



1201 S. 6<sup>th</sup> Street E., Suite 102 | Missoula, MT 59801 | 406.317.1131  
35 8<sup>th</sup> 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.**

A handwritten signature in blue ink, appearing to read 'Craig Schaeffer', is written over the printed name.

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.



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**Applicant's Signature – Douglas Hawes-Davis**

**Date**

8-28-23



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**Applicant's Signature – Eva P. Dunn-Froebig**

**Date**

8-28-23



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

---

Douglas J. Hawes-Davis

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.

Notary Public for the State of Montana.

Printed Notary Name \_\_\_\_\_

---

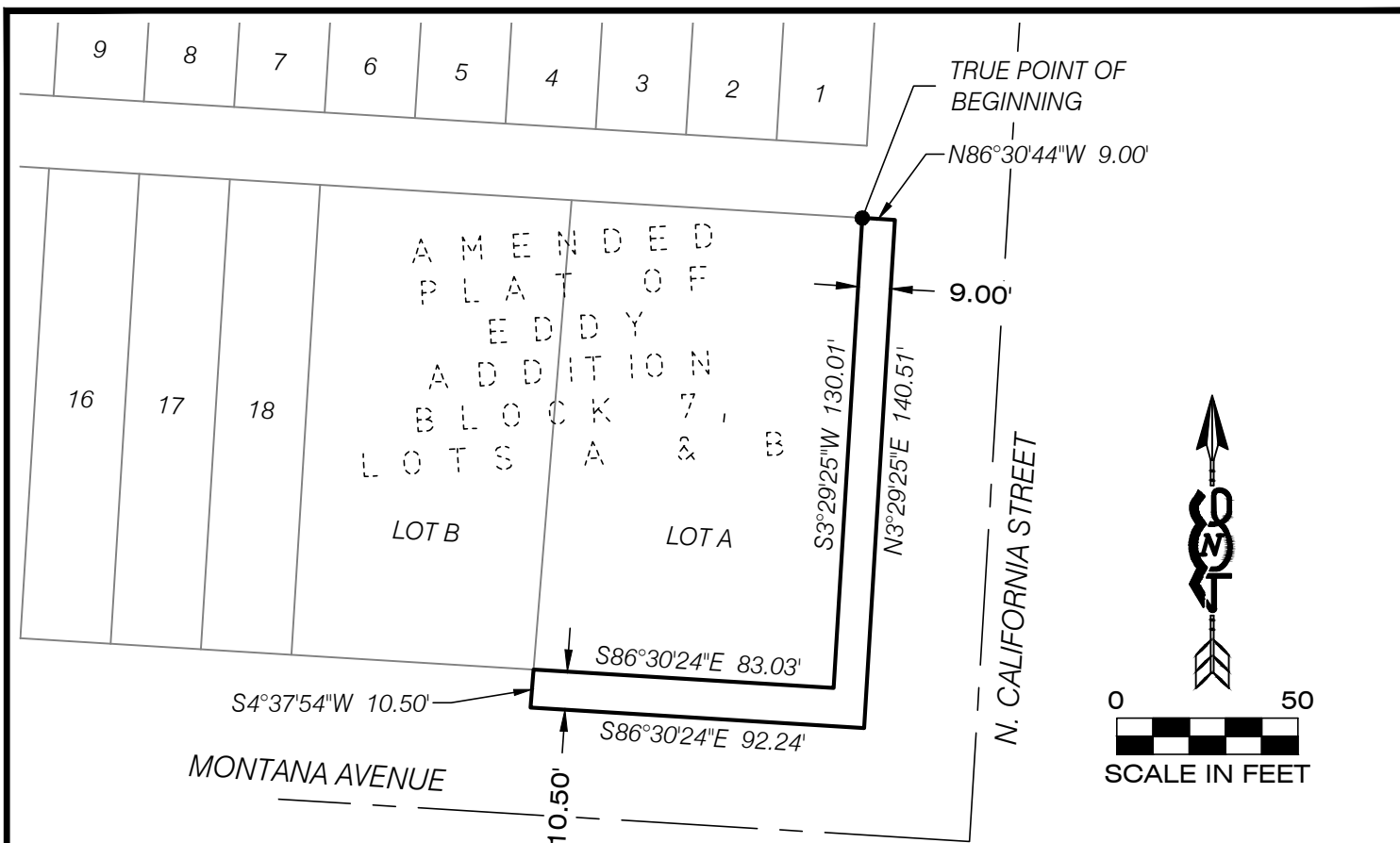
Eva P. Dunn-Froebig

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.

Notary Public for the State of Montana.

Printed Notary Name \_\_\_\_\_

(SEAL)



#### 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.

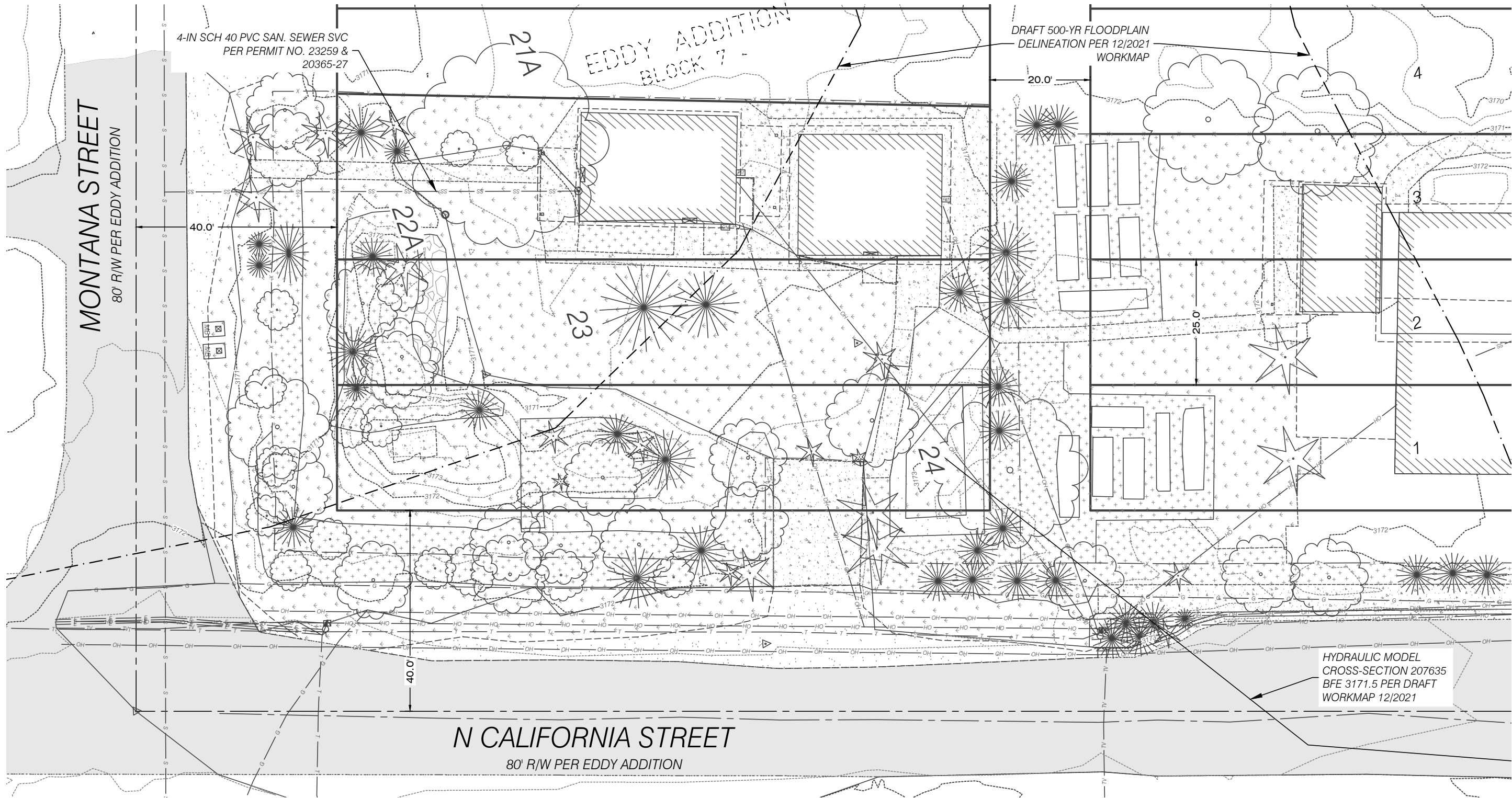


**406 ENGINEERING**  
CIVIL ENGINEERING  
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35 8th St. E.  
Kalispell, MT 59901  
(406) 257-0679

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

(E) WELL
(E) SUMP
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:

- 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.
- CURRENT PROPERTY ZONING DESIGNATION IS R20 PER CITY OF MISSOULA ZONING ORDINANCE.

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.



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

DESIGNED: CS  
DRAFTED: CS  
CHECKED:  
DATE: 1/2024

REVISIONS	DATE

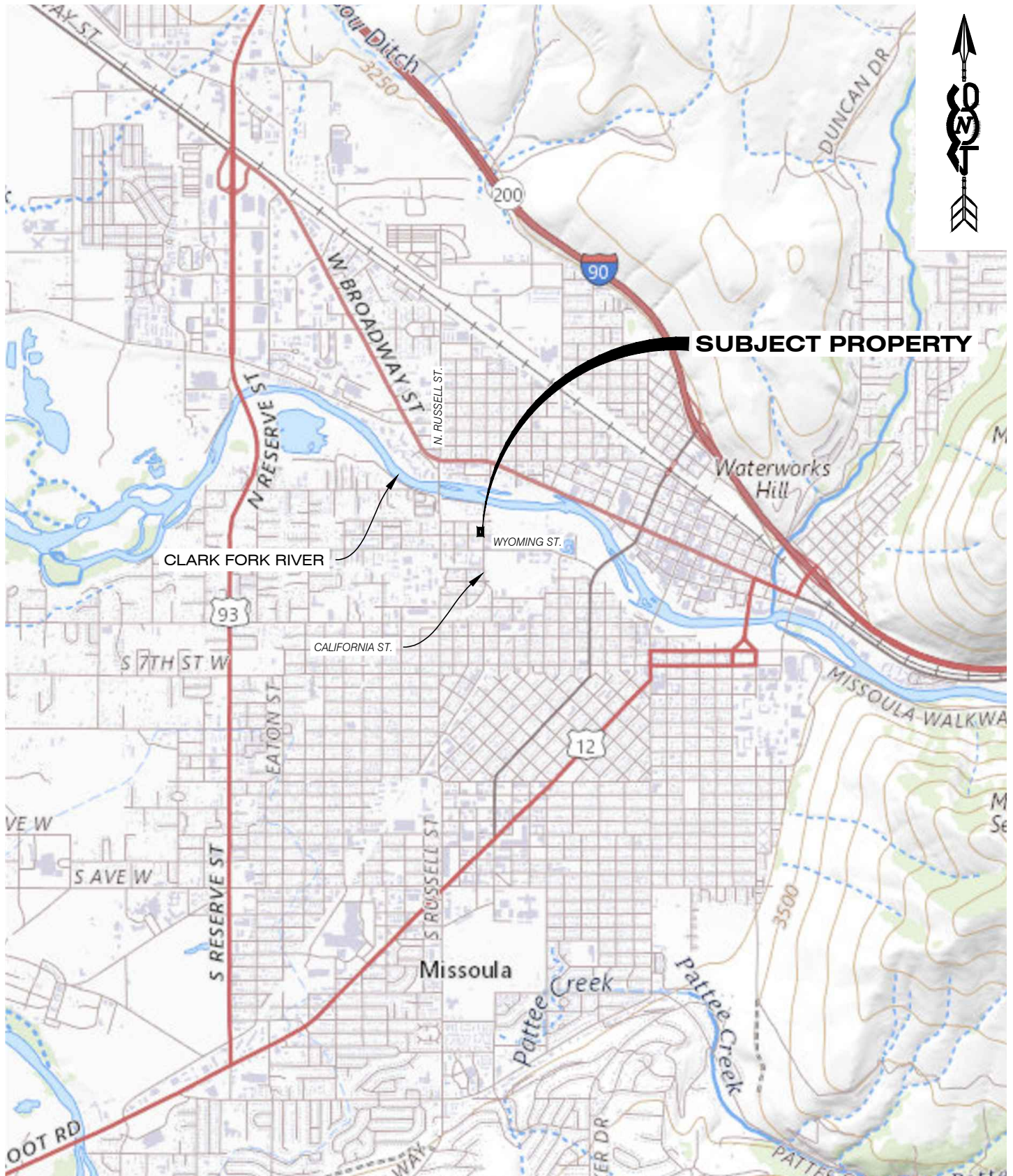
LOCATION: 1200 MONTANA STREET  
LOT 1-3, LOT A, BLK 7 EDDY ADDITION  
S21 T13N R19W  
MISSOULA, MT  
PREPARED FOR:  
HAWES-DAVIS  
DUNN-FROEBIG

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

406 PROJECT NO.  
22-057

SHEET:





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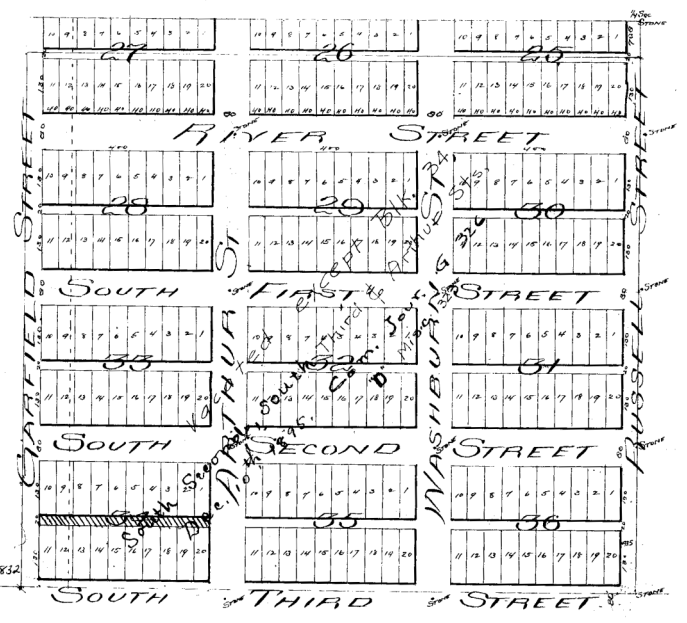
PETITION TO VACATE PUBLIC  
 RIGHT OF WAY  
 BLOCK 7, EDDY ADDITION  
 SEC. 21, T.13N, R.19W, P.M.M.  
 VICINITY MAP

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



STATE OF MONTANA,  
County of Missoula,  
SURVEYOR'S CERTIFICATE  
I, W. H. Hale, on my oath depose and  
say: That the foregoing plat of the above plat  
was compared and found to be a correct copy of the original.  
Compared this 29th day of January, 1925  
ATTEST:  
Subscribed and sworn to before me this 29th day of January, 1925  
W. H. Hale  
Surveyor in and for Missoula County, Montana

Alley in  
Bk. 34 Vacated  
Resolution # 420  
Book 46, Micro, 12, 832

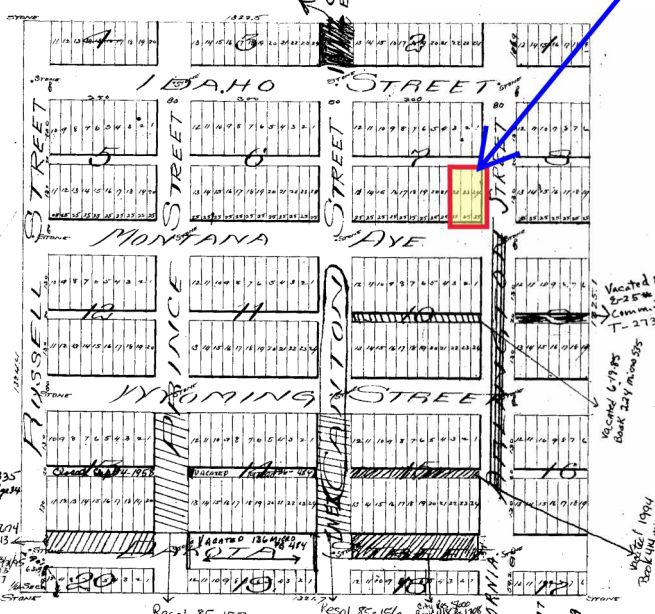


FLAT OF THE  
D. H. ADDITION  
TO THE  
CITY OF MISSOULA  
Scale 200' = 1"

Data received Missoula Co. -  
Clark & Records office, 8-27-76  
Letter of Lifting of said  
restriction Dated  
Jan 10 State Books of Sec'd  
according to Chapter 93 of the  
Laws of Montana 1961 reg. No.  
135 Addition by name  
found by Surveyor's Office (Certificate of Survey # 955)

STATE OF MONTANA,  
County of Missoula,  
SURVEYOR'S CERTIFICATE  
I, W. H. Hale, on my oath depose and  
say: That the foregoing plat of the above plat  
was compared and found to be a correct copy of the original.  
Compared this 29th day of January, 1925  
ATTEST:  
Subscribed and sworn to before me this 29th day of January, 1925  
W. H. Hale  
Surveyor in and for Missoula County, Montana

Comd - Z335  
Book T. Reg 14



FLAT OF THE  
EDDY ADDITION  
Scale 200' = 1"

SUBJECT  
PROPERTY

Know Ye that we Joseph Schauf and Frank P. Kern by our attorney in fact James B. Ryman, comes in full of all the land embraced in and covered by the approved plat and being a portion of the North half of the South East quarter of Section Twenty Township 13 North Range 13 West 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. H. Addition to the City of Missoula. That all the streets and alleys as shown on said plat are hereby declared public and dedicated to public use.  
Witness our hands and seals this 29th day of January A.D. 1890  
Joseph Schauf  
Frank P. Kern  
James B. Ryman  
Attorneys in fact.

State of Montana }  
County of Missoula } On this 3rd day of January 1890 before the undersigned a Notary Public in and for Missoula County,  
State of Montana personally came Joseph Schauf and Frank P. Kern by their attorney in fact James B. Ryman  
personally known to me to be the same person described in and who executed the foregoing instrument of dedication  
and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein  
mentioned. In witness whereof I have hereunto set my hand and Notarial seal this day and year first herein  
written  
J. B. Ryman  
Notary Public

State of Montana }  
County of Missoula } George F. Brooks being first duly sworn on oath says: I am a civil engineer; that during the  
month of December 1889 I executed a survey of the lots, blocks, streets and alleys represented by this plat  
and called the D. H. Addition to the City of Missoula. That the 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 some  
monuments are placed as shown and in accordance with the law.  
Subscribed and sworn to before me this 29th day of January 1890  
Geo. F. Brooks  
Notary Public

State of Montana }  
County of Missoula } We, J. E. Marion, A. Miltown and H. Penneault, Commissioners in and for the  
County and State of Montana do hereby certify that this map or plat of D. H. Addition to  
the City of Missoula was by us approved on this 6th day of January A.D. 1890.  
In witness whereof we have hereunto set our hands and seal of Missoula County this  
6th day of January A.D. 1890  
J. E. Marion Chairman of Board  
A. Miltown }  
H. Penneault } Commissioners.  
Filed for record January 6th 1890 at 12:5 o'clock P.M.  
S. D. Bogart  
Co. Recorder.

Know Ye that I, A. D. Stannard being the President of the South Missoula Land Company, comes in full of all  
the land embraced in the Eddy Addition  
21 Township 13 North Range 19 West 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 to be known as a public record to be known and designated as the Eddy Addition  
and they are hereby dedicated to public use.  
In witness whereof I have hereunto set my hand and seal this 6th day of Jan. 1890  
South Missoula Land Co.  
A. D. Stannard and Pres.

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 A. D. Stannard personally known to me to be  
the same person described in and who executed the foregoing instrument of dedication and who  
acknowledged to me that he executed the same freely and voluntarily for the uses and purposes  
therein mentioned.  
In witness whereof I have hereunto set my hand and official seal this the day and date  
first above written.  
Geo. F. Brooks  
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 executed 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 some monuments are placed as shown and in accordance  
with the law.  
Subscribed and sworn to before me this 6th day of Jan 1890  
Geo. F. Brooks  
Notary Public

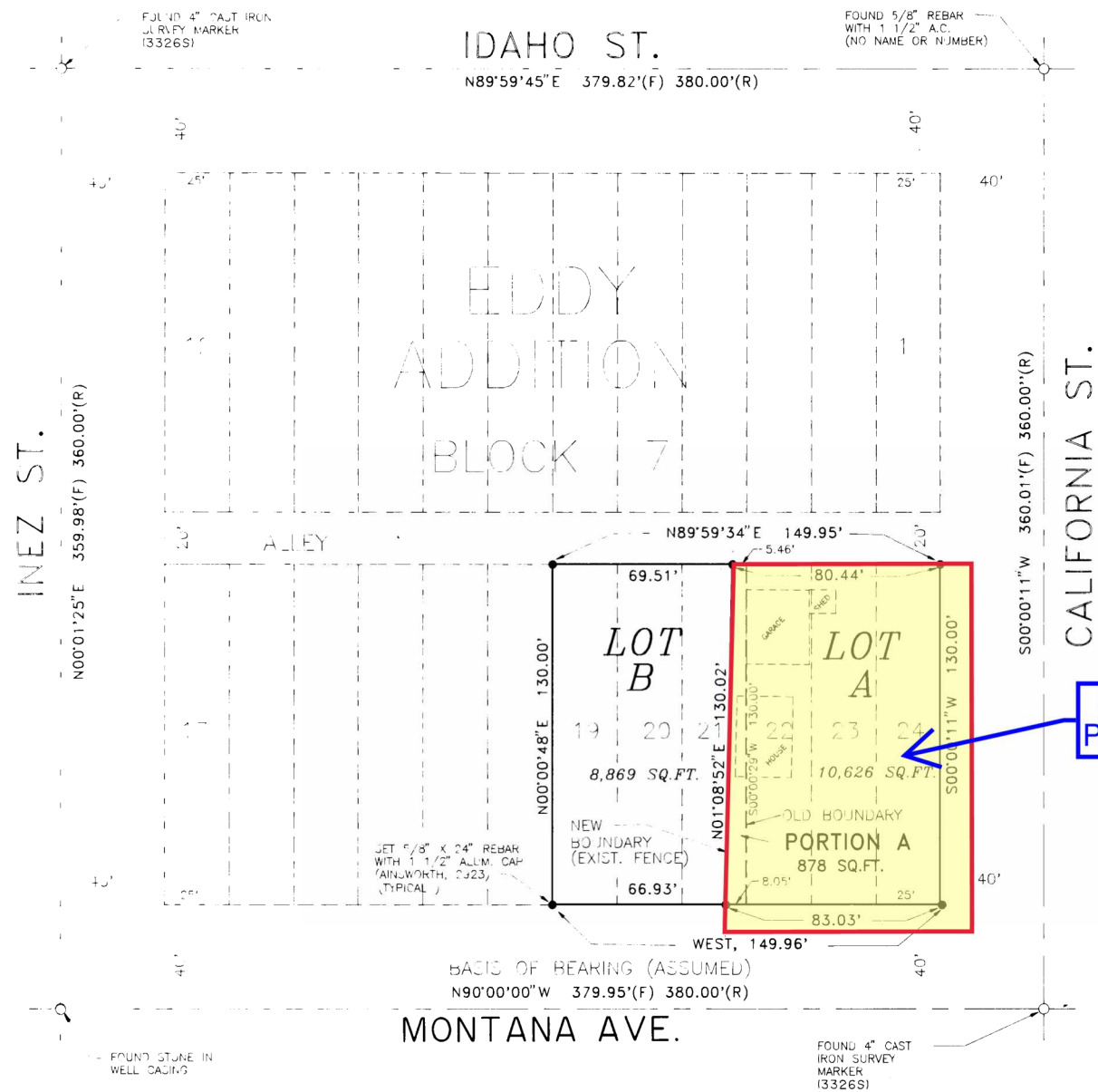
State of Montana }  
County of Missoula } We, J. E. Marion, A. Miltown and H. Penneault, Commissioners in and for the  
County and State of Montana do hereby certify that this map or plat of Eddy Addition was by us  
approved on this the sixth day of January A.D. 1890. In witness whereof we have hereunto set our hands  
and the seal of Missoula County this sixth day of January A.D. 1890.  
J. E. Marion Chairman of Board  
A. Miltown }  
H. Penneault } Commissioners.  
Filed for record Jan 6th 1890 at 1:5 o'clock P.M.  
S. D. Bogart  
Co. Recorder



19-9

# EDDY ADDITION BLOCK 7, LOTS A & B

AN AMENDED PLAT OF LOTS 19 THROUGH 24, BLOCK 7, EDDY ADDITION, TO SHOW THE RELOCATION OF A COMMON BOUNDARY BETWEEN ADJACENT LOTS, LOCATED IN THE NW1/4 SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA, MISSOULA COUNTY.

**SUBJECT  
PROPERTY**

## PERIMETER LEGAL DESCRIPTION

19-9 BOOK 413 PAGE 2059

Lots 19, 20, 21, 22, 23 & 24, Block 7, Eddy Addition, a platted subdivision of Missoula, Montana, located in the Northwest one-quarter (NW1/4) of Section 21, Township 13 North, Range 19 West, Principal Meridian, Missoula County, Montana. Containing 19,495 square feet (0.45 acres) more or less, being subject to all easements or rights-of-way as shown, existing or of record, and all according to the attached plat.

## OWNER'S CERTIFICATION

We hereby certify that the purpose of this division of land is to relocate common boundary lines (of five or fewer lots) within a platted subdivision, therefore this division of land is exempt from review as a subdivision pursuant to Section 76-3-207 (1) (d) M.C.A., and further I certify that the purpose for this division of land is to correct errors in construction where buildings, shrubs, or other permanent vegetation may encroach upon the neighboring property, therefore, this division of land is exempt from review by the Department of Health and Environmental Sciences pursuant to ARM 16.16.605 (2)(b).

We further certify that this plat is to be known as EDDY ADDITION, BLOCK 7, LOTS A & B.

John R. Shields  
Brandt Estate, by the Executor thereof

STATE OF MONTANA )  
County of Missoula )

This instrument was acknowledged before me on May 6, 1994, by John R. Shields, the Executor of the Brandt Estate.

ss Halle Cobble  
Notary Public for the State of Montana  
My Commission expires 3-15-98

Casper Veitenheimer  
Casper Veitenheimer

STATE OF MONTANA )  
County of Missoula )

This instrument was acknowledged before me on May 6, 1994, by Casper Veitenheimer.

ss Halle Cobble  
Notary Public for the State of Montana  
My Commission expires 3-15-98

## SURVEYOR'S CERTIFICATION

I hereby certify that the attached plat represents a survey substantially completed under my supervision on the date shown hereon.

ss Richard A. Ainsworth  
Richard A. Ainsworth  
Professional Land Surveyor  
Montana Registration No. 2923S

## FINAL APPROVAL OF THIS AMENDED PLAT GRANTED BY:

Bruce J. Bend 5/9/94  
MISSOULA CITY ENGINEER DATE  
Dea Q. Vile 5-10-94  
MISSOULA CITY-COUNTY SANITARIAN DATE

## PURPOSE OF SURVEY

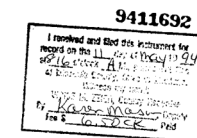
The purpose of this survey is to relocate common boundary lines (of five or fewer lots) within a platted subdivision, therefore this division of land is exempt from review as a subdivision pursuant to Section 76-3-207 (1) (d) M.C.A., and further, the purpose for this division of land is to correct errors in construction where buildings, shrubs, or other permanent vegetation may encroach upon the neighboring property, therefore, this division of land is exempt from review by the Department of Health and Environmental Sciences pursuant to ARM 16.16.605 (2)(b).

## NOTE:

This document shall not be used as reference for any subsequent conveyance of that property shown hereon as Portion "A".

## OWNERS

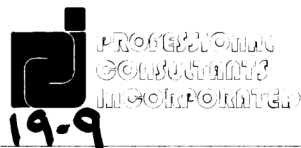
LOTS 19, 20, & 21 - CASPER VEITENHEIMER  
LOTS 22, 23, & 24 - BRANDT ESTATE



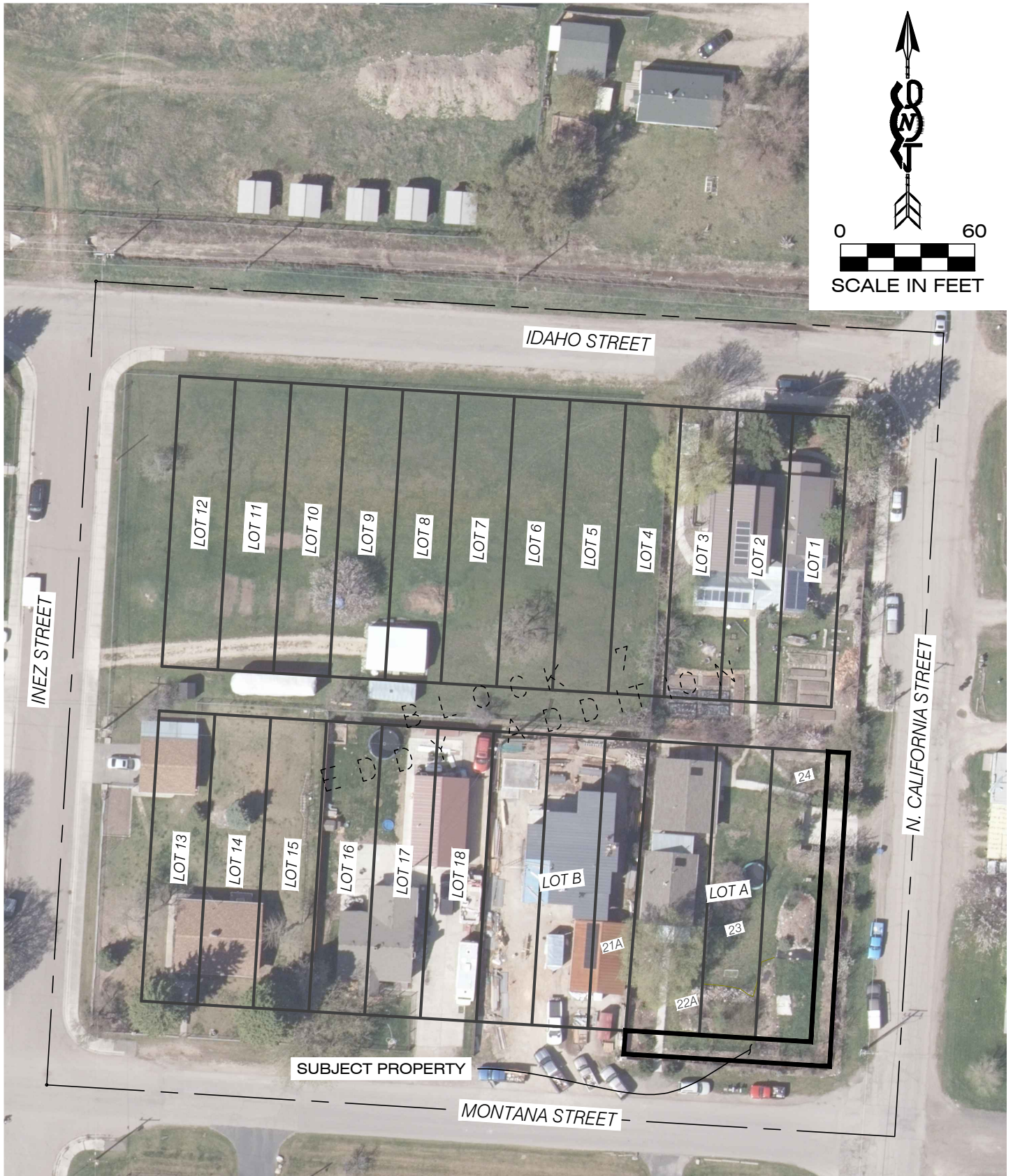
Book 19 Plats Page 9  
File 0-9  
Checklist # 1533  
Ownership Report # 1143

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	21	13N	19W
<input type="checkbox"/>			
<input type="checkbox"/>			

SHEET 1 OF 1  
AMENDED PLAT OF  
EDDY ADDITION, BLK 7,  
LOTS A & B  
MISSOULA COUNTY, MT.



PREPARED AT THE REQUEST OF: LORIN PETERSON @ LAMBROS REALTY  
PCI PROJECT NO. 5001-94



## 406 ENGINEERING

CIVIL ENGINEERING  
LAND USE CONSULTING

1201 S. 6th St. W.  
Missoula, MT 59801  
(406) 317-1131

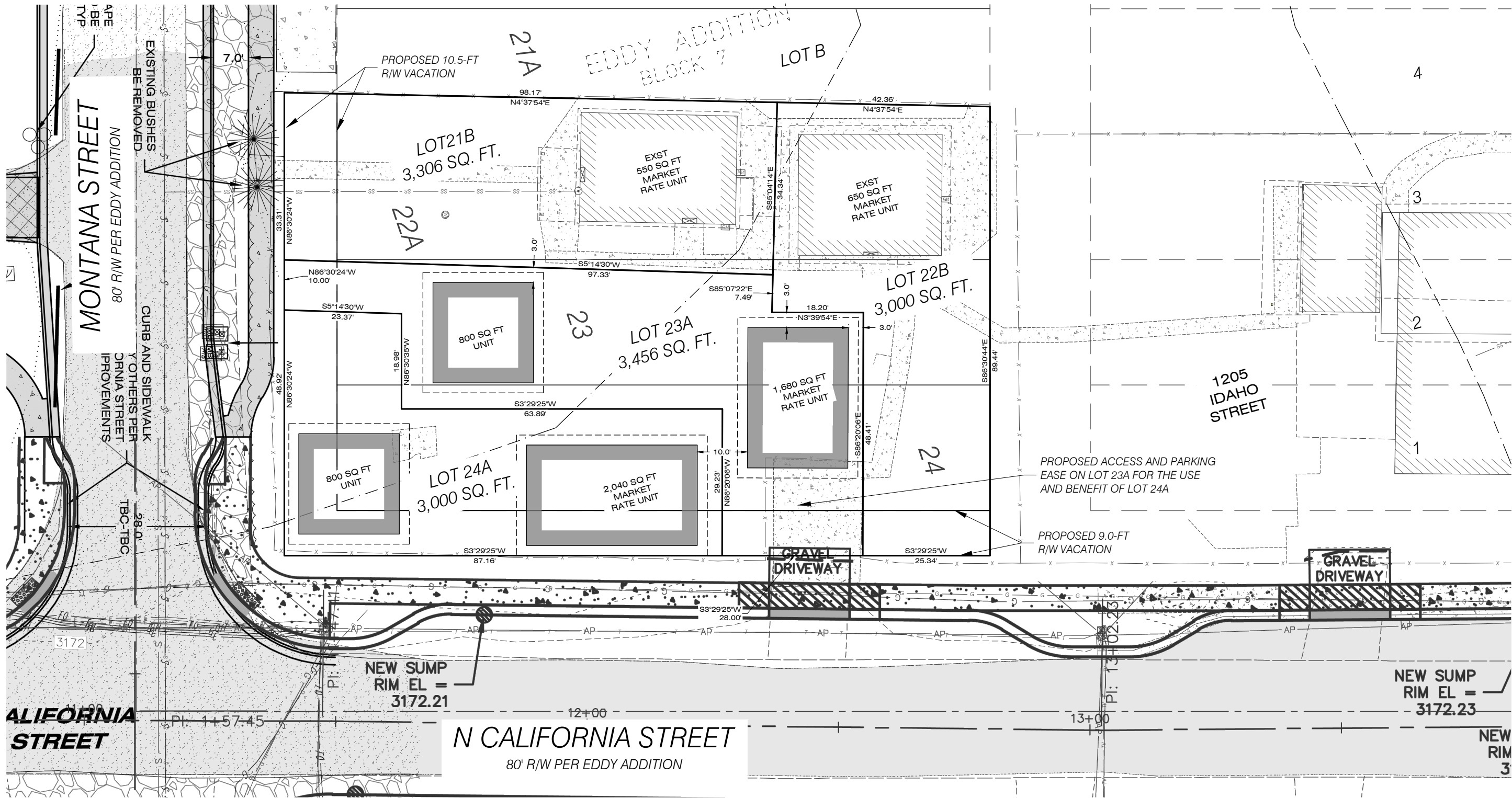
35 8th St. E.  
Kalispell, MT 59901  
(406) 257-0679

[www.406engineeringinc.com](http://www.406engineeringinc.com)

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:

- 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.
- CURRENT PROPERTY ZONING DESIGNATION IS R20 PER CITY OF MISSOULA ZONING ORDINANCE.
- 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.



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

DESIGNED: CS  
DRAFTED: CS  
CHECKED:  
DATE: 2/2024

REVISIONS	DATE

LOCATION: 1200 MONTANA STREET  
LOT 1-3, LOT A, BLK 7 EDDY ADDITION  
S21 T13N R19W  
MISSOULA, MT  
PREPARED FOR:  
HAWES-DAVIS  
DUNN-FROEBIG

PROJECT NAME  
1200 MONTANA STREET  
1205 IDAHO STREET  
SHEET TITLE:  
PROPOSED  
SITE PLAN

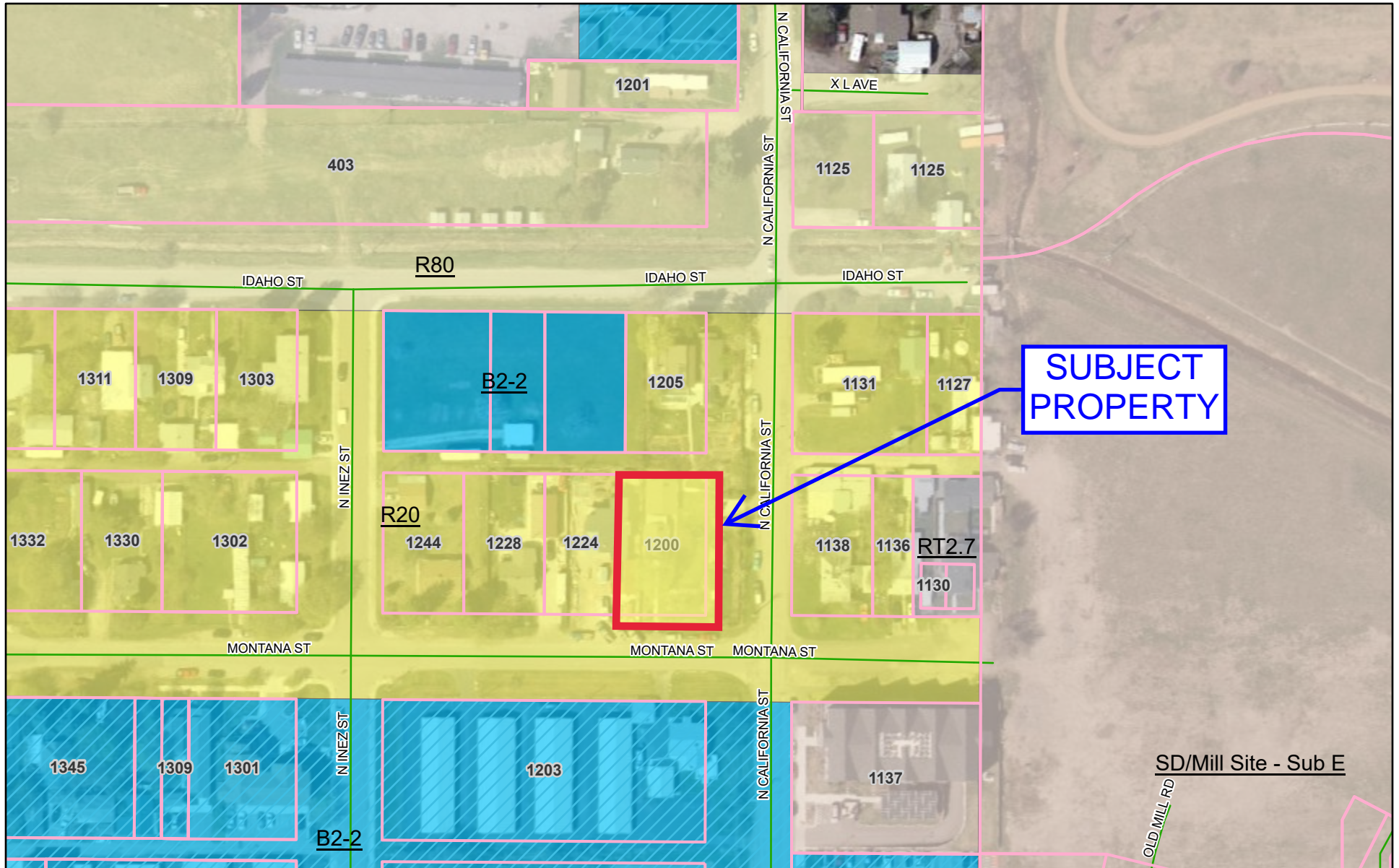
406 PROJECT NO.  
22-057

SHEET:  
2 OF 2

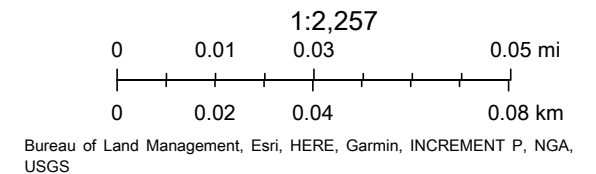
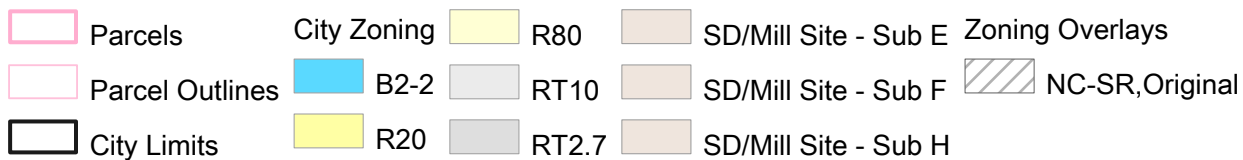
DRAWN BY: CHAD SCHAEFER / 406 ENGINEERING, DOCUMENT: 22-057, PROJECT: 2022 PROJECTS/22-057, DATE: 2/2024, 12:51 PM, BY: CHAD SCHAEFER / 406 ENGINEERING



# City of Missoula: What's My Zoning

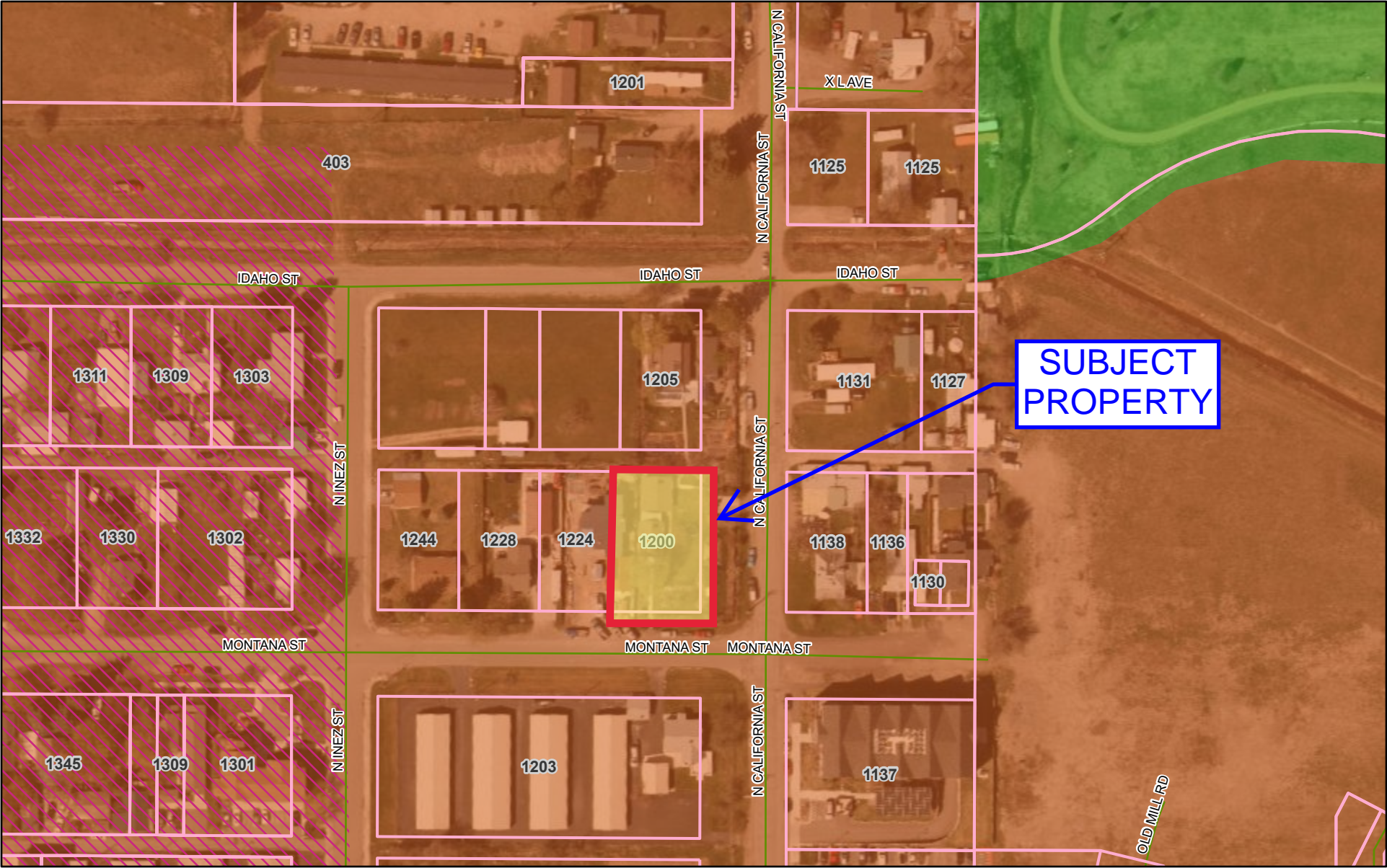


8/25/2023, 5:19:52 PM



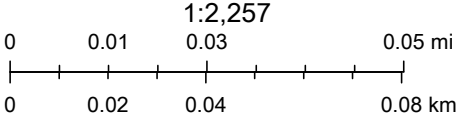


# City of Missoula: Land Use



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

- Parcels
- Parcel Outlines
- City Limits
- Land Use
- Community Mixed Use
- Parks and Open Lands
- Land Use - Cottage Industry Overlay

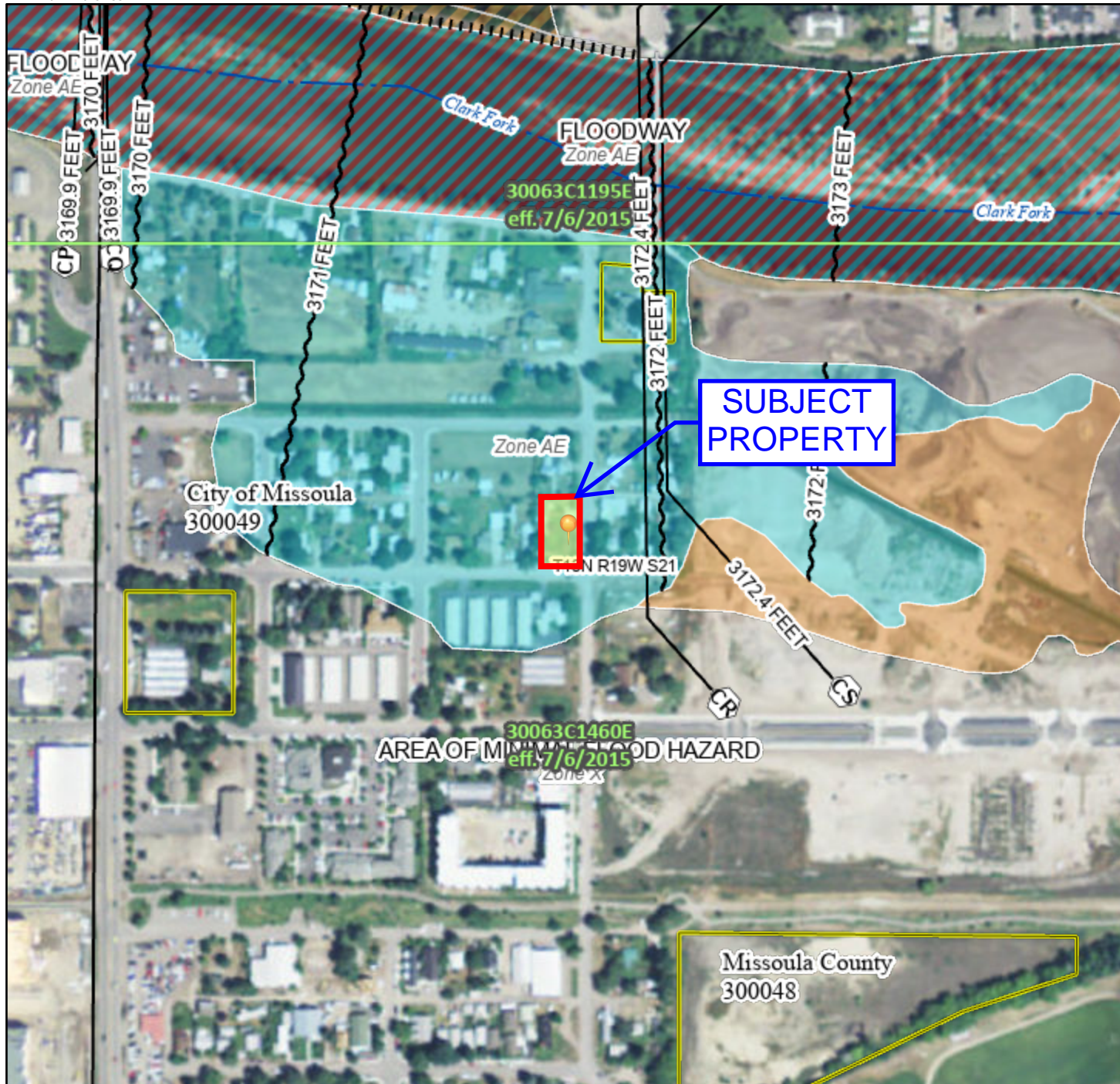




# National Flood Hazard Layer FIRMeTte



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		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		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.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

114°0'33"W 46°52'11"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020



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

**LEGEND**

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

**Labels**

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

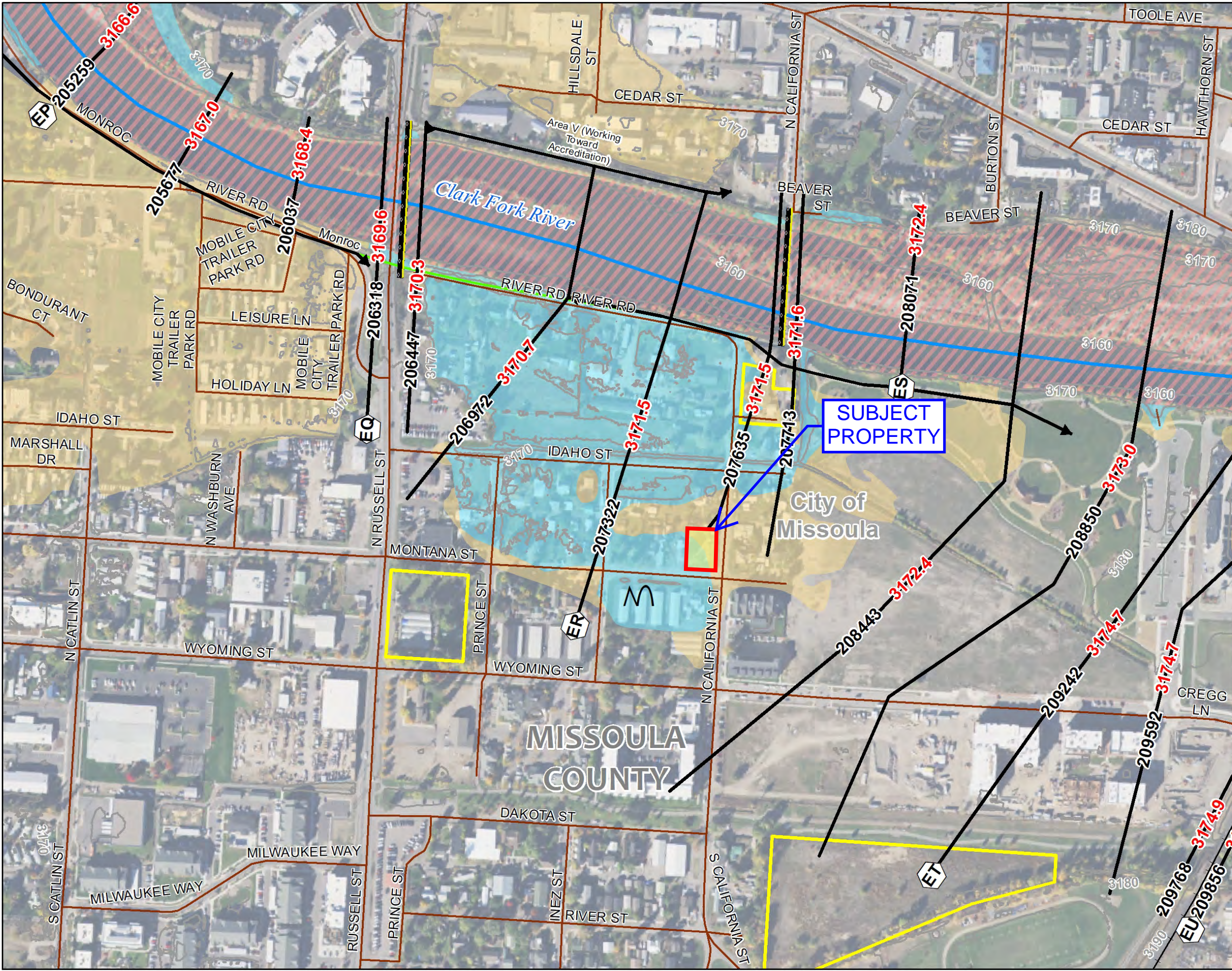
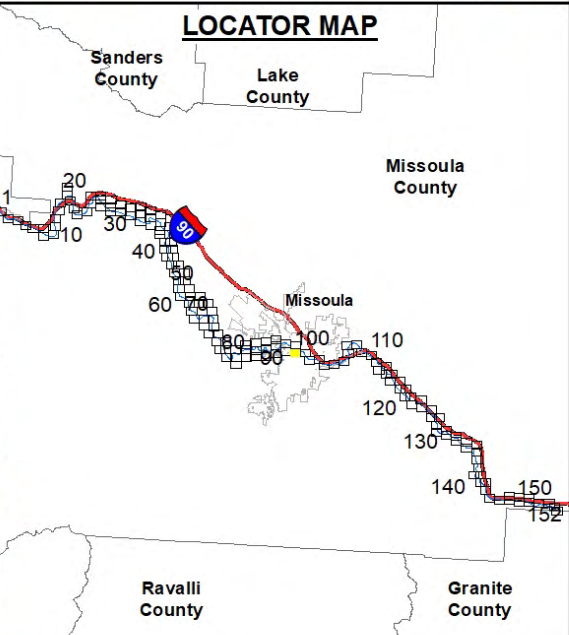
NOTE: STANDARDIZED SYMBOLY IS USED IN THE LEGEND BUT NOT ALL FEATURES MAY BE PRESENT ON EACH PANEL.

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





**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.

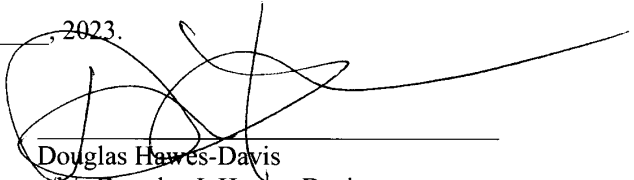
Recording Reference: Document No. 201802149, Book 992, Page 955  
Property Address: 1224 Montana St., Missoula, MT 59801  
Assessment Code: 0002329007  
Geocode: 04-2200-21-2-10-03-0000

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.

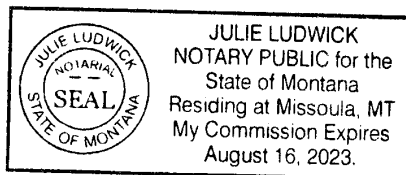
TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantees. And the Grantor hereby covenants to and with the Grantees that he is the owner in fee simple of said premises, that said premises are free from all encumbrances, except taxes and special assessments, if any, payable for 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.

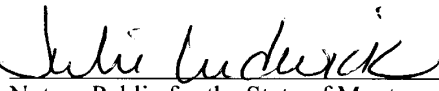
DATED this 22 day of May, 2023.

  
\_\_\_\_\_  
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.



  
\_\_\_\_\_  
Notary Public for the State of Montana