



406 ENGINEERING

1201 S. 6th Street E., Suite 102 | Missoula, MT 59801 | 406.317.1131
35 8th Street East | Kalispell, MT 59901 | 406.257.0679

August 28, 2023

City Council
City of Missoula
435 Ryman
Missoula, MT 59802

via email: publicworks@ci.missoula.mt.us

RE: Right-of-Way Vacation Request, Proj. No. 22-057
Portions of California Street and Montana Avenue, Block 7, Eddy Addition

The enclosed package is intended to be a formal request in accordance with Missoula Municipal Code Title 12, Chapter 12.04, for vacation of a portion California and Montana Streets adjacent to Block 7 of Eddy Addition to Missoula adjacent to Lot A, as more particularly described within this request.

It is the Applicant's intention to assist in increasing opportunity in Missoula for housing to meet the current high demand. As described within the attached materials, it is expected that the proposed vacation will provide up to four additional "market affordable" units on what is currently Lot A by adding enough square footage to, 1) re-align 5 of the 6 lots currently existing while meeting the minimum lot size for residential units, and 2) provide enough area to construct 4 additional units on the property which presently has two modest units, thereby tripling the number of residential units on the property.

In addition, the vacation will enable benefits in neighborhood zoning by allowing a more comprehensive re-zoning of the southern half of the block that would bring existing residences within compliance, and support other development efforts in the vicinity. Further, the vacation can address floodplain constraints in this area, allowing for placement of a majority of planned development outside of the 100-year regulatory floodplain.

The area being requested for vacation has not been used as public right-of-way throughout the history of the property, and current plans for sidewalk, curb and boulevard development on the adjacent streets do not envision using the area requested for vacation. The Applicant believes this request is similar in nature to other vacations that have been granted in recent past, with a comparable goal of providing increased opportunity for highly desirable "missing middle" housing development in the city.

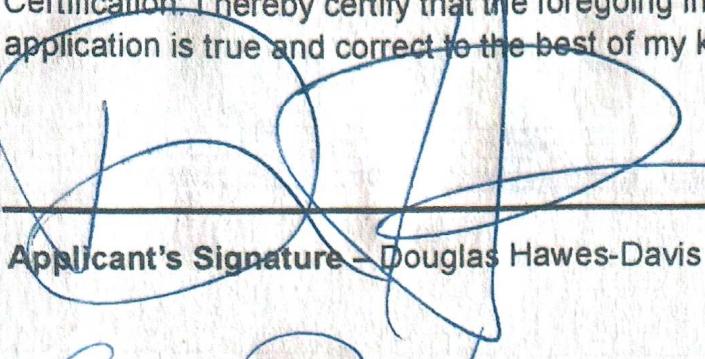
We appreciate your consideration of this request and are happy to provide any additional information that may be needed.

Sincerely,
406 Engineering, Inc.


Craig Schaeffer, PE, PLS
Project Manager

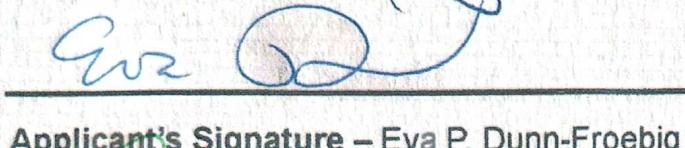
Enclosures: Right-of-Way Vacation Application and Supplements

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 – Douglas Hawes-Davis

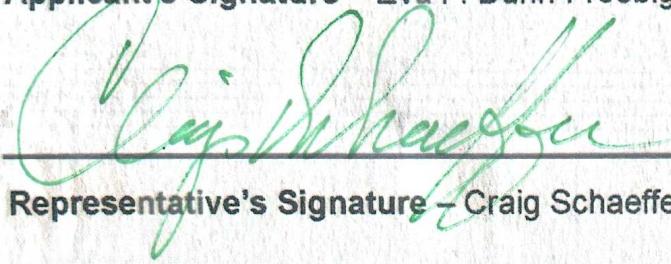
Date

8-28-23


Applicant's Signature – Eva P. Dunn-Froebig

Date

8-28-23


Representative's Signature – Craig Schaeffer, PE, PLS

Date

8/29/2023

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):
Mailing Address:
Telephone Number:
Email Address:
Douglas Hawes Davis
1224 Montana St.
406-543-6726
dhd@bigskyfilm.org
5. Name(s) of all Owners of Record
Adjacent to Right-of Way:
Mailing Address:
Telephone Number:
Email Address:
Douglas Hawes Davis
1224 Montana St.
406-543-6726
dhd@bigskyfilm.org
6. Name(s) of all Owners of Record
Adjacent to Right-of Way:
Mailing Address:
Telephone Number:
Email Address:
Eva P. Dunn-Froebig
1224 Montana St.
406-540-3303
evapdf@gmail.com
7. Name and Company & Representatives:
Mailing Address:
Telephone Number:
Email Address:
406 Engineering, Inc. Craig Schaeffer
1201 S 6th Street W, Ste 102
406-544-4049
craigs@406eng.com
8. 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.

B. SUBJECT PROPERTY INFORMATION

1. General location of proposed right(s)-of-way vacation:
The northerly 10.5 feet of Montana Avenue and the westerly 9.0 feet of California Street, lying adjacent to Lot A of the Amended Plat of Eddy Addition Block 7, Lots A & B, as more particularly described in the included petition.
2. Complete Legal Description(s) of adjacent property:

1200 Montana Street: Lot A of EDDY ADDITION BLOCK 7, LOTS A AND B

3. Geocode(s) of adjacent property:

1200 Montana Street: 04-2200-21-2-10-04-0000

C. RESPONSES 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:

We propose this vacation to facilitate the construction of up to four new “market affordable” (i.e., modest-sized) units on the property. The project will help meet the City of Missoula’s need for the desired “missing middle” housing. The neighborhood has been identified in the Downtown Master Plan and Our Missoula 2035 growth policy as an area where more dense housing is desirable due to the proximity to downtown and walkable services

A re-zoning request will be submitted for a zoning change from R20 to B-2-2 for the southern half of Block 7. Vacation of the described rights of way, combined with re-zoning, would make possible a relocation of boundaries for the property to four buildable parcels including one each for the two existing units. The applicant envisions selling those units to individual buyers to finance the development of the two newly aligned lots. Both existing homes will be offered for market sale likely well below the current median single family home price. A zoning change to B-2-2 would also allow all existing buildings on the block - most of which were built between 1945 and 1955, well before the Eddy Addition was annexed by the City of Missoula – to conform to setbacks and other zoning parameters. Currently, most of the original buildings on the block are non-conforming given that they were built before the zoning code and 40+

years before the City annexed the Eddy Addition. This would allow all current residents on the block to make improvements to their buildings without having to apply for variances in each case.

A zoning change to B-2-2 would allow for approximately the same number of units that were described in the Downtown Master Plan, while not compromising the general character of the block, which currently is made up of single-family homes and a planned 15-unit subdivision in-progress.

The property straddles the 100-year and 500-year floodplain boundary, but the two larger proposed units will be constructed entirely within the 500-year flood plain. The smaller two will have modest footprints and can be constructed within the FEMA floodplain rules.

The City has vacated rights-of-way multiple times in recent years for the purpose of building much-needed housing. For example, a right-of-way between South and Sussex Avenues was vacated earlier this year for the purpose of building more units. In this case, like many others, the City of Missoula has no plans for future use of the areas requested for vacation.

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

The vacated rights-of-way will be used to re-align four lots, build four new units on two individual lots, and convert the two existing units to individually owner-occupied single family-homes. Two of the newly constructed homes will be approximately 400 sq. ft footprint at two stories, and two will be 400-650 sq. ft building footprints between 1700-2000 total sq ft at three stories, single car garage at ground level and two levels of living space above. The creation of the new units on individual parcels will be impossible without vacation.

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

A natural gas line crosses the right-of-way onto the property from California Street, but the main is outside the area requested for vacation. A sewer service crosses the right-of-way to Montana Street, but connection to the main is well outside of the area requested for vacation. Two overhead power service lines cross from the right-of-way on California Street to service the existing units on Lot A, but the utility pole is located outside the area requested for vacation. No further public utilities are currently located within the area requested for vacation. There will be no impact to existing utilities from the requested areas of vacation. City water service is planned for both California and Montana Streets. The applicant will request water and sewer stub-ins for the four new proposed units.

- 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;

After evaluating the site, the rights-of-way must be vacated to enable construction of the new units. There is not enough square footage to re-align the lots and meet the minimum residential lot size requirement without adding the vacated area. There is also not enough land area to get two of the four within the 500-year floodplain area or construct four units. The project would be limited to two additional units at most without adding the areas requested for vacation. The construction of any additional units is contingent on the city vacating the requested areas.

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

Taxable value of adjacent properties will increase with new construction.

- 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.

The public benefit will be that the City of Missoula will gain four new market-affordable owner-occupied homes on a parcel that could not support that construction without adding the areas requested for vacation.

D. 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.
- A utility map showing all utilities within and surrounding the proposed right(s)-of-way vacation.
- 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.
- A vicinity map showing the proposed right(s)-of-way vacation and the area within 300. An aerial photo showing the subject right(s)-of-way.
- The current plat(s) containing the subject right(s)-of-way and any easements.
- Site plans and building elevation drawings of the proposed project associated with the right(s)- of-way vacation.
- A Zoning map of the surrounding property extending at least 300 feet from the subject right(s)- of-way.
- A land use map of the applicable vicinity and regional plans.

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 _____, 20 ____.

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

The northerly 10.5 feet of Montana Avenue and the westerly 9.0 feet of California Street, lying adjacent to Lot A of the Amended Plat of Eddy Addition Block 7, Lots A & B, as more particularly described in the attached Exhibit 'A.'

PETITIONER'S SIGNATURE:

Douglas J. Hawes-Davis

STATE OF MONTANA)
) ss.
County of Missoula)

On this _____ day of _____, _____, before me the undersigned, a Notary Public for the State of Montana, personally appeared Douglas J. Hawes-Davis, 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.

Notary Public for the State of Montana.

(SEAL)

Printed Notary Name _____

Eva P. Dunn-Froebig

STATE OF MONTANA)
) ss.
County of Missoula)

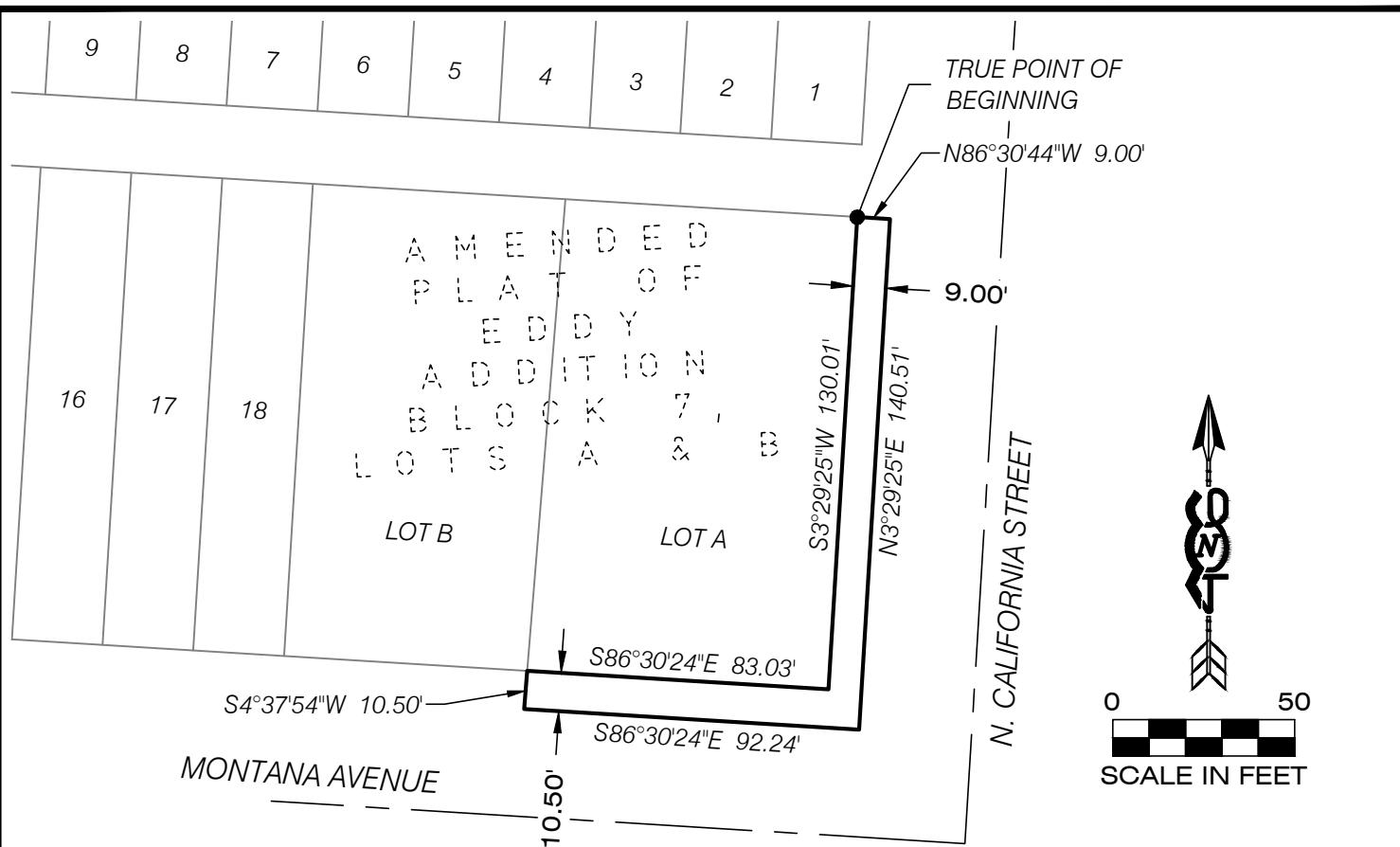
On this _____ day of _____, _____, before me the undersigned, a Notary Public for the State of Montana, personally appeared Eva P. Dunn-Froebig, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they 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.

Notary Public for the State of Montana.

(SEAL)

Printed Notary Name _____



LEGAL DESCRIPTION:

A TRACT OF LAND BEING THE NORTHERLY 10.5 FEET OF MONTANA AVENUE AND THE WESTERLY 9.0 FEET OF CALIFORNIA STREET, LYING ADJACENT TO LOT A OF THE AMENDED PLAT OF EDDY ADDITION BLOCK 7, LOTS A & B, MISSOULA, MONTANA, LOCATED IN THE NORTHWEST (NW1/4) OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF THE AMENDED PLAT OF EDDY ADDITION BLOCK 7, LOTS A & B, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S03°29'25"W ALONG THE EASTERN BOUNDARY OF SAID LOT A AND THE WESTERN RIGHT-OF-WAY LINE OF CALIFORNIA STREET, A DISTANCE OF 130.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT A; THENCE S86°30'24"E ALONG THE SOUTHERN BOUNDARY OF SAID LOT A AND THE NORTHERN RIGHT-OF-WAY LINE OF MONTANA AVENUE, A DISTANCE OF 83.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE S04°37'54"W, A DISTANCE OF 10.50 FEET; THENCE S86°30'24"E, A DISTANCE OF 92.24 FEET; THENCE N03°29'25"E, A DISTANCE OF 140.51 FEET; THENCE N86°30'44"W, A DISTANCE OF 9.00 FEET TO THE TRUE POINT OF BEGINNING; SAID PORTION OF LAND CONTAINS 2,138 SQUARE FEET, MORE OR LESS.

CERTIFICATE OF SURVEYOR:

I, CRAIG SCHAEFFER, PROFESSIONAL ENGINEER AND LAND SURVEYOR,
DO HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED UNDER
MY SUPERVISION DURING THE MONTH OF AUGUST 2023.

DATED THIS _____ DAY OF _____, 2024.

BY:

CRAIG SCHAEFFER
MONTANA REGISTRATION NO. 14388ES

BASIS OF BEARING

HORIZONTAL DATUM

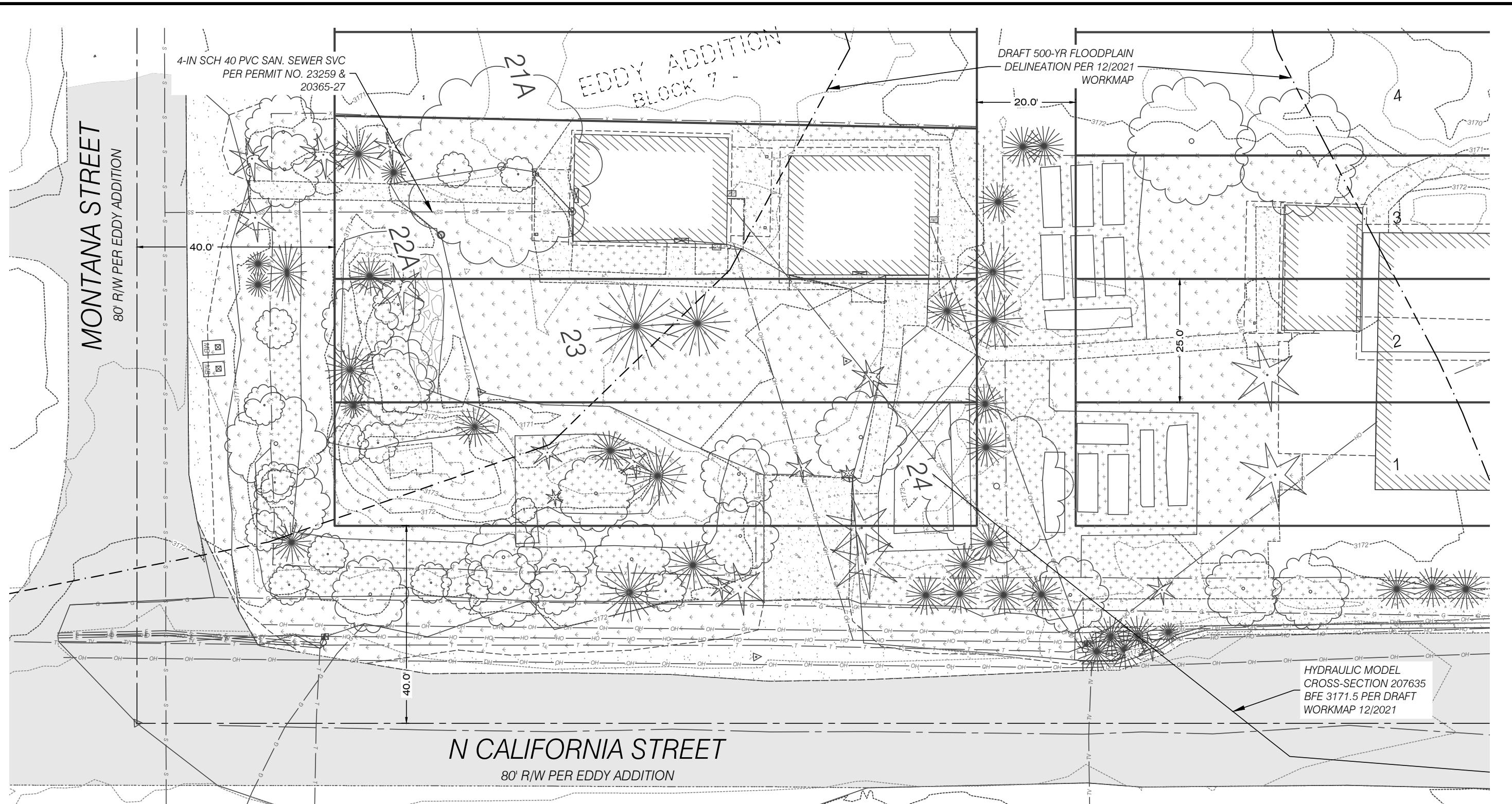
BEARINGS ARE STATE PLANE GRID, DERIVED FROM GPS OBSERVATIONS WITH SURVEY-GRADE RECEIVERS AND REFERENCED TO THE MONTANA COORDINATE SYSTEM, SINGLE ZONE, NAD 83 (CORS). COORDINATES AND DISTANCES ARE TRANSFORMED TO GROUND. HORIZONTAL UNITS ARE INTERNATIONAL FEET. COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.99924645.



406 ENGINEERING
CIVIL ENGINEERING
LAND USE CONSULTING
1201 S. 6th St. W.
Missoula, MT 59801
(406) 317-1131
www.406engineeringinc.com

PETITION TO VACATE PUBLIC
RIGHT OF WAY
BLOCK 7, EDDY ADDITION
SEC. 21, T.13N, R.19W, P.M.M.
EXHIBIT 'A'

PRO#:22-057
TAB: EXH. A
DRAFTER: CAS
DATE: 8/2023
SHEET 1 OF 1



LEGEND

- (E) PROPERTY BOUNDARY
- (E) ADJACENT PROPERTY BOUNDARY
- (E) LOT LINE
- (E) EASEMENT
- (E) SEWER LINE
- (E) SEWER SERVICE
- (E) OVERHEAD UTILITY
- (E) BURIED POWER
- (E) GAS LINE
- (E) TELEPHONE LINE
- (E) TELEVISION LINE
- (E) ROW CENTERLINE
- (E) FENCE LINE
- (E) MAJOR CONTOUR
- (E) MINOR CONTOUR
- (E) ASPHALT
- (E) GRAVEL
- (E) CONCRETE
- (E) SEWER MANHOLE
- (E) SEWER CLEANOUT
- (E) WELL
- (E) SUMP
- (E) SURVEY CONTROL POINT
- (E) TELEPHONE JUNCTION BOX
- (E) POWER VAULT
- (E) TELEVISION JUNCTION BOX
- (E) POWER METER
- (E) GAS METER
- (E) POWER POLE
- (E) SIGN
- (E) MAILBOX
- (E) DECIDUOUS TREE
- (E) CONIFEROUS TREE
- (E) BUSH/SHRUB
- (E) LANDSCAPE AREA
- (E) WETLAND AREA

NOTES:

1. UNDERGROUND UTILITIES ARE SHOWN HEREON AT LOCATIONS MARKED ON THE GROUND BY THE RESPECTIVE UTILITY COMPANIES PER MONTANA UTILITY NOTIFICATION CENTER TICKET NO. 22145456. THIS FIRM HEREBY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND/OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. EXCAVATION OF SAID UNDERGROUND UTILITIES MAY INDICATE ACTUAL LOCATIONS THAT DIFFER FROM THE LOCATIONS SHOWN HEREON.
2. CURRENT PROPERTY ZONING DESIGNATION IS R20 PER CITY OF MISSOULA ZONING ORDINANCE.



SCALE IN FEET

BASIS OF BEARING/VERTICAL DATUM

HORIZONTAL DATUM

BEARINGS ARE STATE PLANE GRID, DERIVED FROM GPS OBSERVATIONS WITH SURVEY-GRADE RECEIVERS AND REFERENCED TO THE MONTANA COORDINATE SYSTEM, SINGLE ZONE, NAD 83 (CORS). COORDINATES AND DISTANCES ARE TRANSFORMED TO GROUND AT CONTROL POINT NO. 13. CONTROL POINT TABLE DEPICTED HEREON REFERENCES STATE PLANE GRID COORDINATES. HORIZONTAL UNITS ARE INTERNATIONAL FEET. COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.99924645.

VERTICAL DATUM

ELEVATIONS ARE NAVD88, BASED ON NGS OPUS SOLUTION AND COMPUTED USING GEOID 12B. VERTICAL UNITS ARE US SURVEY FEET.

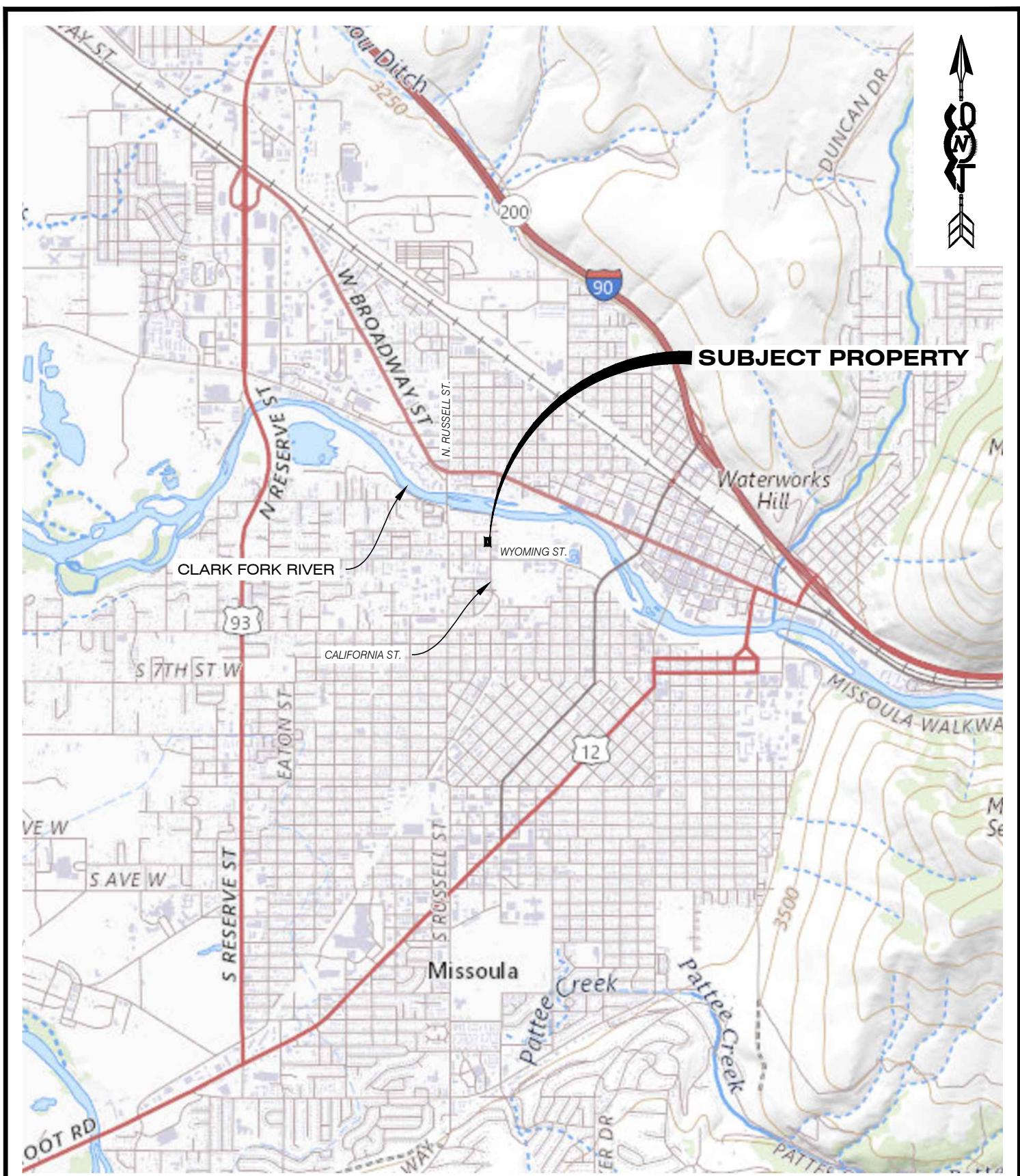
PROJECT NAME: 1200 MONTANA STREET
1205 IDAHO STREET
EXISTING SITE PLAN

PROJECT NO.: 22-057
SHEET TITLE: 406 PROJECT NO.
SHEET: 1 OF 2

406 ENGINEERING
CIVIL ENGINEERING
LAND USE CONSULTING
1201 S. 8th St. W.
Missoula, MT 59801
(406) 317-1131
www.406engineering.com

PILOT DATE: 131/2024 9:07 AM BY CRAIG SCHAEFER / CRAIGSCHAEFER

DOCUMENT LOCATION: C:\USERS\CRASHAEFER\406\406\ENGINEERING - DOCUMENTS\406\WORK1\PROJECTS\22-057\DWG



406 ENGINEERING
CIVIL ENGINEERING
LAND USE CONSULTING
1201 S. 6th St. W.
Missoula, MT 59801
(406) 317-1131
www.406engineeringinc.com

PLOT DATE: 8/25/2023 4:56 PM

DWG LOCATION: C:\USERS\CAIG SCHAEFFER\406\406 ENGINEERING - DOCUMENTS\406 WORK1\PROJECTS\2022 PROJECTS\22-057 DUNN-FROEBIG\8.DRAFTING\8.1_DRAWINGS\8-22-057.DWG

PETITION TO VACATE PUBLIC
RIGHT OF WAY
BLOCK 7, EDDY ADDITION
SEC. 21, T.13N, R.19W, P.M.M.
VICINITY MAP

PRO#:22-057
TAB: VICINITY
DRAFTER:CS
DATE: 8/2023
SHEET 1 OF 1

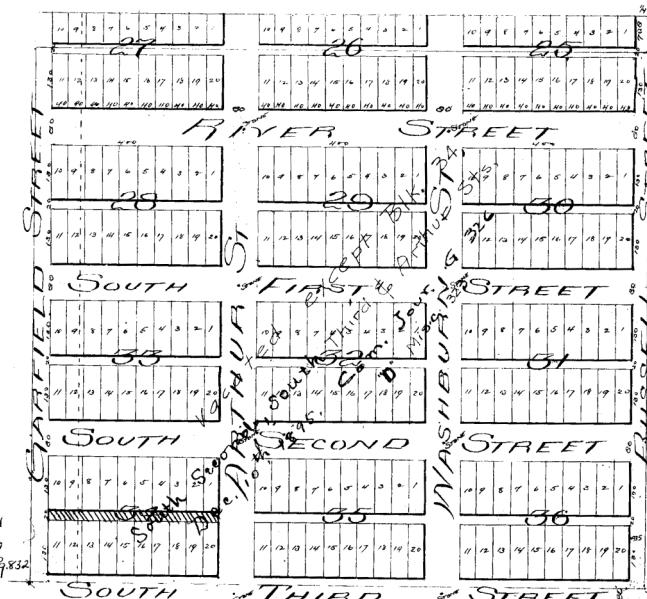
STATE OF MONTANA, ss. SURVEYOR'S CERTIFICATE

County of Missoula
I, B. Hale, on my oath deposes and says: That I am the person who made the surveying of the above plat was compared and found to be a correct copy of the original.

Compared this 29th January, 1890

ATTEST: B. Hale

Subscribed and sworn to before me the 27th day of Feb. 1890
by W. L. Stevenson
and recorded in my County of Missoula, Montana



— PLAT OF THE —
— D. M. ADDITION —
TO THE —
— CITY OF MISSOULA —

Know all ye that we Joseph Richards and Frank P. Kern by our attorney in fact James H. P. Payne, owners in fee of all the land described in and covered by the annexed plat and being the same in the South East quarter of Section Twenty Township 13N with Range 19W have caused the same to be surveyed and platted as shown in said plat and intend to file the same to be known and designated as the D. M. Addition to the City of Missoula. That all the streets and alleys as shown on said plat are hereby dedicated public and dedicated to public use.

Witness our hands and seals this 8th day of January A.D. 1890

Joseph Richards
Frank P. Kern
by James H. P. Payne
his attorney in fact.

State of Montana }
County of Missoula } On this 8th day of January 1890 before the undersigned a Notary Public in and for Missoula County, State of Montana personally came Joseph Richards and Frank P. Kern by their attorney in fact James H. P. Payne personally known to me to be the same person described in and who exhibited the foregoing instrument of dedication and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes herein mentioned. In witness whereof I have hereunto set my hand and Notarial seal the day and year first herein written.

W. L. Stevenson, Notary Public

State of Montana }
County of Missoula } On this 8th day of January 1890 George F. Brooks being first duly sworn on oath says: I am a civil engineer. That during the month of December 1889 I surveyed a survey of the lots, blocks, streets and alleys represented by this plat and called the D. M. Addition to the City of Missoula. That the said addition was surveyed and platted according to the plat. That the streets are eighty feet wide and the alleys are twenty feet wide and the monuments are planted as shown and in accordance with the law.

Subscribed and sworn to before me this 8th day of January 1890

W. L. Stevenson, Notary Public

State of Montana }
County of Missoula } On this 8th day of January 1890 W. E. Marion, Attorney and H. Perrault, County Commissioners in and for the County of Missoula and stated as being certified that this map or plat of the D. M. Addition to the City of Missoula was by me approved on this the 8th day of January A.D. 1890.

In witness whereof we have hereunto set our hands and seal of Missoula County this 8th day of January A.D. 1890.

J. Marion Chairman of Board
of Missoula } Commissioners
Henry Perrault

Filed for record January 6th 1890 at 12th o'clock P.M.

N. D. Bogart
Co. Recorder

Date received Missoula Co. of
Clark & Recorders office, 8-27-76
Letter of lifting of survey
restriction Dated 8-27-76
from the State Board of Land
according to Chapter 95 of the
Laws of Montana 1861 reg. No.
186 Addition by name of D. M.
dated by George F. Brooks (Surveyor of Survey)
* 905

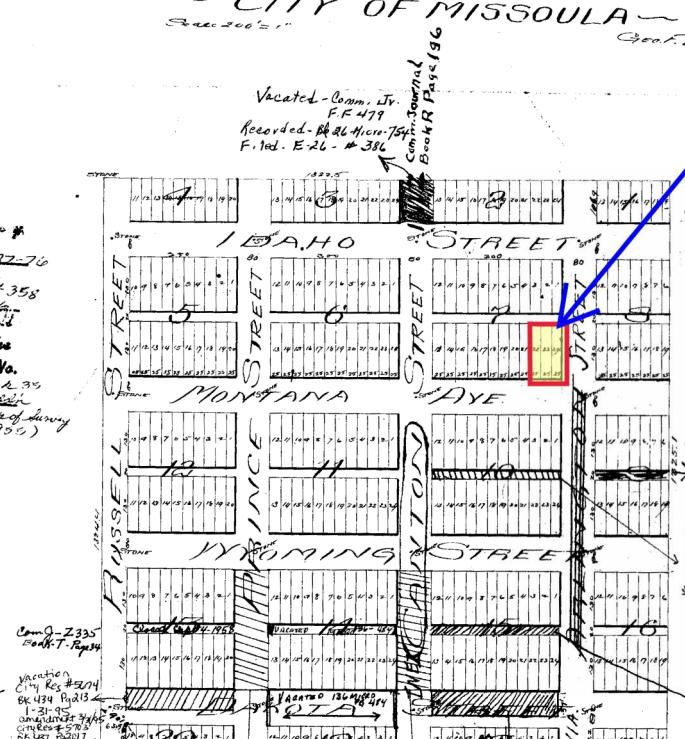
STATE OF MONTANA, ss. SURVEYOR'S CERTIFICATE

County of Missoula
I, B. Hale, on my oath deposes and says: That I am the person who made the surveying of the above plat was compared and found to be a correct copy of the original.

Compared this 29th January, 1890

ATTEST: B. Hale

Subscribed and sworn to before me this 31st day of Jan. 1890
by W. L. Stevenson
and recorded in my County of Missoula, Montana



— PLAT OF —
— THE —
— EDDY ADDITION —

Know all ye that we Joseph Richards and Frank P. Payne, owners in fee of all the land described in and covered by the Eddy Addition and being the SW 1/4 of Section Twenty Township 13N with Range 19W have caused the same to be surveyed and platted as shown in said plat and intend to file the same as a public record to be known and designated as the Eddy Addition and do declare the streets and alleys therein as shown by said plat to be public and they are hereby dedicated to public use.

In witness whereof I have hereunto set my hand and seal this the 6th day of Jan. 1890

South Missoula Land Co.

W. L. Stevenson, Notary Public

State of Montana }
County of Missoula } On this 6th day of Jan 1890 before the undersigned a Notary Public in and for Missoula County, State of Montana personally came W. E. Marion, Attorney known to me to be the same person described in and who exhibited the foregoing instrument of dedication and who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes herein mentioned.

In witness whereof I have hereunto set my hand and official seal this the day and date first above written.

W. E. Marion Notary Public

State of Montana }
County of Missoula } George F. Brooks being first duly sworn on his oath deposes and says that he is a civil engineer. That in the month of December 1889 he surveyed a survey of the blocks, lots, streets and alleys represented by this plat and called the Eddy Addition. That said Addition was surveyed and laid out according to this plat. That the streets are eighty feet wide and the alleys are twenty feet wide and the monuments are planted as shown and in accordance with the law.

Subscribed and sworn to before me this 6th day of Jan 1890

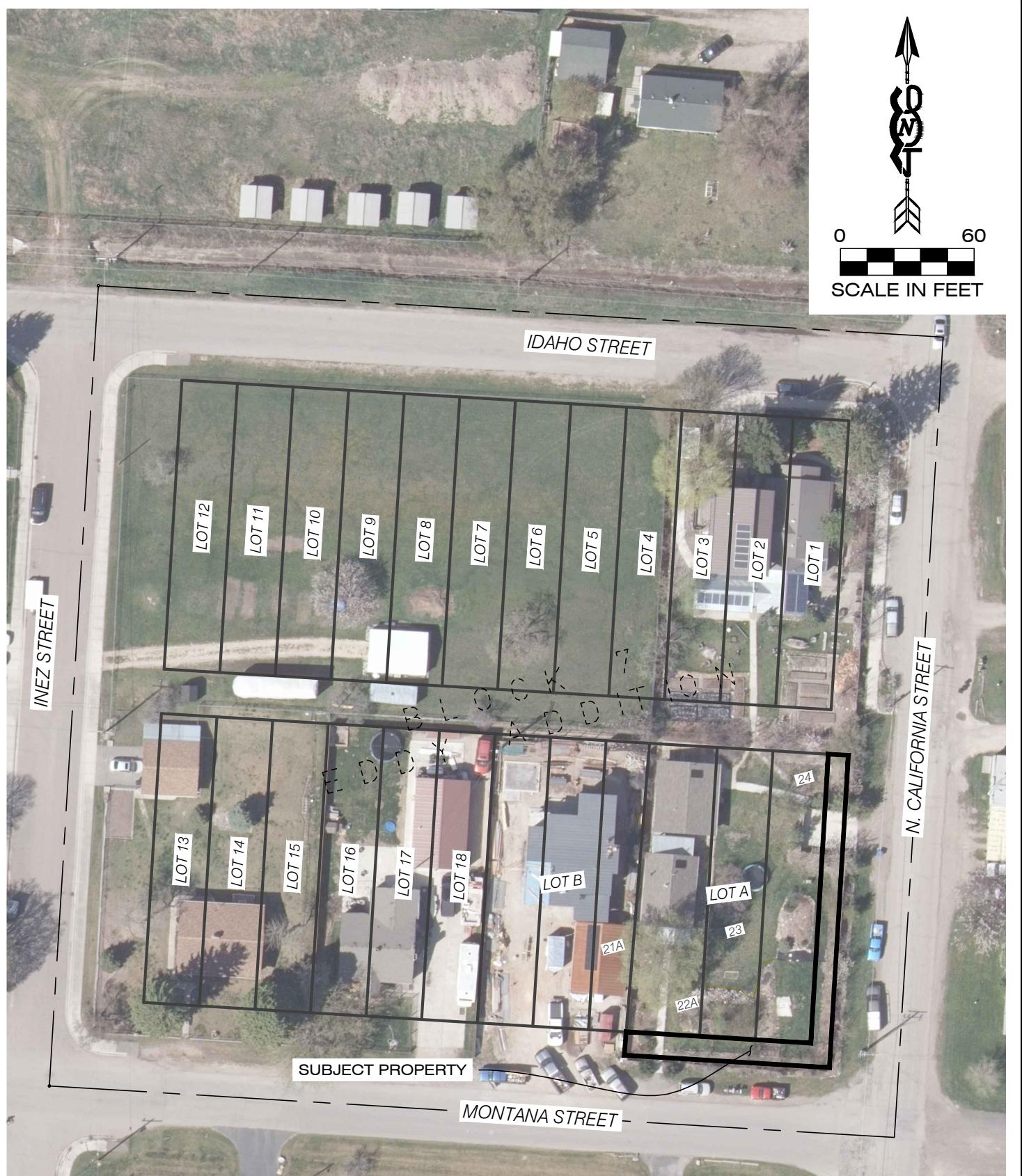
W. E. Marion Notary Public

State of Montana }
County of Missoula } On this 6th day of Jan 1890 W. E. Marion, Attorney and H. Perrault, County Commissioners in and for the County of Missoula and stated as being certified that this map or plat of Eddy Addition was by me approved on this the sixth day of January A.D. 1890. In witness whereof we have hereunto set our hands and seal of Missoula County this sixth day of January A.D. 1890.

J. E. Marion Chairman of Board
of Missoula } Commissioners
Henry Perrault

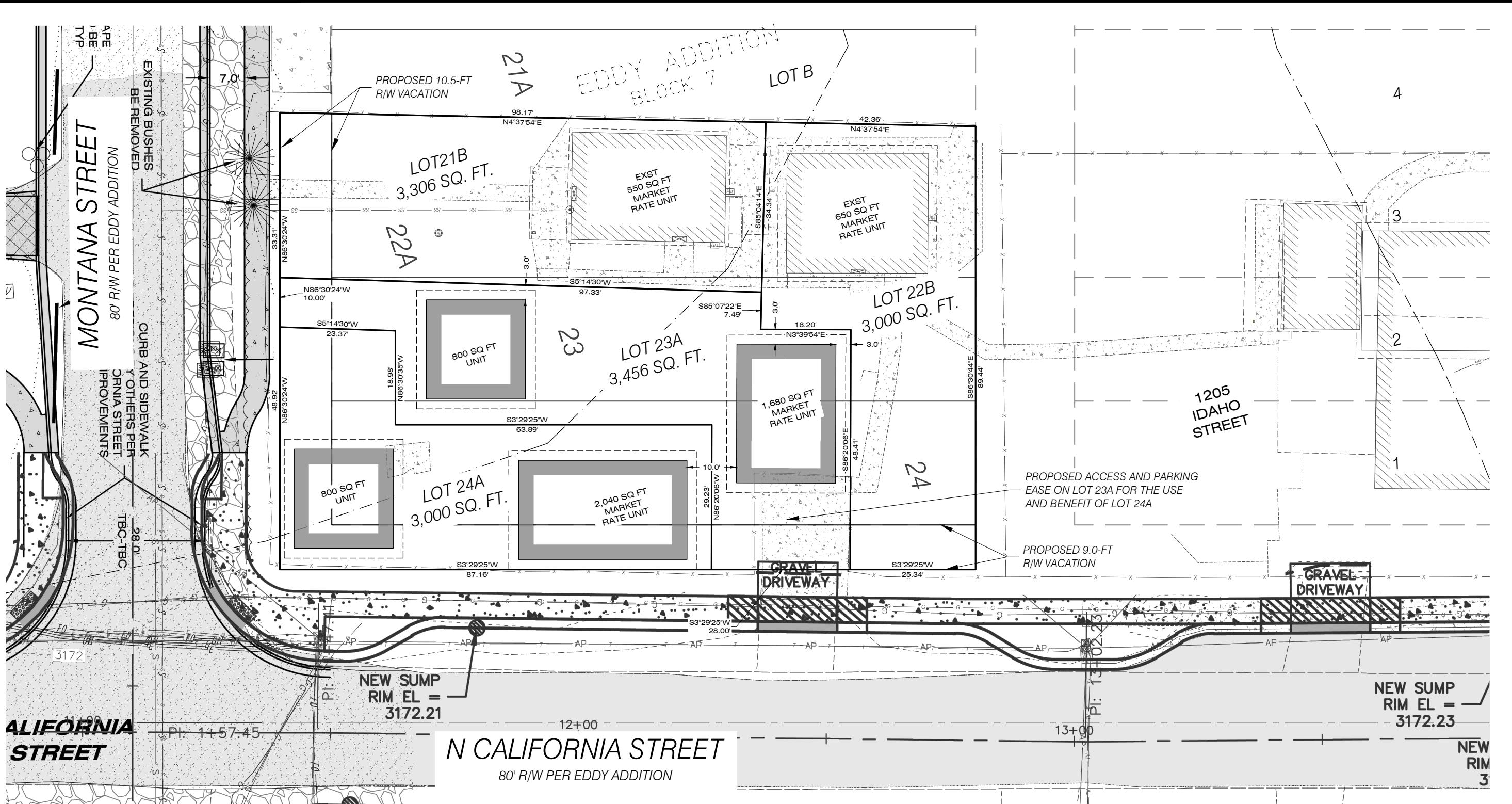
Filed for record January 6th 1890 at 1st o'clock P.M.

N. D. Bogart
Co. Recorder



PETITION TO VACATE PUBLIC
RIGHT OF WAY
BLOCK 7, EDDY ADDITION
SEC. 21, T.13N, R.19W, P.M.M.
AERIAL PHOTO

PRO#:22-057
TAB: AERIAL
DRAFTER:CS
DATE: 1/2024
SHEET 1 OF 1



NOTES:

1. UNDERGROUND UTILITIES ARE SHOWN HEREON AT LOCATIONS MARKED ON THE GROUND BY THE RESPECTIVE UTILITY COMPANIES PER MONTANA UTILITY NOTIFICATION CENTER TICKET NO. 22145456. THIS FIRM HEREBY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND/OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. EXCAVATION OF SAID UNDERGROUND UTILITIES MAY INDICATE ACTUAL LOCATIONS THAT DIFFER FROM THE LOCATIONS SHOWN HEREON.
2. CURRENT PROPERTY ZONING DESIGNATION IS R20 PER CITY OF MISSOULA ZONING ORDINANCE.
3. MONTANA STREET AND N CALIFORNIA STREET R/W INFRASTRUCTURE IS DEPICTED HEREON BASED ON PRELIMINARY CONSTRUCTION DRAWINGS FOR SAID IMPROVEMENTS.

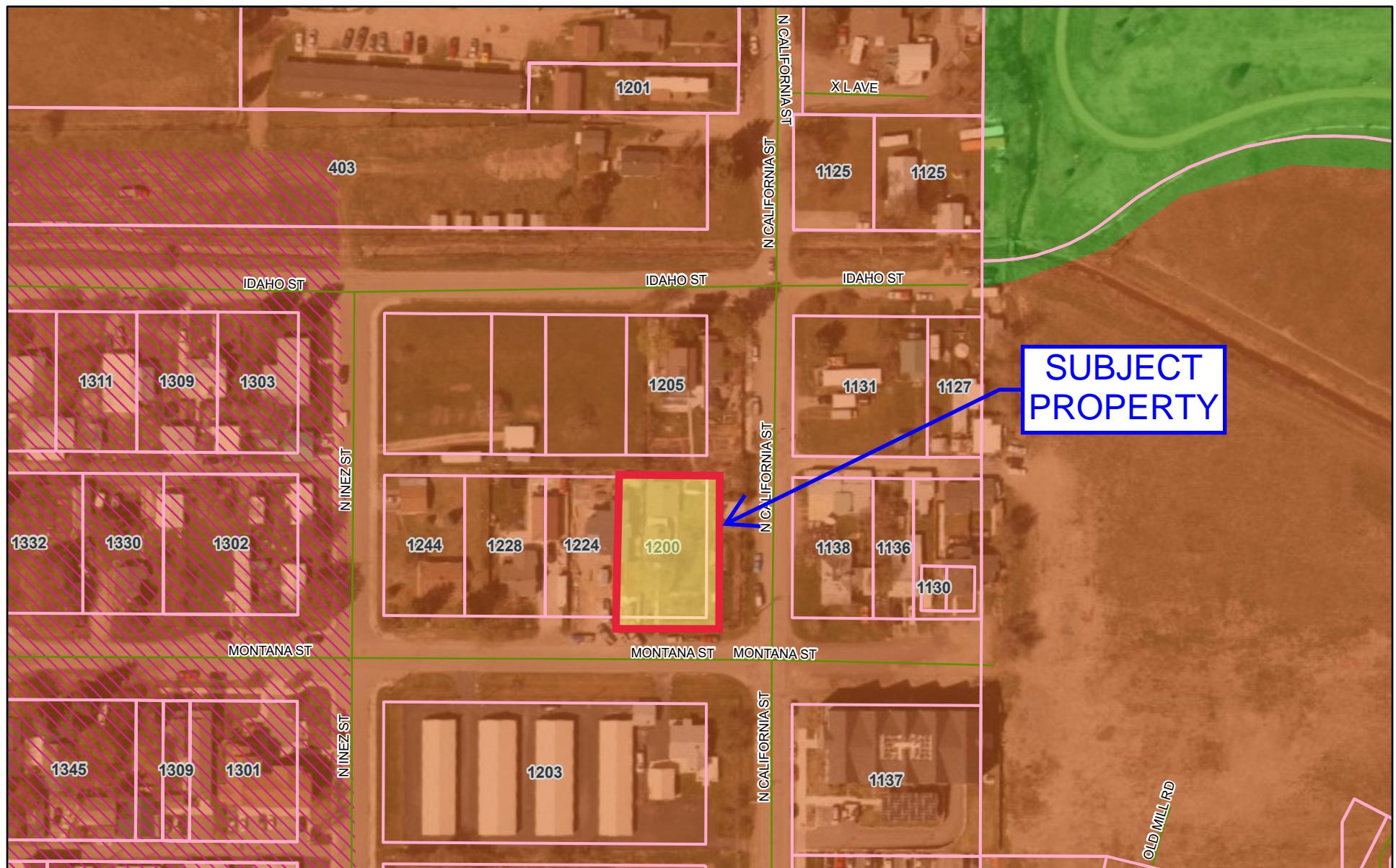
BASIS OF BEARING/VERTICAL DATUM
HORIZONTAL DATUM

BEARINGS ARE STATE PLANE GRID, DERIVED FROM GPS OBSERVATIONS WITH SURVEY-GRADE RECEIVERS AND REFERENCED TO THE MONTANA COORDINATE SYSTEM, SINGLE ZONE, NAD 83 (CORS). COORDINATES AND DISTANCES ARE TRANSFORMED TO GROUND AT CONTROL POINT NO. 13. CONTROL POINT TABLE DEPICTED HEREON REFERENCES STATE PLANE GRID COORDINATES. HORIZONTAL UNITS ARE INTERNATIONAL FEET. COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.99924645.

VERTICAL DATUM

ELEVATIONS ARE NAVD88, BASED ON NGS OPUS SOLUTION AND COMPUTED USING GEOID 12B. VERTICAL UNITS ARE US SURVEY FEET.

City of Missoula: Land Use



8/25/2023, 5:23:48 PM

Parcels

City Limits

Parcel Outlines

Land Use

Community Mixed Use

Parks and Open Lands

Land Use - Cottage Industry Overlay

A number line representing distance. The line starts at 0 and ends at 0.08 km. It has tick marks at 0, 0.01, 0.02, 0.03, 0.04, and 0.05 mi. The label "1:2,257" is positioned above the line, indicating a scale factor.

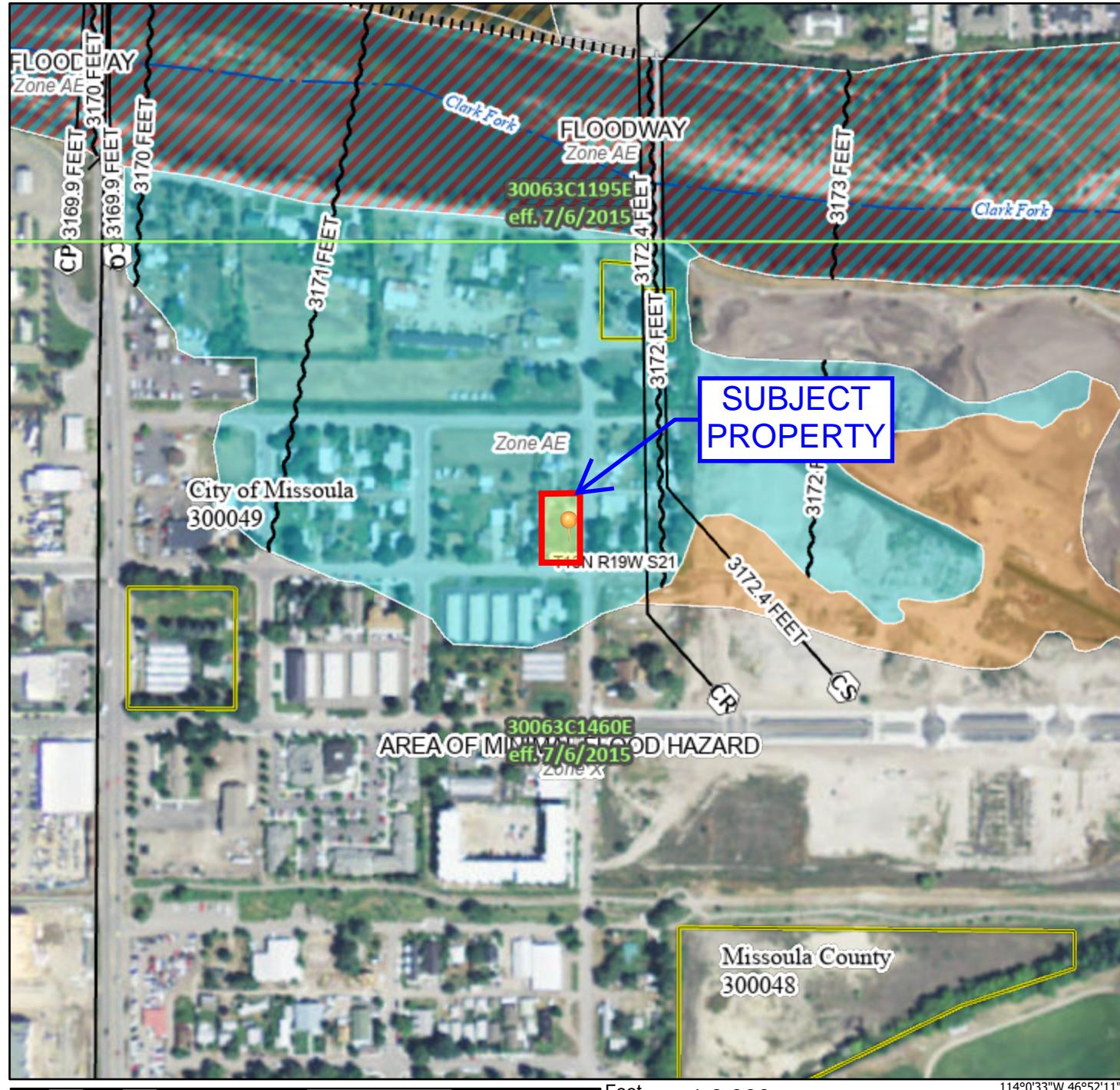
Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

National Flood Hazard Layer FIRMette



FEMA

114°1'10"W 46°52'35"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
GENERAL STRUCTURES	 Channel, Culvert, or Storm Sewer  Levee, Dike, or Floodwall
OTHER FEATURES	 20.2  17.5  8 — — — Coastal Transect  ~~~~ 513 ~~~~ Base Flood Elevation Line (BFE)  Limit of Study  Jurisdiction Boundary  --- --- Coastal Transect Baseline  - - - - Profile Baseline  _____ Hydrographic Feature
	 Digital Data Available
	 No Digital Data Available
	 Unmapped
	
	MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/7/2022 at 11:32 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**CLARK FORK RIVER
MISSOULA COUNTY
HYDRAULIC WORKMAP**
December, 2021

LEGEND

- Proposed 1-Percent (100-Year) Annual Chance Event
- Proposed 0.2-Percent (500-Year) Annual Chance Event
- Proposed Floodway
- Other Floodplain
- Political Area
- BFE Line
- Highway
- Minor Roads
- Railroad
- Non-Levee Feature
- Junction
- Lateral Weir
- Bridge
- 10 FT Contours
- Gutter Line
- Backwater

Labels

- Cross Section Letter 13229 River Station
- 4638.1 Water Surface Elevation 4635.8 WSE No Levee

NOTE: STANDARDIZED SYMBOLS ARE USED IN THE LEGEND BUT NOT ALL FEATURES MAY BE PRESENT ON EACH PANEL.

0 150 300
Feet
1 inch = 300 feet



DATA FRAME PROPERTIES:

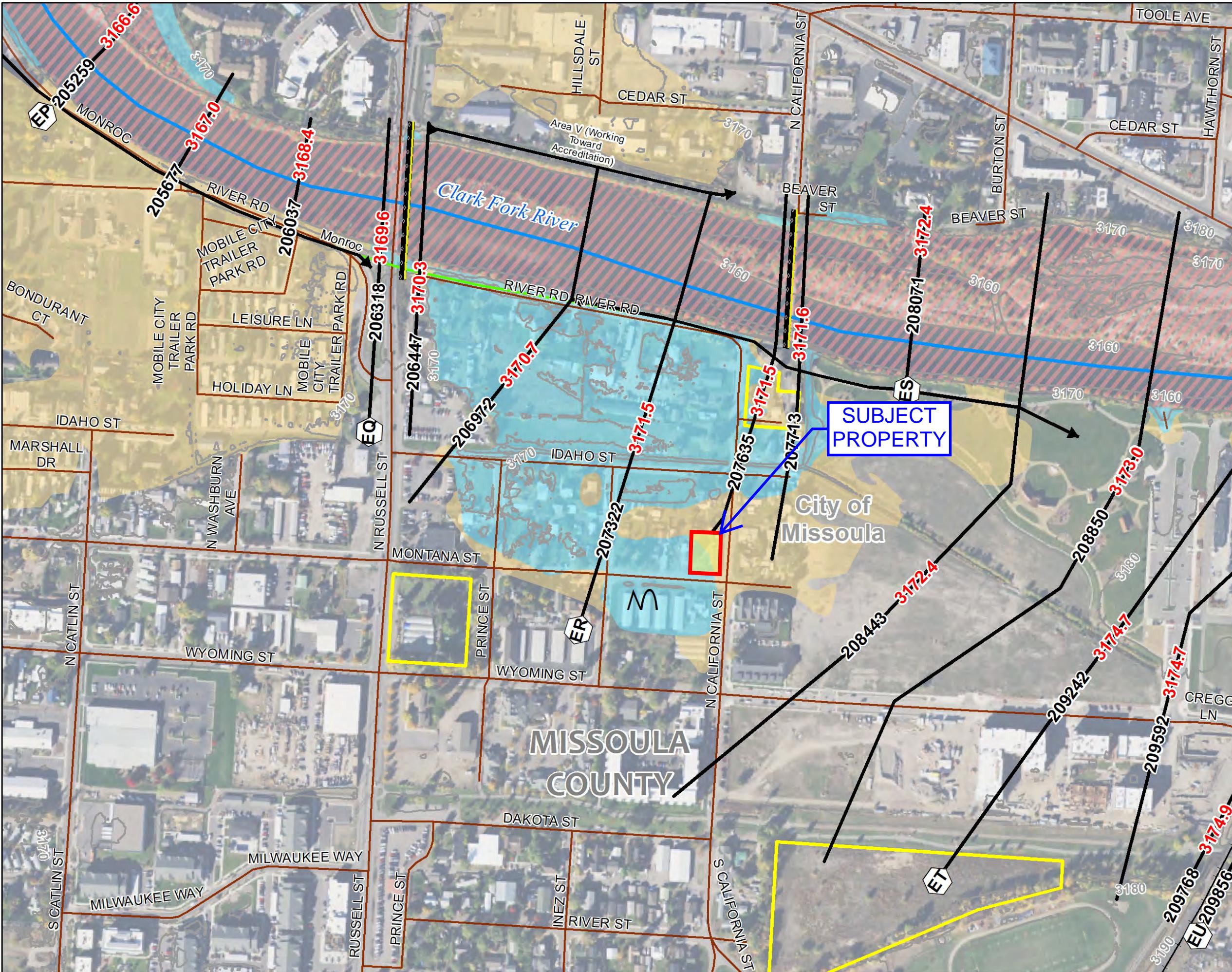
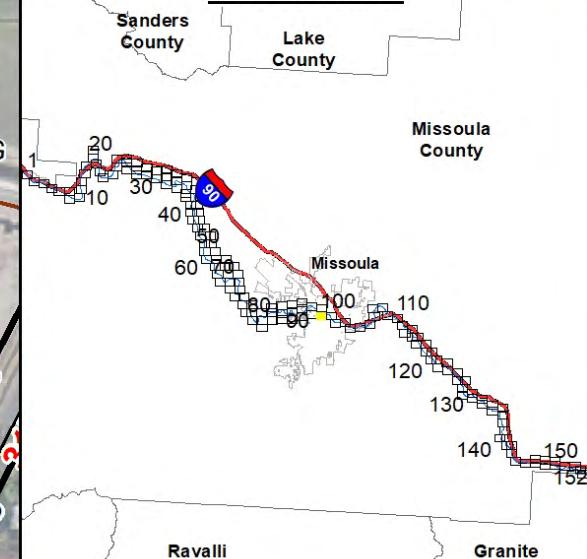
Coordinate System: NAD 1983 2011 StatePlane Montana FIPS 2500 Ft Int
Projection: Lambert Conformal Conic
Datum: NAD 1983 2011
Vertical Datum: NAVD 88
Units: Feet



32 DISCOVERY DRIVE
BOZEMAN, MT 59718
PHONE (406) 582-0221
www.alliedengineering.com



LOCATOR MAP



Return To:
Natalie Black
WORDEN THANE P.C.
321 W. Broadway St., Ste. 300
Missoula, MT 59802-4142

202305349 B:1088 P:1042 Pages:2 Fee:\$16.00
05/22/2023 04:44:02 PM Warranty Deed
Tyler R. Gernant, Missoula County Clerk & Recorder



WARRANTY DEED

FOR VALUE RECEIVED, **DOUGLAS HAWES-DAVIS** a/k/a **DOUGLAS J. HAWES-DAVIS**, whose address is 1224 Montana St., Missoula, MT 59801, (referred to in this deed as the "Grantor") hereby grants, sells, assigns, transfers, and conveys to **EVA P. DUNN-FROEBIG** and **DOUGLAS J. HAWES-DAVIS**, whose address is 1224 Montana St., Missoula, MT 59801, (referred to in this deed as the "Grantees"), as joint tenants with right of survivorship, and not as tenants in common, and to the survivor of said named joint tenants, all of the right, title, and interest of the Grantors in and to the real property situated in Missoula County, Montana, particularly described as:

Lot A of EDDY ADDITION BLOCK 7, LOTS A & B, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the official recorded plat thereof.

Recording Reference: Document No. 200720656, Book 803, Page 521

Property Address: 1200 Montana St., Missoula, MT 59801

Assessment Code: 0000200300

Geocode: 04-2200-21-2-10-04-0000

-and-

Lot B of EDDY ADDITION BLOCK 7, LOTS A & B, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

Recording Reference: Document No. 201802149, Book 992, Page 955

Property Address: 1224 Montana St., Missoula, MT 59801

Assessment Code: 0002329007

Geocode: 04-2200-21-2-10-03-0000

SUBJECT TO covenants, conditions, restrictions, provisions, easements and encumbrances apparent or of record.

TOGETHER WITH all right, title, and interest of the Grantor in the buildings, improvements, fixtures, rights, privileges, easements, rights of way, reversions, remainders, rents, royalties, issues, and profits which are appurtenant to or obtained from that real property, including, without limitation, all water rights, ditches, ditch rights, timber rights, mineral rights, and development rights which are appurtenant to that real property; all right, title, and interest of the Grantor in any strips and gores between that real property and adjacent properties; and all right, title, and interest of the Grantor in any rights-of-way for public roads, streets, and alleys, either currently in existence or vacated, which adjoin or pass through that real property.

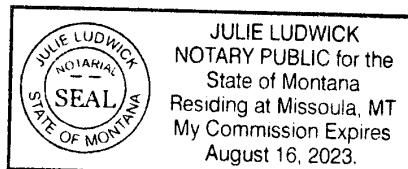
TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantees. And the Grantor hereby covenants to and with the Grantees that he is the owner in fee simple of said premises, that said premises are free from all encumbrances, except taxes and special assessments, if any, payable for the current and subsequent years, and that they will warrant and defend the same and the quiet and peaceable possession thereof from all lawful claims whatsoever.

DATED this 22 day of May

, 2023.
Douglas Hawes-Davis
a/k/a Douglas J. Hawes-Davis

STATE OF MONTANA)
:ss.
County of Missoula)

This instrument was acknowledged before me on the 22 day of May, 2023, by
Douglas Hawes-Davis a/k/a Douglas J. Hawes-Davis.



Julie Ludwick
Notary Public for the State of Montana