



PARKS & RECREATION COMMITTEE

AGENDA

August 26, 2024 – 5PM | Council Chambers, City Hall

1. **Call meeting to order:**
2. **Approval of Minutes:**
 - a. Regular Meeting: July 22, 2024
3. **Public Comment** – *(Limit to three minutes per person)*
4. **Continued Business:**
 - a. Lights at the Ballfield and Parks – Jordan
 - b. Pickleball Funding - Jordan
 - c. Review 2021 Parks & Trails Master Plan - Jordan
5. **New Business:**
 - a. Request for Abandonment of City Owned Property - Jordan
6. **Committee Comments or Concerns:**
7. **Announcement of the next meeting:**
 - a. Regular Meeting: Monday, September 23, 2024 at 5PM
8. **Adjournment:**

Parks and Recreation Committee

Members

Rian King-Chavez (chair) | William Fox | Kirk Hayes

CITY OF DEER LODGE

PARKS & RECREATION

COMMITTEE

MINUTES

July 22, 2024, at 5:00 PM | Council Chambers, City Hall

Members Present: Rian King-Chavez, Kirk Hayes, William Fox

Members Absent: None

Mayor: None

CAO: Jordan Green

Staff: Cyndi Thompson, Trent Freeman

Guests: See sign in sheet

1. Call Meeting to Order:

- a. Chairman King-Chavez called the meeting to order at 5:00pm

2. Approval of Minutes:

- a. Regular Meeting: June 24, 2024
Member Fox motioned to approve as presented. Member Hayes seconded the motion. 3 Ayes, 0 Nos. Motion passed.

3. Public Comment - *Limit to three minutes per person:*

- a. Three guests are in attendance to receive any updates on a pickleball court. Will be discussing at August Parks & Rec meeting and encouraged guests to come to meeting.

4. Continued Business:

- a. Lights at the Ballfield and Parks – Jordan
Currently no update. Discussed portable stadium lights. This will be an ongoing topic. No motion made, discussion only.

- b. Review 2021 Parks & Trails Master Plan – Jordan
Currently no update. Updated Member Fox on where to locate a copy of the Parks & Trails Master Plan. This will be an ongoing topic. No motion made, discussion only.

5. New Business:

- a. None

6. Committee Comments or Concerns:

- a. None

7. Announcement of the Next Meeting:

- a. Regular Meeting: August 26, 2024, at 5PM

8. Adjournment:

- a. Chairperson King-Chavez adjourned the meeting at 5:21pm.

Prepared by: Cyndi Thompson, City Clerk

Rian King-Chavez, Chairperson

Date

Parks & Recreation Committee

Members

Rian King-Chavez (Chair) | William Fox | Kirk Hayes

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer
Kody Ryan
Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
City Services Coordinator
Gena Micu



City Council
William Fox
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
John J. Molendyke
Gordon Pierson
Ward 3 Vacant

REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: An approximately 4,262.5 square foot section of the "Sledding Hill" City parcel adjacent to Lots 5 of Block A of the Mountain View Addition (807 Montana Avenue)

Request by: Scott and Lucinda Hoffman

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

Prepared for: City of Deer Lodge Public Works Committee

June 25, 2024

ORIGINAL STAFF REPORT SUBMITTED TO PUBLIC WORKS

Request:

Scott and Lucinda Hoffman, owners of the property at 807 Montana Avenue, have requested the City consider the abandonment of an approximately 4,262.5 square foot section of the "sledding hill" City parcel adjacent to their property.

Site Analysis:

The land requested for abandonment (site) is a non-rectangular portion of the sledding hill property (S4, T7N, R9W, City Park in Block A of the Mountain View Addition) that is adjacent to 807 Montana Avenue (S4, T7N, R9W, Lot 5 of Block A of the Mountain View Addition). The site consists of a rectangle 55 feet in width and 50 feet in depth, and a right triangle 55 feet in width and 55 feet in depth. The total area is estimated based on these dimensions at 4,262.5 square feet. The site, and all nearby properties, are in the R-1, Residential, Single-Family, Low-Density District.

The requested abandonment is bound on the western edge by the applicant's property, and the eastern edge by a fence and a row of vegetation. North of the site, the sledding hill quickly lowers in elevation. Generally, everything contained within the land requested for abandonment is flat, and other areas of the sledding hill parcel are sloped. There is a stand of Aspen trees within the site, and an informal driveway follows the eastern edge of the site from Montana Avenue to access the backyard of 807 Montana Avenue. The site is maintained by the applicants, and the fence delineates that portion of the City property from the area that is utilized as the sledding hill. There are no utilities that exist in this area.

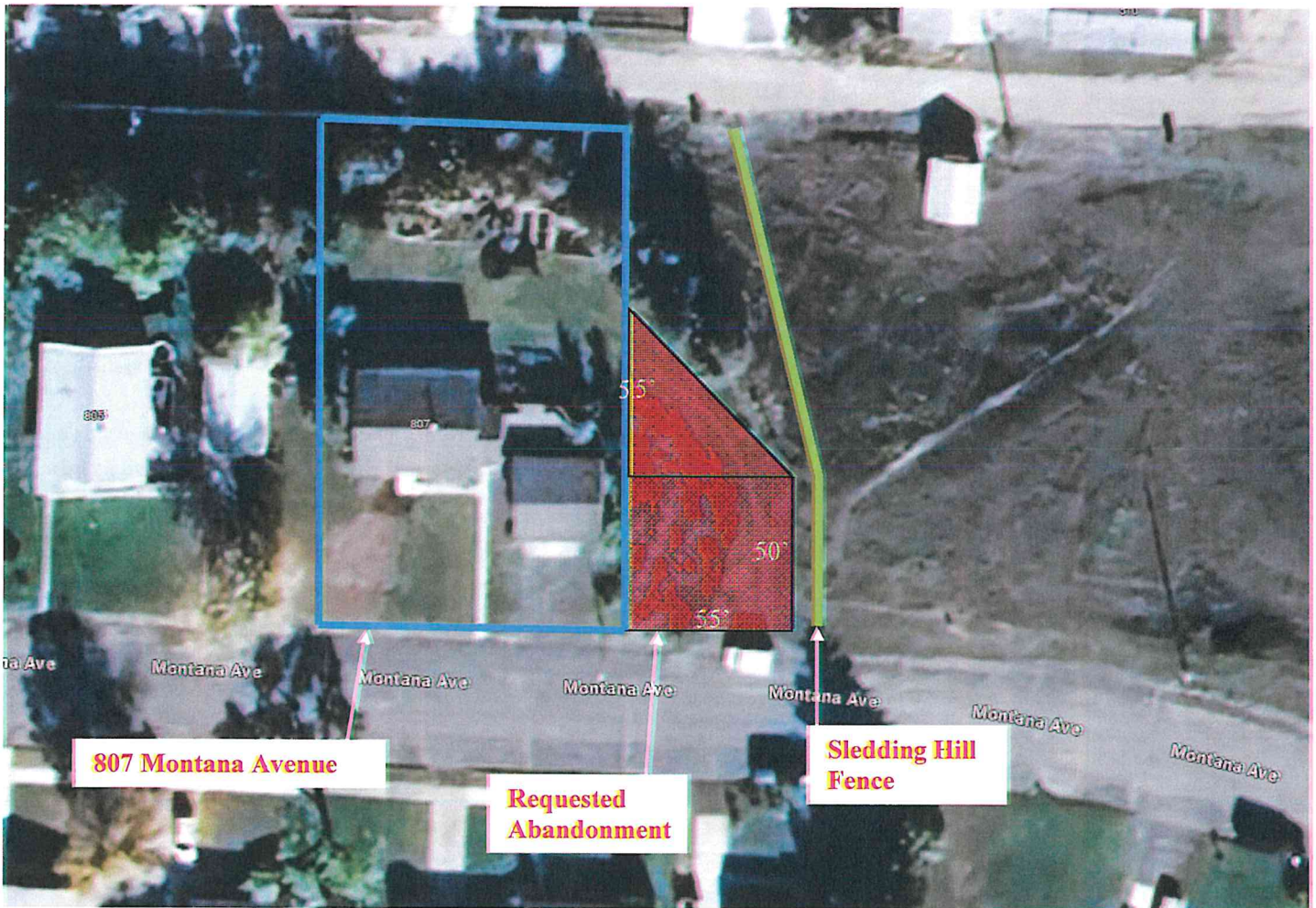


Exhibit showing the approximate boundaries of 807 Montana Avenue and the approximate area of requested abandonment.



Exhibit showing the approximate boundaries of the proposed abandonment.



Satellite view from Montana Cadastral. Please note that boundary lines are incorrect on cadastral. This image is included as it more clearly indicates the fence, vegetation, and area of the sledding hill parcel maintained by the applicants.

Abandonment Analysis:

Staff cannot find any current use of the site by either city employees or members of the public. There is no anticipated future use of the site, unless the City Council were to determine that the site could be utilized as additional park space should funding allow. However, the other flat parts of the park property may be better suited for public access, as they are closer to the road and more removed from adjacent residential properties (see the location of the old basketball court).

In addition, staff are aware that, many years ago, the City may have used National Parks Service Land and Water Conservation Fund (LWCF) monies to construct improvements on the sledding hill parcel. Current LWCF regulations require deed restrictions to be placed on any properties that dictate the land must remain as open recreation space in perpetuity. However, staff is not aware whether these restrictions are in place as they would be for a current LWCF-funded project and has never been able to find proof that a deed restriction was ever performed. Staff recommends that the Council require the applicants to perform title research to determine any applicable deed restrictions on the property. Staff is willing to help this process, but all title research fees should be paid by the applicant.

Based on this analysis, City Staff find no major impacts that would result from the abandonment request and recognize that the applicants have maintained the parcel for many years. Of highest concern are potential deed restrictions that may impact the sledding hill property. However, the approximately 4,262.5 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 \$13,725.25 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 adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2024 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values 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
West	13982	35672	2.55
North	8407	34823	4.14
South	11979	35415	2.96

Average value/SF	3.22
SF of Abandonment	4,262.5
Abandonment value	\$13,725.25

Staff Recommendation:

Staff recommends the abandonment of the City owned property described as the approximately 4,262.5 square foot portion of the sledding hill property as shown in this staff report to the applicant **for the sale price of \$13,725.25.**

Staff also recommends that the Council require the applicant to perform title research on both their property and the sledding hill property to determine whether this boundary line relocation and abandonment could occur based on any existing deed restrictions. Should there be any deed restrictions that impact or restrict this abandonment, then this abandonment request should be denied.

As the only adjacent property owner to the alley is the City of Deer Lodge, the applicant will not be required to get any letters of no contest to the abandonment.

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

Upon recommendation by the Public Works Committee, the petition will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to perform a relocation of common boundaries, as well as generate a Quitclaim deed with the City of Deer Lodge to be filed 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, title fees, and filing fees will be the sole cost of the applicant.

Signed,



Jordan Green – Chief Administrative Officer
June 21, 2024

Request for Abandonment of City Owned Property

ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: Scott & Lucius Hoffman
Address of Applicant: 807 MONTANA AVE
Telephone Number: 406-360-4064
Property description of land requesting to be abandon: APPROXIMATELY 55' OF
THE WEST BOUNDARY OF THE CITY PARK KNOWN AS
"THE SLEDDING HILL."
Ownership of adjoining property: CITY OF DEER LODGE

Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners. N/A

Provide a site map indicating the property in question, with appropriate dimensions.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

S. Hoff
Signature of Applicant

6-11-24
Date

JORDAN GREEN
Received by

6-12-24
Date

Forwarded to PUBLIC WORKS Committee on JUNE 25, 2024

Note: Request will not be considered without proper information
Please allow at least four weeks lead time for preliminary review by the committee.
Advertising and filing fees will be billed to the applicant

City of Deer Lodge
300 Main Street
Deer Lodge MT 59722-1098

Site Map Explanation

We apologize for the quality of this site map. This was the best that Planning could do.

- (A) Represents what we believe is the actual property line.
- (B) Represents the approach presumably created by the Street Department
- (C) Represents the approximate line requested for abandonment.

If the actual property line for 807 Montana Ave sits at the edge of the garage in the picture (which is also the understanding of the property owner just west of 807 Montana Ave) then the property line is at, or near, a light pole located just east of the driveway approach at 807 Montana Ave. Based on this assumption, we measured from that point to the east side of the approach that would be part of the "Park" but actually is a driveway into the backyard of 807 Montana Ave.

If approved by the City Council, this abandonment would have NO impact on the Park or sledding hill.

The City has allowed for Aspen trees to overgrow the area in question and is now causing issues with the 807 Montana Ave property. With most properties in the area being well-kept, this section owned by the City, is obviously having an impact on local property values. Over the years, the prior property owners of 807 Montana Ave have made significant improvements to the section of property under consideration in the form of underground sprinklers, rock walls, grass, and vegetation. We will agree to bear the costs of clearing this section back to a reasonable and appealing section of the property. We estimate this cost to be approximately two-thousand dollars.

Jordan Green told me to look around at property values in the area in determination of what the value of this property would be. The best source I could think of was Grace at Powell County Title Company who told me she believed the property to have "0" value.

We agree to pay for the expenses in making this change, i.e. ads in the newspaper, surveying, and any other reasonable expenses the city may have for changing ownership.



ALLEY

MONTANA AVE

(A) (B) (C)

