

7-11-95
BOOK 446 PAGE 602

RESOLUTION NO. 95-063

A RESOLUTION TO REZONE PROPERTY DESCRIBED AS THE SOUTHEAST PORTION OF TRACT A, CERTIFICATE OF SURVEY #3441, LOCATED IN THE NORTHWEST ¼ OF SECTION 21, T13N, R18W, P.M.M., FROM "C-11" (LIGHT INDUSTRIAL DISTRICT) TO "C-C2" (GENERAL COMMERCIAL DISTRICT) WITH CONDITIONS SHOWN IN EXHIBIT B. SEE EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION.

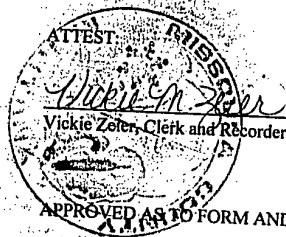
WHEREAS, the Missoula Board of County Commissioners adopted Resolution No. 95-044 on June 7, 1995, stating their intention to rezone the property described in Exhibit A from "C-11" (Light Industrial) to "C-C2" (General Commercial) with conditions.

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on June 11, 1995; and

WHEREAS, no protest petitions were filed by district freeholders;

NOW, THEREFORE, BE IT RESOLVED, that the property described in Exhibit A is hereby rezoned from "C-11" to "C-C2" with conditions shown in Exhibit B.

PASSED AND ADOPTED THIS 11th DAY OF July, 1995.



APPROVED AS TO FORM AND CONTENT:

Colleen M. Dowdall
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

Barbara Evans
Barbara Evans, Chairman

Fern Hart
Fern Hart, Commissioner

Michael Kennedy
Michael Kennedy, Commissioner

A tract of land located in and being a portion of the northwest one-quarter (NW1/4) of Section 21, Township 13 North, Range 18 West, Principal Meridian, Montana, Missoula County, Montana, being a portion of Tract A, Certificate of Survey No. 3441, and being more particularly described as follows:

Beginning at the intersection of the northeasterly right-of-way line of the Burlington Northern Railroad and the northeasterly right-of-way line of U.S. Interstate Highway No. 90, said point being the southwesterly corner of Tract A, Certificate of Survey No. 3441; thence along the right-of-way of U.S. Interstate 90, N41°59'02"W, 229.97 feet; thence leaving said right-of-way and running along a line approximating N.25°E, 765 feet more or less, to a point on the southwesterly right-of-way of State Highway 200, being on a non-tangent curve, thence along said right-of-way, and along said curve being concave to the southwest and having a radius of 2204.53 feet, a distance of 565 feet, thence S35°03'25"E, along said right-of-way 542.84 feet to the Flood, Overflow and Submergence Boundary of the right bank of the Blackfoot River; thence the following nine courses upon said Flood, Overflow and Submergence Boundary, S46°17'31" W, 43.70 feet; thence N77°07'27"W, 43.42 feet; thence S38°05'08"W 104.68 feet; thence S61°34'47"W, 72.52 feet; thence N34°20'56"W, 43.51 feet; thence N86°05'20"W, 89.56 feet; thence S78°57'44"W, 215.90 feet; thence N58°12'08"W, 51.27 feet; thence N90°00'00"W, 21.88 feet, to the northeasterly right-of-way of the Burlington Northern Railroad, being on a non-tangent curve, the radius of which bears S27°51'41"W; thence along said curve, being concave to the southwest, and having a radius of 2391.83 feet, a distance of 375.76 feet, to the point of beginning.

(Note: This legal description was prepared from existing records and aerial photographs and is not based on a survey)



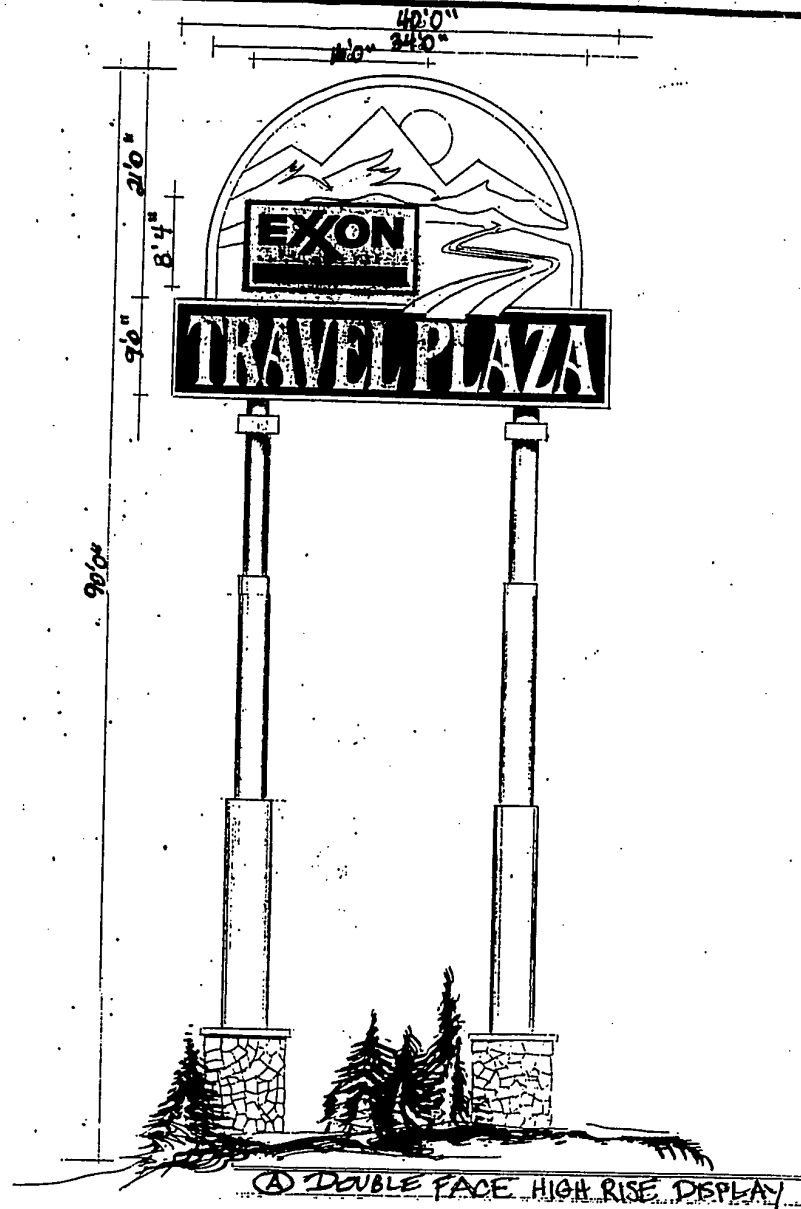
TOWN PUMP REZONING CONDITIONS

June 7, 1995
Office of Community Development

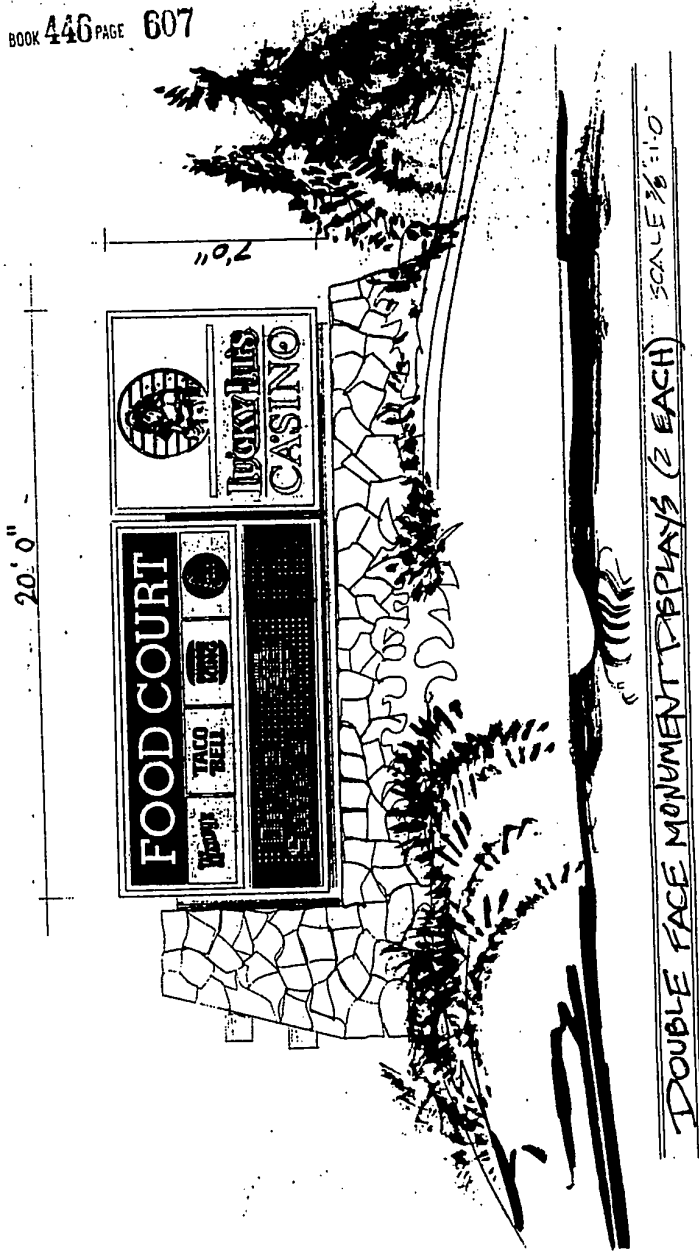
1. Development of the site shall comply with the Design Standards for Primary Travel Corridors as established in the County Subdivision Regulations dated May 4, 1994, including all landscaping, setback and design standards, with the following modifications:
 - a. Landscaping installed along the private property adjoining the Travel Corridor may consist of an average 25 foot width, rather than an absolute 25 foot width.
 - b. Approval of signage as presented by the applicant and shown in an attachment to these conditions, if the County Board of Adjustment approves of a sign package that does not comply with the Travel Corridor Standards
2. If a water supply well is proposed to be located on the property,:
 - a. It shall be located as far away as possible from the known extent of the groundwater arsenic plume, subject to the approval of the Missoula Valley Water Quality District;
 - b. It shall be monitored for arsenic after its construction and development, and quarterly thereafter for a period of three years. Following that time period, if there have been no exceedances of federal drinking water standards or state groundwater standards, monitoring frequency may be reduced to once per year. After five years, if there have been no exceedances of federal drinking water standards or state groundwater standards, monitoring frequency may be reduced to once per three years. Results must be provided to the Missoula Valley Water Quality District and the Montana Department of Health and Environmental Sciences. This monitoring schedule may be revised, upon approval of the Missoula Valley Water Quality District, if remedial actions at the Milltown Superfund site result in groundwater cleanup of a reduction in the extent of the arsenic plume; and,
 - c. If arsenic monitoring indicates an exceedance of state or federal standards, the well must be closed or a treatment system installed to bring the system into compliance.
3. Lighting of the site shall be designed to minimize the effect on neighboring tracts. All lighting shall be directed downward and inward toward the site and no lights shall shine directly toward any residential areas.
4. Any structures of significant historical value located within the area covered by the rezoning application will be given appropriate consideration.

New construction will be generally compatible with the existing building characteristics including lines, angles, landscaping, taking into account the nature or extent of architecture-recommended modifications for structural, mechanical or electrical components, as well as other requirements for compliance with ADA, fire, safety and sanitation regulations.

5. The applicant shall provide a contiguous area of thirty-thousand square feet for recreation and storm water retention on the portion of the property closest to the Blackfoot River. This area shall be landscaped with grass and trees and/or shrubs and shall include a minimum of four picnic table and public use of and access to any future Riverfront Trail system.

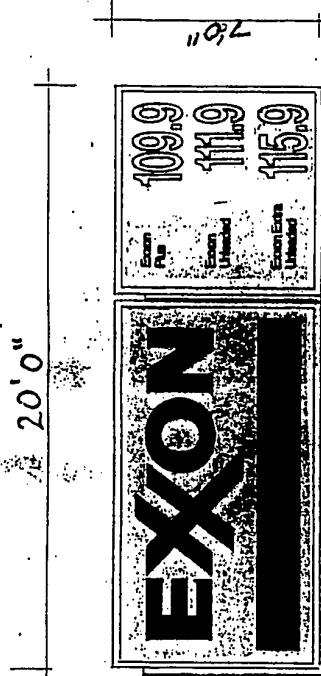


SUB-STANDARD QUALITY WHEN FILMED



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| <small>PROJECT NO.</small> 132456 | <small>CLIENT</small> Kohl's Dept. | <small>DATE</small> 12/2/14 | <small>BY</small> JAC |
| <small>DESIGNER</small> JAC | <small>LOCATION</small> Beverly Hills | <small>DATE</small> 12/2/14 | <small>BY</small> JAC |

SCALE 3/8" = 1'-0"



95 JUL 13 PM 2 32

9513323

I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 13 DAY OF July, 1995 AT 2:32 O'CLOCK P M AND IT IS RECORDED
IN VOL. 446 OF MICRO RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 608 FEE \$ PAID \$
RETURN TO 95-063 BY VICKIE M. ZEHR, COUNTY RECORDER
ADDRESS DEPUTY DOC RES