

RESOLUTION 8145

A resolution of the Missoula City Council to expend up to \$320,000 of 2006 Open Space Bond proceeds to purchase in fee the Kolendich-Grove Street property, approximately 4.6 acres of land adjacent to the Clark Fork River, to expand the City's open space and conservation lands network, extend the Milwaukee Trail and pay transaction and project-related costs associated with the acquisition.

Whereas, the City of Missoula adopted the *Missoula Urban Area Open Space Plan 2006 Update* ("*Open Space Plan*"), which provides a vision for continuing to expand upon our open space and trail systems throughout the greater Missoula Area;

Whereas, the *Open Space Plan* notes the need to protect riparian corridors, and particularly the Clark Fork River corridor west of Reserve Street, for their wildlife and water quality values in addition to their benefits for recreational access;

Whereas, the *Open Space Plan* depicts the Clark Fork River corridor as a cornerstone of Missoula's open space system. Cornerstone lands contain significant open space values and represent the highest priority areas for protection;

Whereas, in November 2006, Missoula County citizens voted to approve a \$10,000,000 Open Space Bond that authorizes the Missoula County Commissioners to use the bond monies to protect open space lands and acquire commuter and recreational trails throughout the County with \$5,000,000 being allocated to the City of Missoula for open space and trails within the Missoula Planning Region, as guided by the *Open Space Plan*; and

Whereas, Article II, Section 2.1 of the April 5, 2007 Interlocal Agreement between the City of Missoula and the County of Missoula Related to Open Space Acquisition and Use of Open Space Bond Proceeds (Interlocal Agreement) establishes the general purposes of the open space bond;

Whereas, this project will carry out the purposes of the bonds by protecting open space; protecting an important riparian corridor; protecting water quality in the Clark Fork River; providing access along the Clark Fork River, providing an important link in a potential recreational and commuter trail network, and paying non-personnel related transaction costs, costs of initial clean up and other project related costs, including abatement of any safety issues related to the existing bridge;

Whereas, public parks, trails and open spaces are community assets that promote social equality and are available to all citizens regardless of race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or gender expression;

Whereas, the property is located within the Clark Fork River-Grass Valley Important Bird Area (IBA). The Clark Fork River-Grass Valley IBA was approved as a State IBA in 2006 and as a Continental IBA in 2009 by the National Audubon Society because of its significance to species of conservation concern;

Whereas, many of the City's land use planning documents, including the 2004 Master Parks Plan, 2006 Open Space Plan update, 2011 Active Transportation Plan and the 2011 Missoula Long Range Transportation Plan (LRTP) identify as a priority expanding the City's non-motorized commuter trail network, including the historic Milwaukee Railroad corridor. The LRTP specifically identifies extending the Milwaukee Trail from Reserve Street to Mullan as a high priority;

Whereas, the property contains an existing bridge, which was part of the historic Milwaukee Railroad. The Kolendich Family intends to donate its interest in the bridge to the City for use as a future public, non-motorized pedestrian and bicycle bridge;

Whereas, on December 5, 2016, a quorum of the Open Space Advisory Council unanimously voted to recommend the City of Missoula authorize the expenditure of up to \$320,000 in 2006 Open Space Bond

funds for the acquisition of approximately 4.6 acres of the Kolendich property to expand the City's open space and conservation lands network and extend the Milwaukee Trail;

Now therefore, be it resolved that the Missoula City Council hereby approves the expenditure of up to \$320,000 of the City's portion of the 2006 Open Space Bond funds to purchase approximately 4.6 acres and cover transaction and project-related costs associated with the acquisition of the land for addition to the City's open space conservation lands network and extension of the Milwaukee Trail, including assessment and abatement of any safety hazards related to the public's future use of the bridge.

PASSED AND ADOPTED this 27th day of February, 2017.

ATTEST:

/s/ Martha L. Rehbein

Martha L. Rehbein
Legislative Services Director/City Clerk

APPROVED:

/s/ John Engen

John Engen
Mayor

(SEAL)