W.J. McCormick's Addition To The Town Of Missoula, a recorded subdivision in Missoula County, Montana and lying between the southwesterly right-of-way line of West Broadway and the northeasterly lines of Block 56 and Block 51 of said W.J. McCormick's Addition To The Town Of Missoula, located in the Northeast 1/4 of Section 21, Township 13 North, Range 19 West, P.M.,M.

PETITIONER'S SIGNATURES:

Riverfront LLC

By: Ryan Shaffer

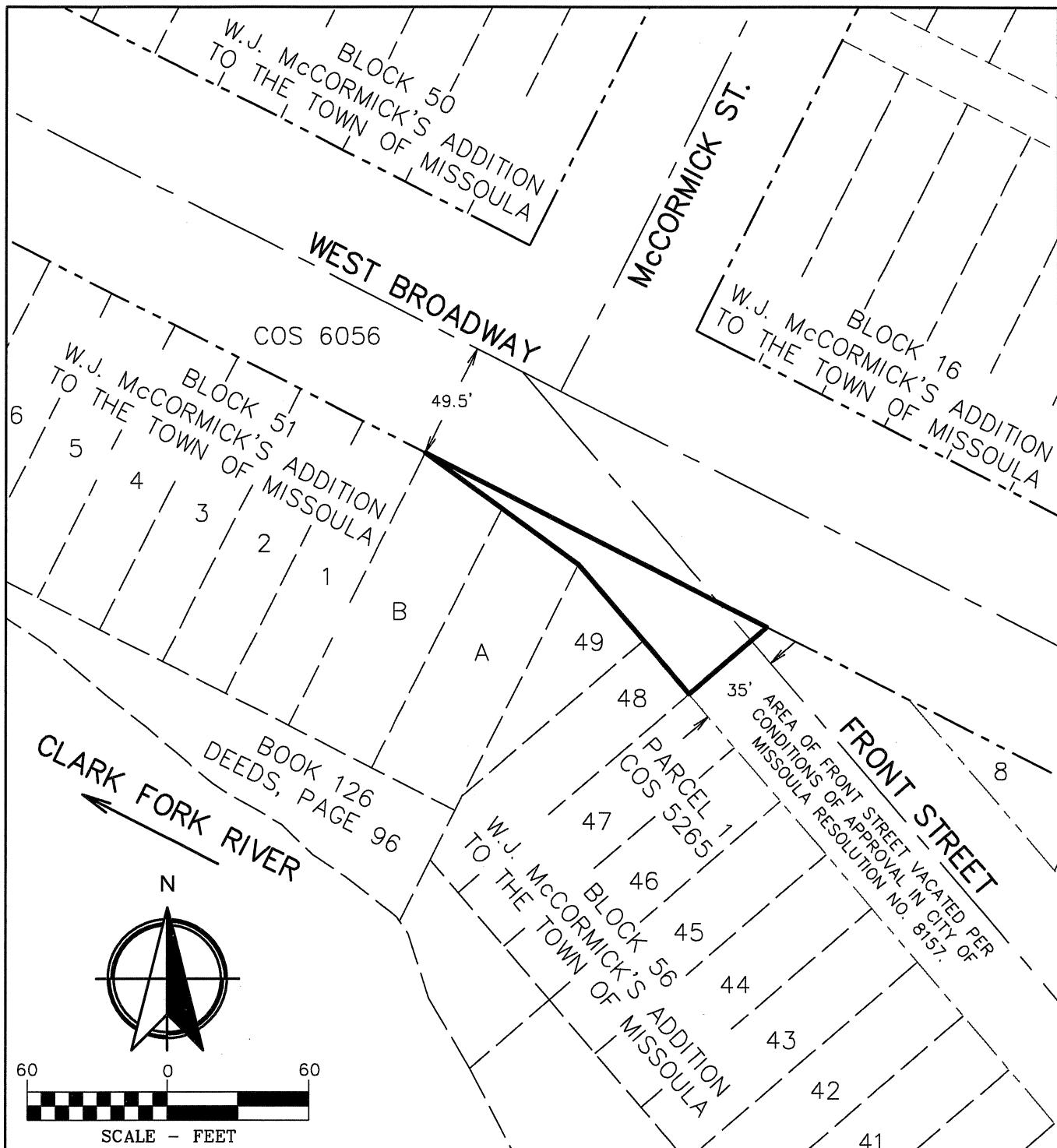
Manager of Riverfront LLC

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, _____, before me the undersigned, a Notary Public for the State of Montana, personally appeared Ryan Shaffer, who is being by me duly sworn did say he the Manager of Riverfront LLC, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.

ss _____



RIGHT-OF-WAY VACATION EXHIBIT
LOCATED IN THE NE 1/4 OF SECTION 21,
T. 13 N., R. 19 W., P.M., M.
MISSOULA, MONTANA



WGM GROUP
WWW.WGMGROUP.COM

PROJECT: 19-08-11
FILE No: 190811.petition_row.voc.dwg
FILE PATH
W:\Projects\190811\CAD\Exhibits
LAYOUT: EXHIBIT
SURVEYED: ...
DESIGN: ...
DRAFT: JAD
APPROVE: ...
DATE: JANUARY 2021
SHEET: 1 OF 1 SHEETS



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PRELIMINARY

PLOTTED: 1/6/21
SAVED: 1/6/21

EXISTING PUBLIC RIGHT-OF-WAY TO BE VACATED

EBONY STREET

MISSOULA, MONTANA

REVISIONS:
NO. DESCRIPTION DATE

PROJECT: 19-06-11
LAYOUT: LAYOUT 1
SURVEYED: ...
DESIGN: ...
DRAFT: JAD
APPROVE: ...
DATE: 11/11/2011

SHEET 01 OF 01

SHEET

W.J. McCORMICK'S ADDITION TO THE TOWN OF MISSOULA

BLOCK 50

BOOK 915 MICRO, PAGE 1353

W.J. McCORMICK'S ADDITION TO THE TOWN OF MISSOULA

BLOCK 51

BOOK 927 MICRO, PAGE 1098

CLARK FORK RIVER

BOOK 126 DEEDS, PAGE 96

BOOK 126 DEEDS, PAGE 97

McCORMICK STREET

WEST BROADWAY

FRONT STREET

BLOCK 16

W.J. McCORMICK'S ADDITION TO THE TOWN OF MISSOULA

PARCEL 1 COS 5265

PARCEL 5 COS 5265

AREA OF FRONT STREET VACATED PER CONDITIONS OF APPROVAL IN CITY OF MISSOULA RESOLUTION NO. 8157.

N

SCALE - FEET



WGM GROUP
www.WGMGROUP.COM

OUR MISSOULA GROWTH POLICY LAND USE DESIGNATION

CITY GROWTH POLICY 2035
601 W. BROADWAY
MISSOULA, MONTANA



Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group and its clients are not responsible for the accuracy or completeness of the material contained herein and is not responsible for any misuse or interpretation of this information. This map is for planning purposes only and is not to be used for general planning purposes only.

PROJECT: 19-08-11.2
FILE NO.: 190811.2_land_use.mxd
FILE PATH: W:\PROJECTS\190811\GIS\MXD
DRAFT: CEG
APPROVE: JAD
DATE: JANUARY 2021

SHEET: 1 OF 1

