



P.O. Box 16462 | 5475 Alloy South
Missoula, Montana 59808
Tel: 406.549.5022

www.elisurvey.com

PUBLIC RIGHT-OF-WAY VACATION PROPOSAL SUMMARY

Location:

The public right-of-way to be vacated is a portion of Pacific Avenue, located in the Southwest One-Quarter of Section 15, Township 13 North, Range 19 West, Principal Meridian Montana; City of Missoula, Montana. Being more particularly described as follows:

Beginning at the westerly corner of Lot 10 of Block 65 of Urlin's Addition; thence, N50°16'00"W, 68.00' to the centerline of Pacific Avenue; thence, N39°44'00"E along said centerline, 20.00 feet to the southwesterly boundary of the portion of Pacific Avenue vacated per City Resolution No. 3543; thence, S50°16'00"E along said southwesterly boundary, 33.00 feet to the northwesterly boundary of said Lot 10; thence, S39°44'00"W along said northwesterly boundary, 20.00 feet to the point of beginning; containing 660 square feet, more or less.

Existing Site Conditions:

The right-of-way to be vacated is a remaining portion of platted Pacific Avenue vacated per City of Missoula Resolution No. 3543. There are existing subsurface utility lines through the proposed vacation area. These subsurface utility lines would not be affected by the proposed right-of-way vacation. A request to vacate a portion of the utility easement is being prepared concurrently with this application and will be finalized upon approval. The right-of-way does not contain public transportation improvements such as curb or sidewalk.

Purpose of Vacating the Right-of-Way

This portion of Pacific Avenue provides access to Lot 10 of Urlin's Addition and appears to have been historically used as a parking area for this lot. The purpose of the right-of-way vacation is to add approximately 660 square feet to Lot 10. No project associated with the right-of-way vacation is currently proposed. Given its location and current condition, there is no apparent public benefit to keeping this portion of the right-of-way open and no negative impacts to the public are anticipated as a result of the right-of-way vacation.

RIGHT-OF-WAY VACATION APPLICATION

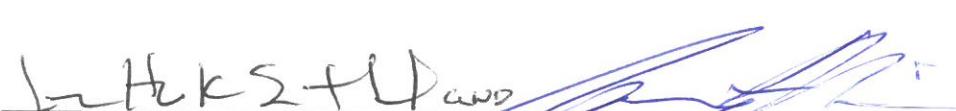
A. GENERAL INFORMATION

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 the appropriate review fee.
3. Proposed Right-of-Way Vacation:
4. Name(s) of Applicant(s): **Jeanette K. Sutherland and Shayne Williams**
Mailing Address: **827 N 6th St W, Missoula, MT 59802**
Telephone Number: **406-728-2326**
Email Address: **ksutherland@hotmail.com**
5. Name(s) of all Owners of Record
Adjacent to Right-of-Way: **Jeanette K. Sutherland and Shayne Williams**
Mailing Address: **827 N 6th St W, Missoula, MT 59802**
Telephone Number: **406-728-2326**
Email Address: **ksutherland@hotmail.com**
6. Name and Company &
Representative: **Eli & Associates, Inc. c/o Joshua Phillips**
Mailing Address: **PO Box 16462**
Telephone Number: **406-549-5022**
Email Address: **joshua@elisurvey.com or marias@elisurvey.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.

 11/10/23
Applicant's Signature – Jeanette K. Sutherland & Shayne Williams

Date

 11/10/23
Owner's Signature – Jeanette K. Sutherland & Shayne Williams

Date

 11/10/23
Representative's Signature - Joshua Phillips

Date

B. SUBJECT PROPERTY INFORMATION

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

The public right-of-way to be vacated is a portion of Pacific Avenue, located in the Southwest One-Quarter of Section 15, Township 13 North, Range 19 West, Principal Meridian Montana; City of Missoula, Montana. Being more particularly described as follows:

Beginning at the westerly corner of Lot 10 of Block 65 of Urlin's Addition; thence, N50°16'00"W, 68.00' to the centerline of Pacific Avenue; thence, N39°44'00"E along said centerline, 20.00 feet to the southwesterly boundary of the portion of Pacific Avenue vacated per City Resolution No. 3543; thence, S50°16'00"E along said southwesterly boundary, 33.00 feet to the northwesterly boundary of said Lot 10; thence, S39°44'00"W along said northwesterly boundary, 20.00 feet to the point of beginning; containing 660 square feet, more or less.

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

Urlin's Addition, Block 65, Lot 10 & Portion "A" of Urlin's Addition, Block 65, Lots 8 & 9

3. Geocode(s) of adjacent property:

04-2200-15-3-20-07-0000

C. 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;

On June 21, 1976, a portion of Pacific Avenue was vacated per City Resolution No. 3543. The purpose of this petition is to vacate an additional portion of Pacific Avenue adjacent to Urlin's Addition, Block 65, Lot 10 & Portion 'A' Urlin's Addition, Block 65, Lots 8 & 9. This portion of the right-of-way appears to have been historically used as a parking area for the adjacent lots.

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

If the right-of-way vacation is approved, approximately 660 square feet will be added to Lot 10 of Urlin's Addition. There are no improvements currently proposed in the area. Please see attached site-plan.

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

The City of Missoula has water and sanitary sewer located in this area. They will not be affected by the use of land after the proposed vacation. Northwestern Energy has an underground gas line and overhead electric line in the area. Per MCA 7-14-4115, the vacation shall not affect the right of any public utility to continue to maintain its plant and equipment in any such streets or alleys.

- d. An evaluation of the 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;

A vacation of the right-of-way is the only feasible option.

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

The portion of the vacated street adjacent to Lot 10 would revert to private property and be added to the taxable area for Lot 10.

- 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.

There are no feasible public benefits to exchange.

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 not "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 feet
- 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. **N/A**

- 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:

A portion of Pacific Avenue, located in the Southwest One-Quarter of Section 15, Township 13 North, Range 19 West, Principal Meridian Montana; City of Missoula, Montana. Being more particularly described as follows:

Beginning at the westerly corner of Lot 10 of Block 65 of Urlin's Addition; thence, N50°16'00"W, 68.00' to the centerline of Pacific Avenue; thence, N39°44'00"E along said centerline, 20.00 feet to the southwesterly boundary of the portion of Pacific Avenue vacated per City Resolution No. 3543; thence, S50°16'00"E along said southwesterly boundary, 33.00 feet to the northwesterly boundary of said Lot 10; thence, S39°44'00"W along said northwesterly boundary, 20.00 feet to the point of beginning; containing 660 square feet, more or less.

PETITIONER'S SIGNATURE:

Jeanette K. Sutherland

Jeanette K. Sutherland

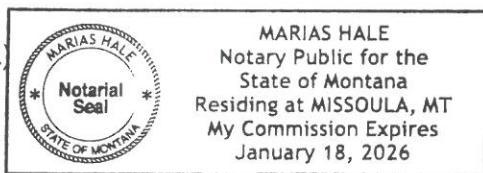
Shayne Williams

STATE OF MONTANA)
)
) ss.
County of Missoula)

On this 10 day of November, 2023, before me the undersigned, a Notary Public for the State of Montana, personally appeared Jeanette K. Sutherland and Shayne Williams, 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.

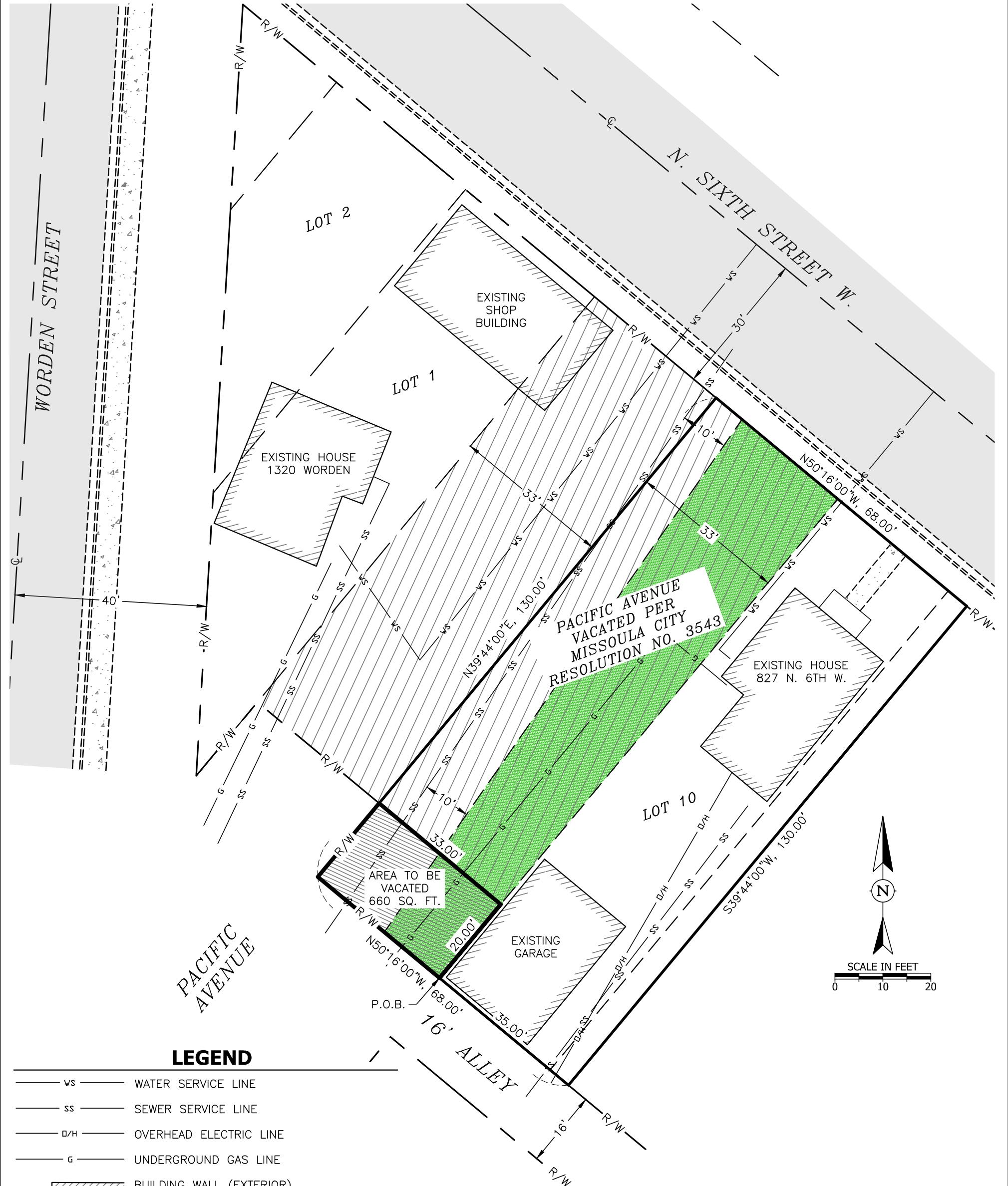
(SEAL)



Marias Hale

Notary Public for the State of Montana.
Printed Notary Name MARIAS HALE
Residing at MISSOULA, Montana.
My Commission expires: 01/18/2026
MM/DD/YYYY

EXHIBIT - PROPOSED VACATION OF A PORTION OF PACIFIC AVENUE



LEGEND

— WS —	WATER SERVICE LINE
— SS —	SEWER SERVICE LINE
— Ø/H —	OVERHEAD ELECTRIC LINE
— G —	UNDERGROUND GAS LINE
	BUILDING WALL (EXTERIOR)
	EXISTING CONCRETE CURB AND GUTTER
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT
	AREA VACATED PER RESOLUTION 3543
	AREA TO BE VACATED
	AREA OF UTILITY EASEMENT TO BE VACATED
¢	CENTERLINE
R/W	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING

LEGAL DESCRIPTION

A PORTION OF PACIFIC AVENUE TO BE VACATED, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN MONTANA; CITY OF MISSOULA, MONTANA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY CORNER OF LOT 10 OF BLOCK 65 OF URLIN'S ADDITION; THENCE, N50°16'00" W, 68.00 FEET TO THE CENTERLINE OF PACIFIC AVENUE; THENCE, N39°44'00" E ALONG SAID CENTERLINE, 20.00 FEET TO THE SOUTHWESTERLY BOUNDARY OF THE PORTION OF PACIFIC AVENUE VACATED PER CITY RESOLUTION NO. 3543; THENCE, S50°16'00" E ALONG SAID SOUTHWESTERLY BOUNDARY, 33.00 FEET TO THE NORTHWESTERLY BOUNDARY OF SAID LOT 10; THENCE, S39°44'00" W ALONG SAID NORTHWESTERLY BOUNDARY, 20.00 FEET TO THE POINT OF BEGINNING; CONTAINING 660 SQUARE FEET, MORE OR LESS.

URLIN'S ADDITION, BLOCK 65, LOT 10 & PORTION 'A' OF URLIN'S
ADDITION, BLOCK 65, LOTS 8 & 9; SW1/4, S15, T13N, R19W, PMM;
CITY OF MISSOULA, MISSOULA COUNTY, MONTANA
ELI PROJECT NO. 23-8651 DRAWN: NOVEMBER 28, 2023
PREPARED FOR: SHAYNE WILLIAMS & JEANETTE SUTHERLAND



Eli & Associates, Inc.

www.elisurvey.com

BASIS OF BEARINGS: GRID NORTH OF
MONTANA STATE PLANE COORDINATE
SYSTEM NAD83 (GROUND DISTANCES)

Vicinity Map



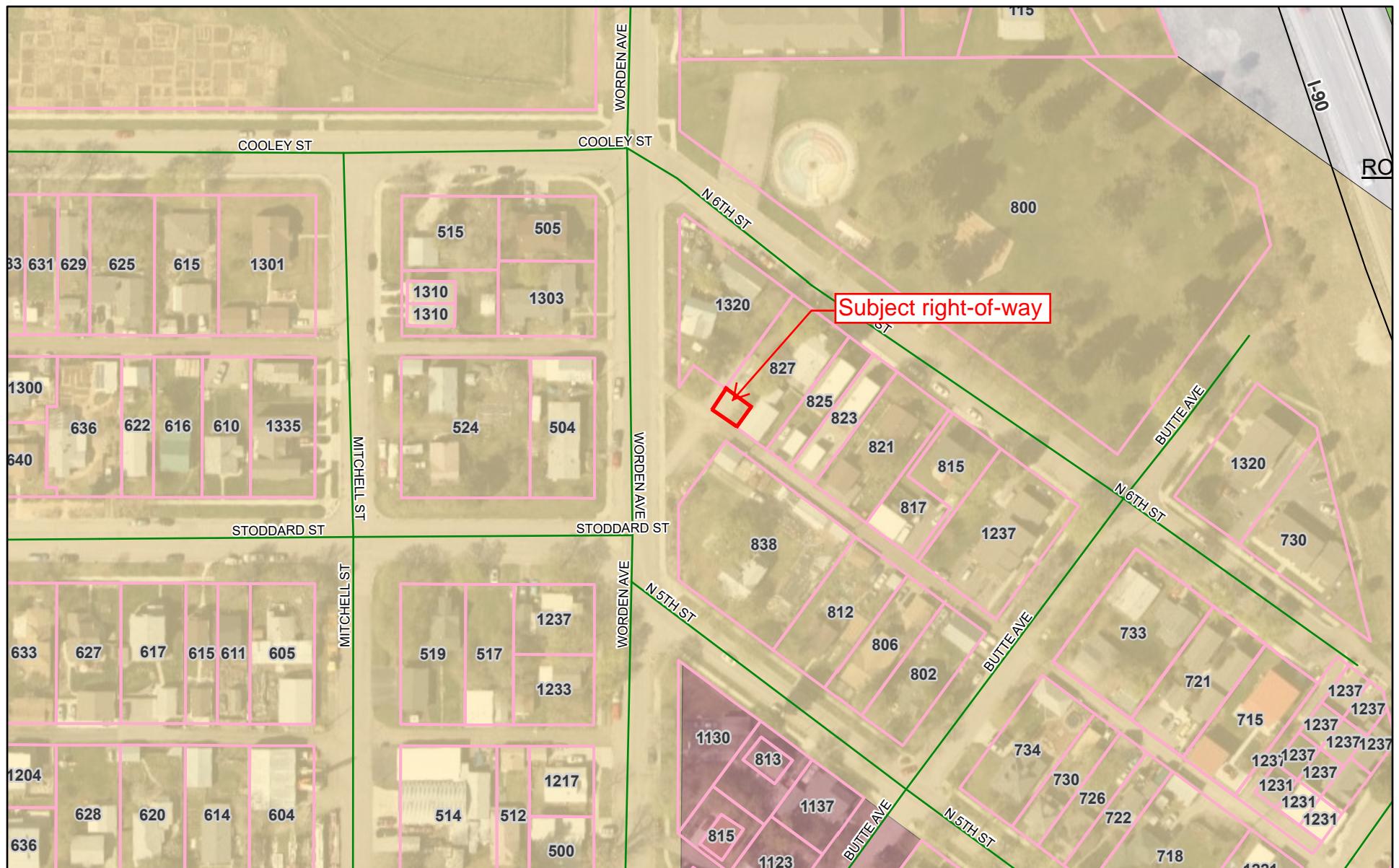
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Aerial



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City of Missoula: Zoning



9/26/2023, 10:01:21 AM

1:2,257

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

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

- Parcels
- City Zoning RM1-45
- Parcel Outlines
- C1-4
- City Limits
- ROW
- OP2

Land Use Map

Public and Quasi-Public



COOLEY ST

MITCHELL ST

Alley

WORDEN AVE

Residential High



MITCHELL ST

Alley

WORDEN AVE

DEFOE ST

N H

Residential High

Parks and Open Lands

Neighborhood Mixed Use

N 5TH ST W

WORDEN AVE

BUTTE ST

N 5TH ST W

TT AVE

BUTTE ST

TT AVE

Subject right-of-way

0 0.00 0.01 0.03 0.04 0.06 0.07 Miles

630

Map Center: X: -113.99724 - Y: 46.88418



Missoula
COUNTY

Date: 9/20/2023

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X
—MAP OF—
—VALIN'S ADDITION—
—TOTHE—
—TOWN OF MISSOULA—
—SCALE 200' = 1"—
—APR. 1883—

Know y^e that I, Alfred J. Urini, being the owner in fee of all the land embraced in and covered by the annexed plat, 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 Urini's Addition to the town of Missoula. That the streets and alleys as shown in said plat are hereby declared public and dedicated to public use.

Witness my hand and seal this 28th day of April 1883
(Signed) Alfred J. Urbin 

Territory of Montana }
County of Missoula } SS

(On this 28 day of April 1883, before the undersigned a Notary Public in and for Montana Territory personally appeared Alfred J. Milin, personally known to me to be the same person described in, and who executed the foregoing declaration and acknowledged to me that he executed the same freely and voluntarily in the manner and form as aforesaid mentioned)

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. . . . (Signed) Frank H. Woody
Notary Public

— Surveyor's Affidavit —

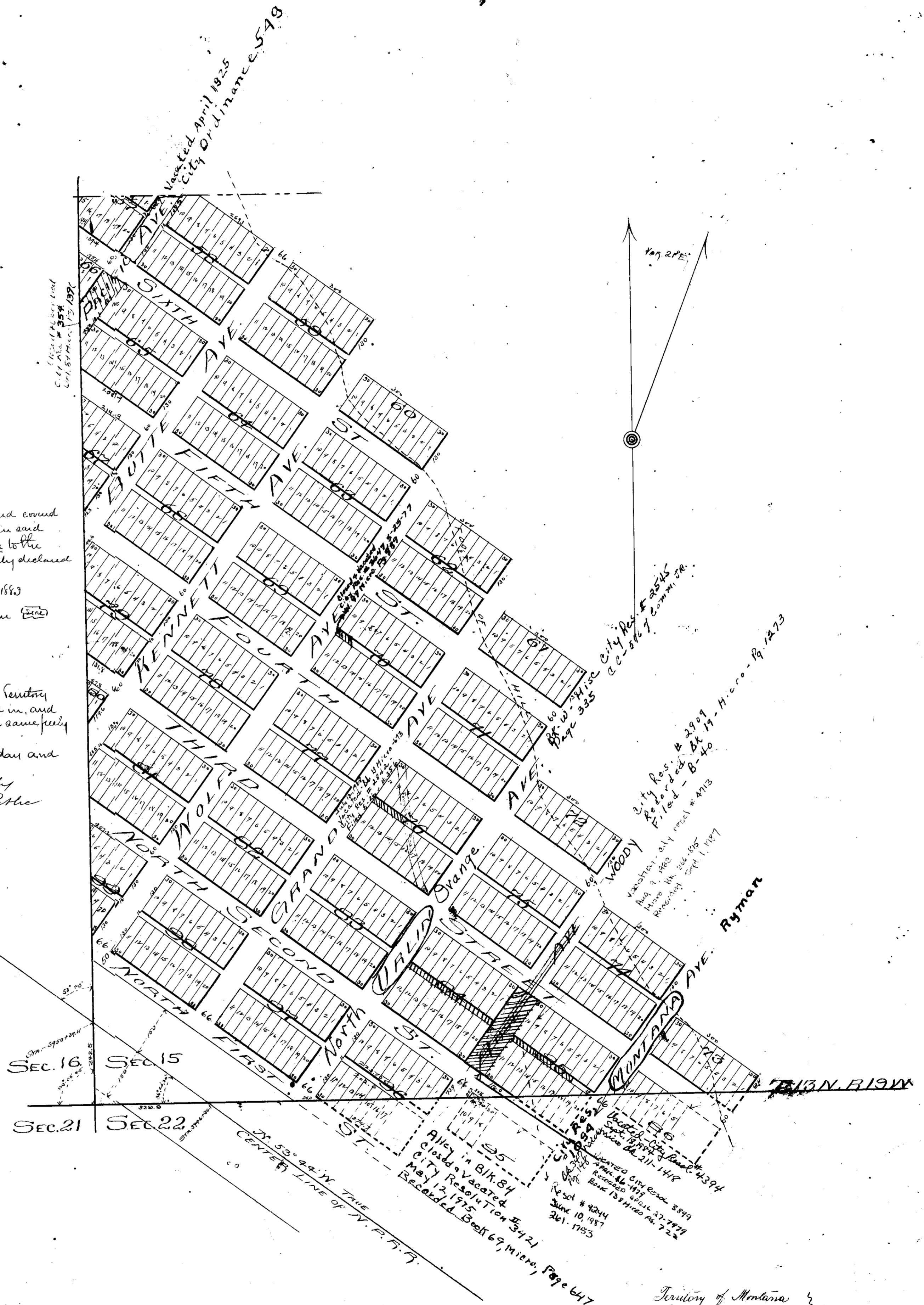
Territory of Montana }
County of Missoula } S.S.

Addison Connor being first duly sworn on oath says, I am a Civil Engineer, that during the month of March 1883, I executed a survey of the blocks, lots, streets and alleys represented by this map, and called Melvin's Addition to the town of Missoula, that said addition was surveyed and laid out according to this map, that North First Street is fifty feet wide, that North Second street, Third, Fourth Fifth Street and Sixteenth each Sixty feet wide, that Montana, Rose Melvin, Grand, Wolf, Bennett, Butte and Pacific Avenues are each Sixty six feet wide, that the alleys in said addition are each sixteen ft. wide.

Subscribed and sworn to
before me on this 28th day of April 1883.

(Signed) Frank H. Woody
Notary Public

I hereby certify that I record and filed
this plat for record on the 2nd day of
May A.D. 1883 at 2 o'clock P.M.
(Signed) W. J. Stephens
County Recorder



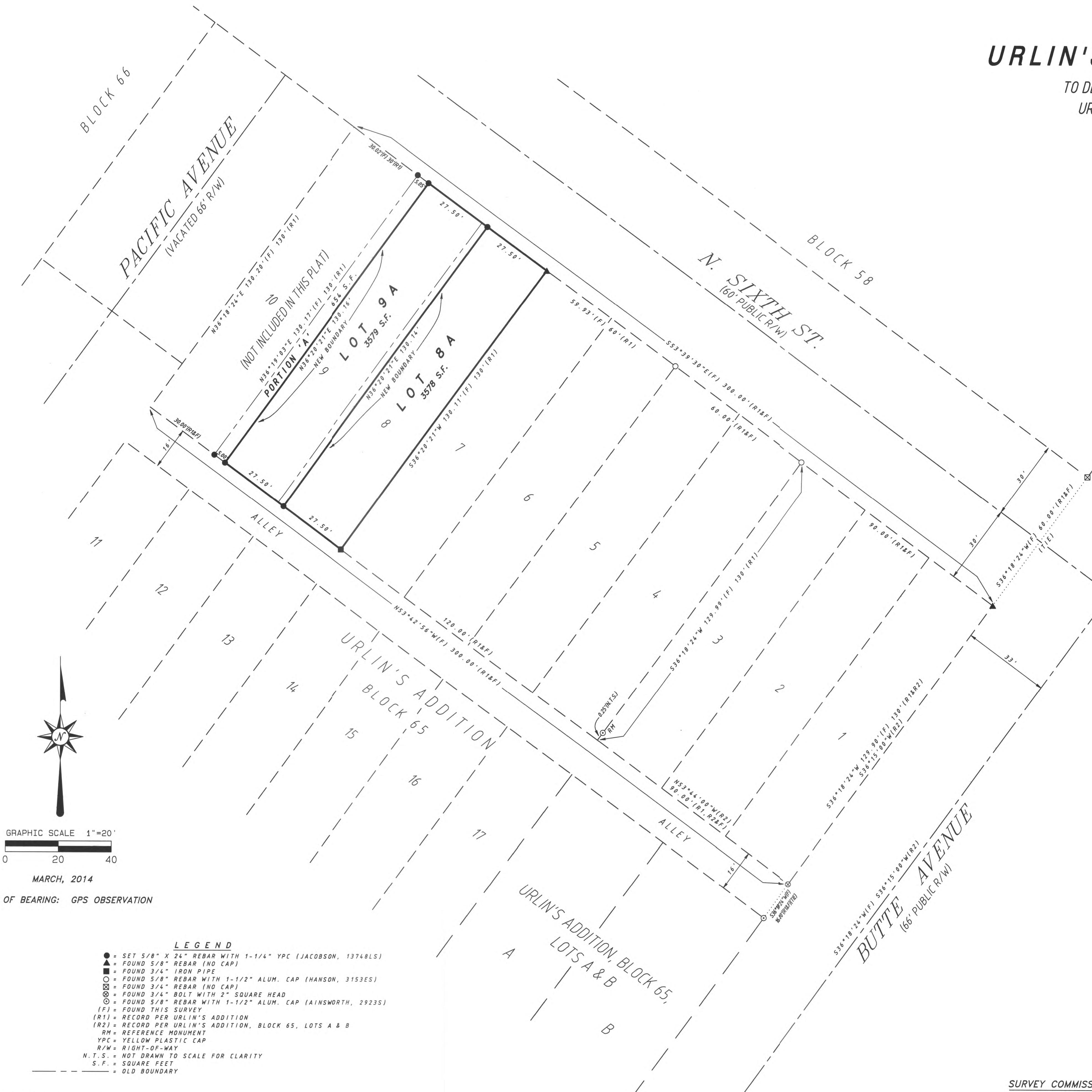
Territory of Montana } 20:
County of Montana,

I, D. D. Bogart County Clerk of the
County aforesaid do hereby certify that the above is a true and correct
copy of the original Map of Weston's addition to the town of
Weston.

In witness whereof I hereunto set my hand and the seal of
Missouri County this 16th day of September A.D. 1889
Seal. 

35-92

35-92



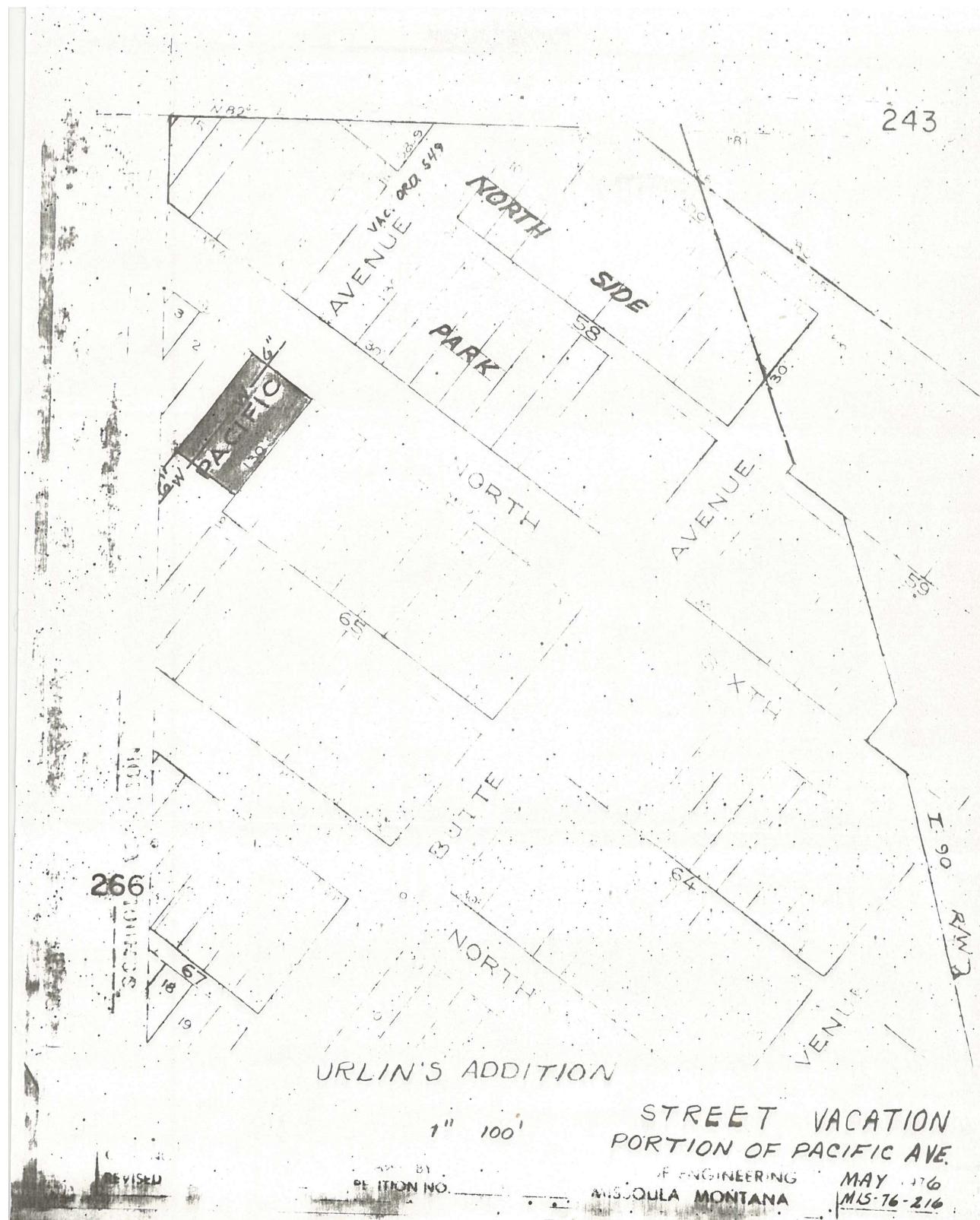
TERRITORIAL-LANDWORKS, INC.
1817 SOUTH AVE, SUITE A
MISSOULA, MT 59806 (406)-721-0142
TLI PROJECT NO. 14-3354 HERBERT/HEATH BLR

SURVEY COMMISSIONED BY:
DAWN HERBERT

RECORD OWNERS:
HELEN M. HEATH
DAWN HERBERT

35-92

35-92



RESOLUTION NUMBER 3543

A RESOLUTION CLOSING AND VACATING A PORTION OF PACIFIC AVENUE ABUTTING BLOCKS 65 AND 66, URLIN'S ADDITION TO THE CITY OF MISSOULA.

WHEREAS, the City Council did, on the 7th day of June, 1976, adopt Resolution Number 3533 declaring it to be the intention of the City Council to close and vacate a portion of Pacific Avenue abutting Blocks 65 and 66, Urlin's Addition, to the City of Missoula, and

WHEREAS, the City Council did, on the 21st day of June, 1976, hear all matters pertaining to the proposed closing and vacation of said portion of Pacific Avenue abutting Blocks 65 and 66, Urlin's Addition, which is particularly described as follows, to-wit:

Beginning at the northwest corner of Lot 10, Block 65, Urlin's Addition; thence, southwest along the southeast right-of-way line of Pacific Avenue a distance of 110 feet; thence, northwest to a point on the northwest right-of-way line of Pacific Avenue a distance of 66 feet; thence, northeast along said street right-of-way line to the northeast corner of Lot 1, Block 66, Urlin's Addition a distance of 110 feet; thence, southeast along the southwest right-of-way line of North Sixth Street West a distance of 66 feet to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Missoula, Montana, that the portion of Pacific Avenue abutting Blocks 65 and 66, Urlin's Addition to the City of Missoula, be and the same is, hereby closed and vacated, subject to an easement over and across said portion of Pacific Avenue for the installation, maintenance, and repair of any and all public utilities.

PASSED AND ADOPTED BY THE CITY COUNCIL AND

APPROVED by the Mayor this 21st day of June, 1976.

ATTEST:

APPROVED:

Berniece Helm /s/
City Clerk

Robert E. Brown /s/
Mayor

(SEAL)

2
23

201611577 B: 964 P: 205 Pages:2 Fee:\$14.00
07/15/2016 11:06:45 AM Warranty Deed
Tyler R. Gernant, Missoula County Clerk & Recorder

TITLE SERVICES, INC.

Order No. TSI-37718

Parcel No. 892007

RETURN TO Jeannette K. Sutherland and Shayne Williams

**1111 Holmes
Missoula, MT 59802**



**WARRANTY DEED
CORPORATION DEED**

FOR VALUE RECEIVED,

Grantor(s): **SILVERFERN, INC.**

a corporation duly organized and existing under the laws of the State of Montana, does hereby grant, bargain, sell and convey unto

Grantee(s): **JEANNETTE K. SUTHERLAND and SHAYNE WILLIAMS,
As joint tenants with rights of survivorship
1111 Holmes
Missoula, MT 59802**

the following described premises in Missoula County, Montana, to-wit:

Lot 10 in Block 65 of Urlin's Addition, a platted subdivision in Missoula County, Montana, together with Portion 'A' of URLIN'S ADDITION, BLOCK, 65, LOTS 8 & 9, an amended subdivision plat in Missoula County, Montana, according to the official recorded plat thereof.

SUBJECT TO City Special Improvement District No. 29

SUBJECT TO Easements, Covenants, Conditions and Restrictions of record and/or apparent.

TOGETHER WITH all and singular the hereinbefore described premises together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and

singular the above-mentioned and described premises unto the said parties of the SECOND PART, and to their heirs and assigns forever.

And the said party of the FIRST PART, and its successors and assigns, do hereby covenant that it will forever *warrant and defend* all right, title and interest in and to the said premises and the quiet and peaceful possession thereof, unto the said parties of the SECOND PART, their heirs and assigns, against all acts and deeds of the said party of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and Vice President this 8 day of July, 2016.

BY: MJM
MATTHEW ORTON, Its President

BY: Rich
RICHARD W. MASSEY, Its Vice President

STATE OF MONTANA)
:
County of Missoula)

This instrument was acknowledged before me this 8 day of July, 2016, by MATTHEW ORTON, the President and RICHARD W. MASSEY, the Vice President of SILVERFERN, INC., a Montana corporation.

Clint W Romney
Notary Public for the State of Montana

