



PUBLIC WORKS COMMITTEE AGENDA

September 27, 2022 – 5 PM | Council Chambers, City Hall.

- 1. Call meeting to order**
- 2. Approval of Minutes**
 - a. Deferred until next meeting
- 3. Public Comment** - Limit to three minutes per person
- 4. Old Business**
 - a. Vote on New Committee Chair
- 5. New Business**
 - a. Persons/Mitchell/Roberts Alley Abandonment – Jordan
 - b. Public Works Report – Trent
- 6. Staff Comments**
- 7. Announcement of the next meeting:**
 - a. October 18, 2022, at 5 PM
- 8. Adjournment**

Public Works Committee

Garbage | Sewer | Streets | Trees | Wastewater | Water | City Parks

Members

Jackie Greenwood | John Henderson | Gordon Pierson

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer

Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
Utility Billing Clerk
Gena Micu



City Council
Dick Bauman
Joseph Callahan
Curt Fjelstad
Jackie Greenwood
John Henderson
Robert Kersch
John J. Molendyke
Gordon Pierson

REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: Three 20-foot alley rights-of-way in the Northwest Townsite between National Parks Service Land and the properties located in Block 7, Lots 10-14; Block 18, Lots 7-9; and Block 18, Lots 10-12

Request by: Jerry & Debra Persons, Kathryn Ann Mitchell, and David O. Roberts

Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer

Prepared for: City of Deer Lodge Public Works Committee

September 27, 2022

Request:

Three Requests for Abandonment of City-owned Property were filed with the City of Deer Lodge on September 6, 2022. These requests are for three separate lengths of the unnamed alley right-of-way between the Grant-Kohrs Ranch National Historic Site and the three properties in the Northwest Townsite owned by the applicants. Jerry and Debra Persons submitted for the right-of-way adjacent to their property: Lots 10-14 of Block 7 ("Persons Abandonment"). Kathryn Ann Mitchell submitted for the right-of-way adjacent to their property: Lots 7-9 of Block 18 ("Mitchell Abandonment"). David O. Roberts submitted for the right-of-way adjacent to their property: Lots 10-12 of Block 18 ("Roberts Abandonment"). See below an Exhibit that shows the location of the three requested abandonments. The purpose of said requests are to hire a surveyor to aggregate the rights-of-way into their three separate properties for future use.

Site Analysis:

PERSONS ABANDONMENT:

The right-of-way is an approximately 20' x 130' unnamed alley bound by the Persons' property to the east, the W. Missouri Ave right-of-way to the south, National Parks Service land to the west, and another unnamed alley right-of-way to the north. The Persons' property is approximately 19,600 square feet and is classified as Improved Property – Urban. The Persons have been historically using this right-of-way for storage as seen in the Exhibit map. The right-of-way is fenced on the northern side by an adjacent private landowner and the western side by the National Parks Service. There is a power line that goes through the right-of-way maintained by Northwest Energy.

MITCHELL ABANDONMENT:

The right-of-way is an approximately 20' x 130' unnamed alley bound by the Mitchell's property to the east, another unnamed alley right-of-way to the south, National Parks Service land to the west, and the W. Missouri Ave right-of-way to the north. The Mitchell's property is approximately 12,480 square feet and is classified as Improved Property – Urban. There has been no historic use of the right-of-way. It is bounded by a National Parks Service fence on the west side and a private landowner fence on the south side. There is a power line that goes through the right-of-way maintained by Northwest Energy.

ROBERTS ABANDONMENT:

The right-of-way is an approximately 20' x 140' unnamed alley bound by Robert's property to the east, the W. Milwaukee Ave right-of-way to the south, National Parks Service land to the west, and an unnamed alley right-of-way to the north. Robert's property is approximately 13,300 square feet and is classified as Vacant Land – Urban. There is no historic use of the right-of-way. It is bounded by a National Parks Service Fence on the west side and private landowner fences on the south and north sides. There is a power line that goes through the right-of-way maintained by Northwest Energy.

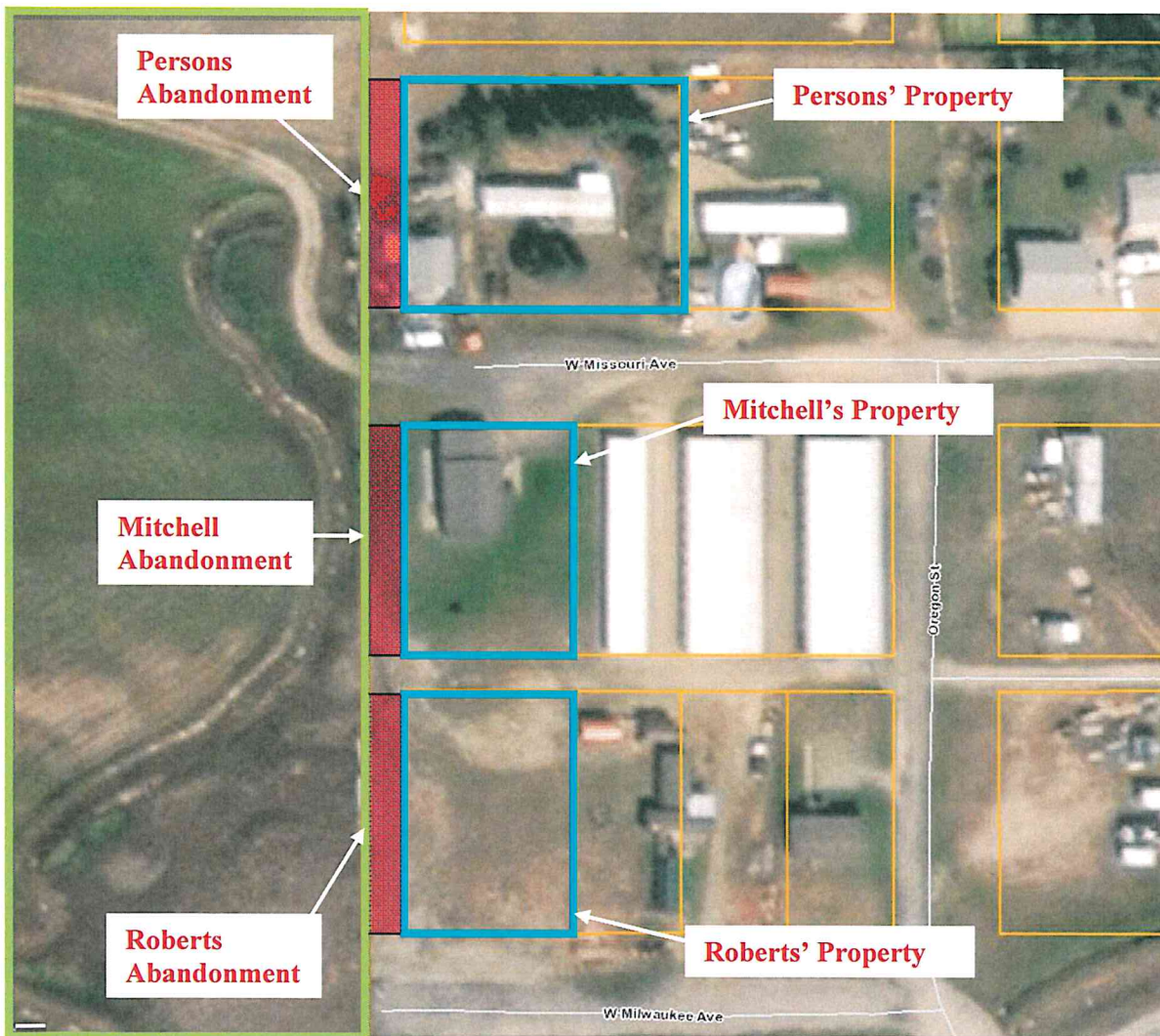


Exhibit showing location of proposed abandonments and the adjacent properties.

Abandonment Analysis:

PERSONS ABANDONMENT:

As there has been no historic use of the alley right-of-way for public transportation and the area has been historically used by the Persons, there would be no impact on City services, transportation, or future land use resulting from granting the abandonment. Currently, the right-of-way is not used for any water or service utilities. However, there is a power line maintained by Northwest Energy that runs over the alleyway. City Staff finds a potential conflict with the petitioner’s request and Northwest Energy due to access for this line, which would need to be resolved before the property could be abandoned.

Besides this potential conflict, City Staff finds no undue reason to deny the request based off current or potential uses of the property by the City. However, the approximately 2,600 square foot property is the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$3,957.20 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This sell price was calculated as an average of the value per square foot of the Persons’ adjacent property. The adjacent property was selected on Montana Cadastral, which specifies every property’s square footage. The 2022 appraisal (COST METHOD) of the land value for the property was divided by the number of square feet to calculate the value per square foot of the Persons’ property. This value was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	19,600	29,834	1.522

Value/SF	1.522
SF of Abandonment	2,600.00
Abandonment value	\$3,957.20

MITCHELL ABANDONMENT:

As there has been no historic use of the alley right-of-way for public transportation there would be no impact on City services, transportation, or future land use resulting from granting the abandonment. Currently, the right-of-way is not used for any water or service utilities. However, there is a power line maintained by Northwest Energy that runs over the alleyway. City Staff finds a potential conflict with the petitioner’s request and Northwest Energy due to access for this line, which would need to be resolved before the property could be abandoned.

Besides this potential conflict, City Staff finds no undue reason to deny the request based off current or potential uses of the property by the City. However, the approximately 2,600 square foot property is the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$5,046.60 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This sell price was calculated as an average of the value per square foot of the Mitchell adjacent property. The adjacent property was selected on Montana Cadastral, which specifies every property's square footage. The 2022 appraisal (MARKET METHOD) of the land value for the property was divided by the number of square feet to calculate the value per square foot of the Mitchell property. This value was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	12,480	24,228	1.941
		Value/SF	1.941
		SF of Abandonment	2,600.00
		Abandonment value	\$5,046.60

ROBERTS ABANDONMENT:

As there has been no historic use of the alley right-of-way for public transportation there would be no impact on City services, transportation, or future land use resulting from granting the abandonment. Currently, the right-of-way is not used for any water or service utilities. However, there is a power line maintained by Northwest Energy that runs over the alleyway. City Staff finds a potential conflict with the petitioner's request and Northwest Energy due to access for this line, which would need to be resolved before the property could be abandoned.

Besides this potential conflict, City Staff finds no undue reason to deny the request based off current or potential uses of the property by the City. However, the approximately 2,800 square foot property is the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$3,957.20 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This sell price was calculated as an average of the value per square foot of Roberts' adjacent property. The adjacent property was selected on Montana Cadastral, which specifies every property's square footage. The 2022 appraisal (COST METHOD) of the land value for the property was divided by the number of square feet to calculate the value per square foot of Roberts' property. This value was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	13,300	20830	1.566
		Value/SF	1.566
		SF of Abandonment	2,800.00
		Abandonment value	\$4,384.80

Staff Recommendation:

PERSONS' ABANDONMENT: Staff recommends the abandonment of the City owned property described as the approximately 20' by 130' alley right-of-way between the Person's property and National Parks Service to the applicant **for the sale price of \$3,957.20.**

MITCHELL ABANDONMENT: Staff recommends the abandonment of the City owned property described as the approximately 20' by 130' alley right-of-way between Mitchell's property and National Parks Service to the applicant **for the sale price of \$5,046.60.**

ROBERTS' ABANDONMENT: Staff recommends the abandonment of the City owned property described as the approximately 20' by 140' alley right-of-way between Roberts' property and National Parks Service to the applicant **for the sale price of \$4,384.80.**

Staff also recommends the Public Works Committee and City Council require the petitioners to give to the City proof in writing from Northwest Energy that the proposed abandonments will have no impact on their ability to access the power line over the rights-of-way before the abandonments are approved. An easement right from Northwest Energy is the preferred method of accomplishing this.

Pursuant to §7-14-4114, MCA, the applicants will be responsible for getting in writing for each property confirmation from Grant-Kohrs Ranch National Historic Site or the National Park Service stating that Grant-Kohrs Ranch National Historic Site has no claim to the rights-of-way in question and that they have no issue with the applicants aggregating the entirety of the rights-of-way into their respective properties.

Requiring different sale prices is at the discretion of the Public Works Committee and City Council.

Upon recommendation by the Public Works Committee, the petitions will be scheduled for duly noticed public hearings before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicants. Should the Council resolve to sell the properties by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicants will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and their related abandoned rights-of-way, as well as Quitclaim deeds with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicants.

Signed,



Jordan Green – Chief Administrative Officer
September 23, 2022