

**DECLARATION OF UNIT OWNERSHIP FOR  
"MULLAN CROSSING"**

**A Condominium Project in Missoula County, Montana**

This DECLARATION OF UNIT OWNERSHIP, hereinafter referred to as "Declaration," is made this 14<sup>th</sup> day of July, 2023, by MMW, LLC hereinafter referred to as "Declarant."

**WITNESSEH**

Pursuant to Title 70, Chapter 23, the "Unit Ownership Act," Montana Code Annotated, as amended, this Declaration is hereby made applicable to that certain property as provided and described below.

1. **Submission to Unit Ownership.** The purpose of this Declaration is to submit the land herein described and existing buildings and improvements constructed thereon to the unit form of ownership and use in the manner provided by the Montana "Unit Ownership Act" as provided in Section 70-23-101, et seq., Montana Code Annotated, hereinafter referred to as "Act," and to comply with the applicable provisions thereof.
  - A. The land which is hereby submitted to the unit form of ownership is particularly described as follows:

See Exhibit "A."
  - B. The name by which this property is to be identified is "Mullan Crossing." The property is located in Missoula County, Montana.
  - C. The Condominium project shall consist of three commercial buildings and certain common areas.
  
2. **Definitions.** The terms used herein shall have the meanings stated in the "Act" and as follows:
  - A. **"Association"** means the Association of Owners of "Mullan Crossing, Inc.", being all Unit Owners acting in a group in accordance with this Declaration and the Association's Bylaws.
  - B. **"Bylaws"** means the Bylaws of the Association, as the same may from time to time be amended, and initially in the form recorded contemporaneously with this Declaration of Unit Ownership.

- C. **“Common Elements”** means the general common elements and the limited common elements.
- D. **“Common Expenses”** means: (1) expenses of administration, maintenance, repair or replacement of the Common Elements; (2) expenses agreed upon as common by all the Unit Owners, either in the Bylaws or by Agreement, as provided by the terms of the Act; and (3) expenses declared to be common by virtue of Section 70-23-610 and Section 70-23-612, Montana Code Annotated, as amended, or by the Bylaws of the Association.
- E. **“General Common Elements”** are all those areas which are for the use and benefit of all the Units and of all residents and guests of “Mullan Crossing.”
- F. **“Limited Common Elements”** means those common elements and areas, if any, specifically designated either pursuant to the Declaration or future declarations, reserved for the use of a particular Unit or number of Units to the exclusion of the water system and sewer systems. The Limited Common Elements, if any, shall be maintained by the Unit or Units for which the Limited Common Element is reserved.
- G. **“Property”** means the land, all buildings, improvements and structures thereon and all easements, rights and appurtenances belonging thereto which are submitted to the unit form of ownership under the Act.
- H. **“Condominium”** shall mean “condominium” as defined by Mont. Code Ann. § 70-23-102(7), shall include an estate in real property consisting of a separate interest in a Unit and attached real property, the boundaries of which are shown and described in the Declaration of Unit Ownership, a fractional undivided interest as a tenant in common in the common elements of the Project, a membership in the Association, and the exclusive right to use any limited common elements appurtenant to each Unit as shown on or described in the Declaration of Unit Ownership or deed of conveyance.
- I. **“Unit”** means a part of the property intended for independent use and with a direct exit to a public street or public right of way or to a common area, or area leading to a public street or right of way. Each Unit constitutes a building and attached property and is owned as separate property by an individual Owner. The Common Elements are owned by Unit Owners as tenants-in-common, in equal interests. The Unit Owners shall have appurtenant nonexclusive rights for ingress, egress and support through the General Common Elements subject to the rights and restrictions contained in the Governing Documents.
- J. **“Unit Designation”** means the number, letter, or a combination thereof designating a Unit in the Project.

- K. “Unit Owner”** means the person or entity owning a "Unit" in fee simple absolute or under and pursuant to a Contract of Deed or as a co-owner in any real estate tenancy relationship recognized under the laws of the State of Montana. A Lessee shall not be considered a "Unit Owner.”
- M. “Storage Space”** means a designated storage area in the basement of the building that shall be assigned to each Unit. These storage spaces shall be considered part of the Unit, and not a common area.
- 3. General Description.** “Mullan Crossing” will consist of 3 commercial condominium buildings and their associated units, together with certain common areas, situated in the City of Missoula, Missoula County, Montana, according to the official recorded plat thereof. A site plan is attached as Exhibit “B.” The “Mullan Crossing” buildings will be constructed of the following principal materials:
- (a) Concrete foundation;
  - (b) Conventional wood or metal framing;
  - (c) Metal siding and trim;
  - (d) Metal roof;
  - (e) Metal gutters and downspouts;
  - (f) Drywall as per plans, 5/8” ceiling lids, 1/2” walls including any fire rock and tape required;
  - (g) Tape and texture finish on the interior; and
  - (i) Applicable interior cabinetry, trim, paint, doors, plumbing fixtures, and HVAC system.
- 4. Building and Unit Description.** The description of each building and their associated units are more particularly described on the floor plans attached hereto as Exhibit "C" and by reference made a part hereof and incorporated herein.

The contemplated Units on this Property are more particularly designated, located and described as follows:

<b>MULLAN CROSSING – BUILDING 1</b>	
<b>Unit No.</b>	<b>Square Footage</b>
MULLAN CROSSING – (one unit consisting of three levels)	1 <sup>st</sup> Floor: 7,112 square feet 2 <sup>nd</sup> Floor: 2,092 square feet Basement: 4,028 square feet  TOTAL: 13,232 square feet

<b>MULLAN CROSSING – BUILDING 2</b>	
<b>Unit No.</b>	<b>Square Footage</b>
MULLAN CROSSING – SUITE 2A	1,543 square feet
MULLAN CROSSING – SUITE 2B	2,630 square feet
MULLAN CROSSING – SUITE 2C	1,879 square feet
MULLAN CROSSING – SUITE 2D	2,255 square feet

<b>MULLAN CROSSING – BUILDING 3</b>	
<b>Unit No.</b>	<b>Square Footage</b>
TO BE DETERMINED – this Declaration of Unit Ownership shall be amended upon completion of plans for Building 3 and certification by the Architect.	5,894 square feet

The Units as conveyed include those General Common Elements owned in common with the other Unit Owners of the Project.

- 5. Shares of General Common Elements and Percentage Interest of Unit Owners.** Each Owner shall have an undivided interest in all General Common Elements. The General Common Elements are described on the attached site plans and shall include the following:
- (a) The building exterior (except for Unit entrance doors);
  - (b) The building HVAC system, unless there is a separate HVAC system for each

Unit;

- (c) The parking lot;
- (d) Any sidewalks; and
- (e) All landscaping.

6. **Limited Common Elements.** A portion of the general common elements may be set aside and reserved for the exclusive use of individual owners, such areas being the limited common elements. All limited common elements shall be used in connection with the particular Unit, to the exclusion of use by the other owners except by invitation, except that walkways leading to and associated with two or more Units shall be used by all owners. The repair and maintenance of the limited common elements shall be the responsibility of the Unit Owner.
7. **Inseparability of a Condominium Unit.** Each Unit and the undivided interest in the general common elements and the limited common elements, if any, shall be inseparable and may be conveyed, leased, encumbered, devised or inherited only as a Condominium Unit.
8. **Use and Restrictions.** Each owner shall be entitled to exclusive ownership and possession of his, her, or its Unit. Each owner may use the general common elements in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other owners. Any restrictions applicable to the use of this Condominium project shall be identified in the Declaration of Restrictions for “Mullan Crossing” (“Restrictions”).
9. **Service.** Pursuant to Mont. Code Ann. § 70-23-901 service of process should be made upon Brian Walker, member and registered agent, at 1515 South Reserve Street, Suite 200, Missoula, Montana, 59801.
10. **Administration and Management.** The administration and management of this Condominium property shall be governed by the Articles of Incorporation and Bylaws of “Mullan Crossing” Condominium Owner’s Association, Inc.
11. **Maintenance and Repair of Common Elements.**
  - A. An Association of the Unit owners shall be formed. Each owner of a Condominium Unit shall be a member of the Association and shall remain a member for the period of ownership.
  - B. The Association shall be responsible for assessing fees against each Unit for maintenance and repair more particularly described in the Declaration of Restrictions.

- C. The cost of any repair or maintenance necessitated by the negligence or willful act of the owner, occupant or guest may be charged to the appropriate owner.
  - D. The Association and its authorized agents shall have the right of access to each Unit for the purpose of inspecting common elements and for maintenance, repair and replacement purposes which right shall be exercised at reasonable times and on reasonable notice.
12. **Water System.** “Mullan Crossing” shall be serviced with water from the City of Missoula water system. Except as otherwise referenced, the costs for maintenance and repairs, if any, shall be included in the Association dues.
13. **Sewage System.** “Mullan Crossing” shall be serviced with the City of Missoula sewer system. The costs for maintenance and repairs, if any, shall be included in the Association dues.
14. **Stormwater System.** “Mullan Crossing” stormwater system is provided by the City of Missoula. The costs for maintenance and repairs, if any, shall be included in the Association dues.
15. **Assessments.** Each owner of a Unit, by acceptance of a deed creating such ownership interest, covenants and agrees to pay the Association the amount of any assessments levied per Unit by the Association for the maintenance of the project and for any other lawful purpose. The assessments so levied shall be a personal obligation of each owner and shall be a lien against the Unit upon which the assessment is made. The Association shall have the power to suspend the voting rights of any member who is delinquent in the payment of any assessment when due and shall have the right to recover attorney's fees and costs of suit in the event of any legal action to collect a delinquent assessment. Assessments not paid when due shall bear interest at the highest rate allowed by law.
16. **Restrictions and Bylaws.** All present and future Owners, tenants and lessees, and guests and invitees of Owners and lessees and all occupants in the Units shall be subject to and comply with the provisions of:
- A. This Declaration;
  - B. The Restrictions of “Mullan Crossing” and Bylaws of the Association of Unit Owners of the Condominiums as they may be amended from time to time which is of record and is by this reference specifically incorporated herein;
  - C. Rules and regulations as promulgated from time to time under the provisions of the Restrictions and Bylaws of the Association of Unit Owners; and
  - D. The acceptance of a deed of conveyance or the entering into occupancy of any Unit in “Mullan Crossing” constitutes an agreement that the provisions of this

Declaration, Restrictions and Bylaws of the Association of Unit Owners and the rules and regulations as defined in said Declaration and Bylaws and as tenant, lessee or occupant and all of such provisions shall be deemed and taken to be covenants running with the land and the Units and each of them and shall bind any person having at any time any interest or estate, tenancy, leasehold or occupancy in such Unit, as though such provisions were recited and stipulated at length in each and every deed or conveyance, lease or instrument or tenancy. The failure of the Association or any Unit Owners to enforce any covenant, restriction, rule and regulation, or any provision of the Unit Ownership Act, this Declaration, the Restrictions and Bylaws of the Association, or the rules and regulations adopted from time to time shall not constitute a waiver of the right to do so thereafter.

**17. Certification of compliance or exemptions.**

- A. Exemption from subdivision review. Attached as Exhibit D to this Declaration is certification from Missoula Development Services that the property complies with applicable local zoning regulations and that this condominium project is exempt from subdivision review pursuant to Mont. Code Ann. § 76-3-203.
- B. Exemption from sanitation in subdivision review. Attached as Exhibit E to this Declaration is certification from the Montana Department of Environmental Quality pursuant to Mont. Code Ann. § 76-4-125(1)(d) the condominium project is excluded from sanitation in subdivision review because the property will have adequate storm water drainage and adequate municipal facilities will be provided.

**18. Revocation or Amendment.** This Declaration shall not be revoked or any of the provisions herein amended unless all of the owners and the holders of a first security interest covering the Units unanimously agree to such revocation or amendment by duly recorded instruments.

**19. Termination.** This Declaration of Unit Ownership shall be terminated only in the manner provided in Section 70-23-801 through Section 70-23-806, inclusive, Montana Code Annotated, as amended, from time to time.

**20. Invalidity.** The invalidity of any provision of this Declaration shall not affect in any manner the validity or enforceability of the remainder of this Declaration and the other provisions of this Declaration shall continue in effect as if such invalid provision shall not have been included herein.

IN WITNESS WHEREOF, the Declarant executed this Agreement this 14<sup>th</sup> day of July, 2023.

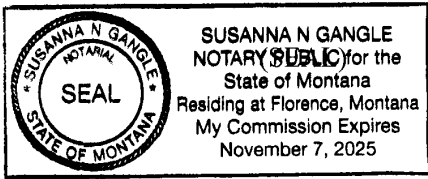




STATE OF MONTANA )  
 : ss  
County of Missoula )

On this 14<sup>th</sup> day of July, 2023, before me, the undersigned Notary Public for the State of Montana, personally appeared Graham Meng, in his capacity as a member of MMW, LLC, whose name is subscribed to the within instrument and acknowledged to me that he executed the same on behalf of "Mullan Crossing."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

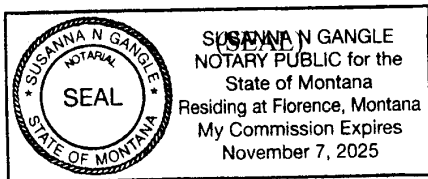


Susanna N Gangle  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF MONTANA )  
 : ss  
County of Missoula )

On this 14<sup>th</sup> day of July, 2023, before me, the undersigned Notary Public for the State of Montana, personally appeared Joe Meng, in his capacity as a member of MMW, LLC, whose name is subscribed to the within instrument and acknowledged to me that he executed the same on behalf of "Mullan Crossing."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.



Susanna N Gangle  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

# **EXHIBIT A**

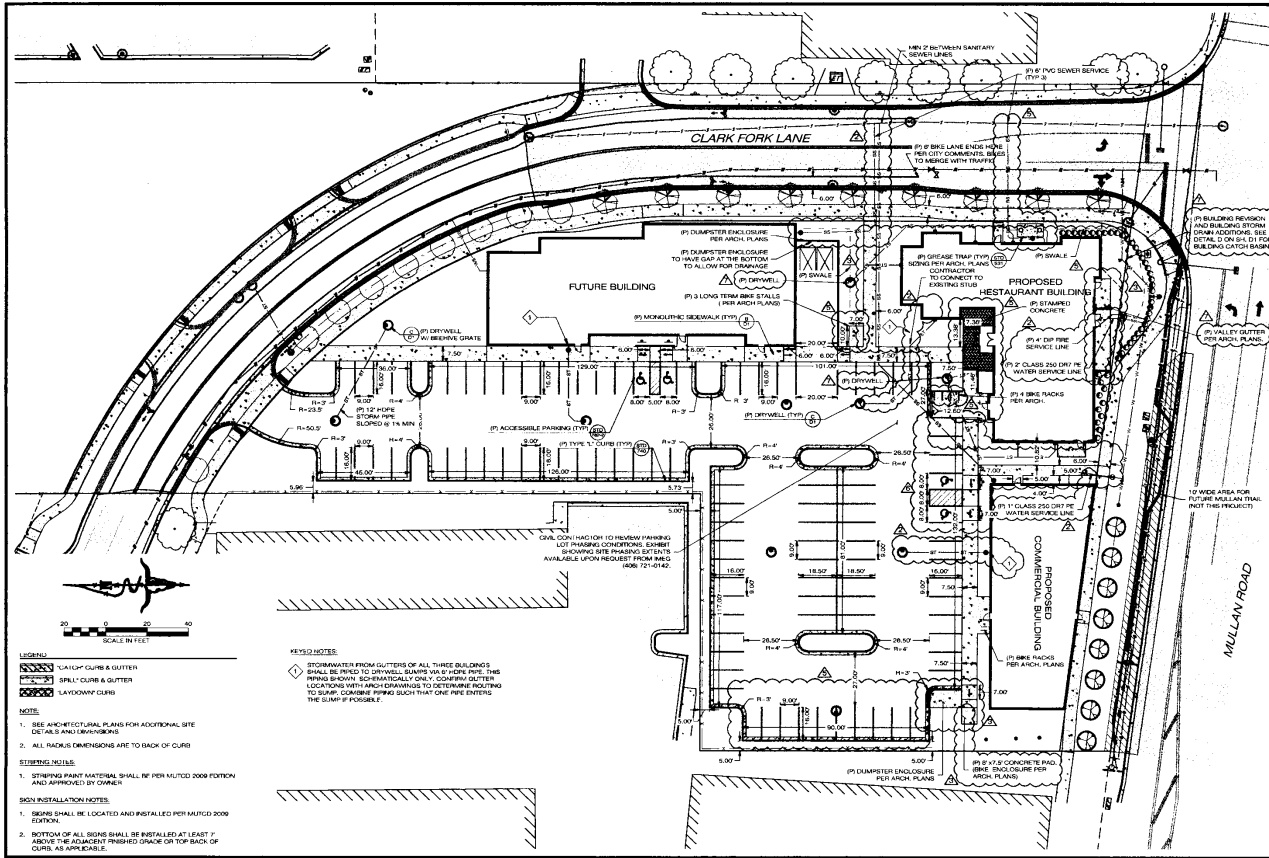
## **Legal Description**

**LEGAL DESCRIPTION**

TRACT A OF HALLING FARMS, TRACT 1, AN AMENDED SUBDIVISION  
PLANT ON RECORD IN THE RECORDS OF MISSOULA COUNTY,  
MONTANA, AT BOOK 38 PLATS, PAGE 98, LOCATED IN THE NE ¼ OF  
SECTION 18, TOWNSHIP 13 NORTH, RANGE 19 WEST, PMM, MISSOUL  
COUNTY, MONTANA.

# **EXHIBIT B**

## **Site Plan**



**IMEG**  
 CIVIL ENGINEERING & ARCHITECTURE  
 1000 N. 10TH ST. SUITE 100  
 BOZEMAN, MONTANA 59717  
 TEL: (406) 552-1111  
 FAX: (406) 552-1112  
 WWW.IMEG.CA

DATE: 07/26/23  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 DESIGNED BY: JMM  
 PROJECT NO: 23-001

DESIGNED: 7/26/23  
 DRAWN: 7/26/23  
 CHECKED: 7/26/23  
 DATE: 7/26/23

PROJECT NAME: MULLAN CROSSING COMMERCIAL DEVELOPMENT  
 CLIENT: MULLAN, LLC  
 SHEET NO: 5 OF 9

18-5458  
 5 OF 9

18-5458  
 5 OF 9

**LEGEND**

- CLAY CURB & GUTTER
- SPALL CURB & GUTTER
- LANDSCAPE CURB

**NOTE**

- SEE ARCHITECTURAL PLANS FOR ADDITIONAL SITE DETAILS AND DIMENSIONS
- ALL RACKS DIMENSIONS ARE TO BACK OF CURB

**STRENGTHING NOTES**

- STRENGTHENING MATERIAL SHALL BE PER MUTCD 2009 EDITION AND APPROVED BY OWNER

**SIGN INSTALLATION NOTES**

- SIGNS SHALL BE LOCATED AND INSTALLED PER MUTCD 2009 EDITION
- BOTTOM OF ALL SIGNS SHALL BE INSTALLED AT LEAST 7' ABOVE THE ADJACENT FINISHED GRADE OR TOP BACK OF CURB, AS APPLICABLE

**KEYNOTE NOTES**

1. DOWNWATER FROM GUTTERS OF ALL THESE BUILDINGS SHALL BE PERMITTED TO DRYWELL Sumps VIA 6" HOLES INTO THE TRINCH SHOWN AND VERTICALLY ONE FOOT FROM THE LOCATIONS WITH ARCH DRAWINGS TO DETERMINE ROUTING TO SUMP. CONSOLE PIPING SUCH THAT ONE PIPE ENTERS THE SUMP IF POSSIBLE.

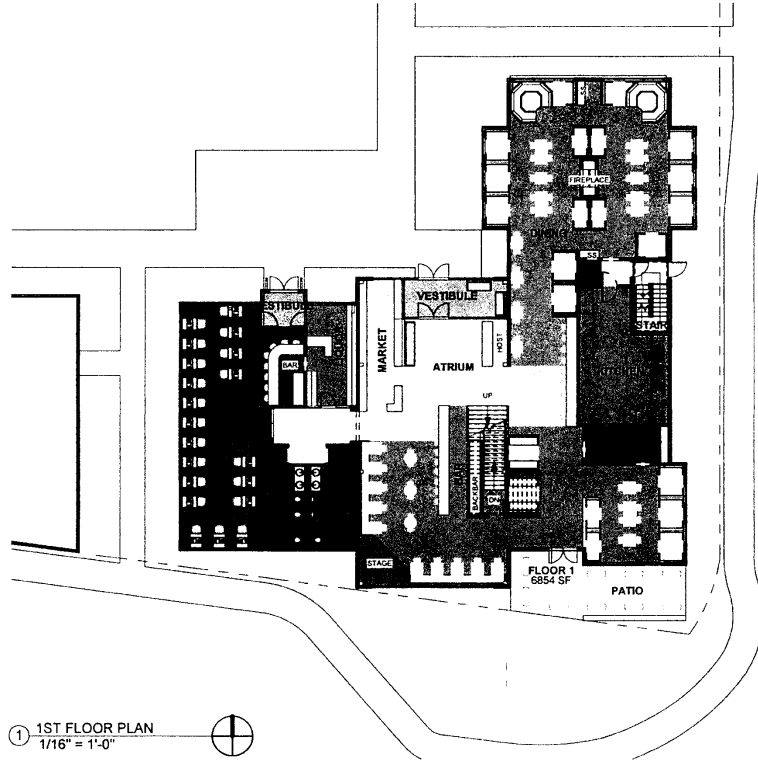


# **EXHIBIT C**

## **Floor Plans**

# MULLAN CROSSING

Building 1



GROSS FLOOR AREA:  
1ST FLOOR = 7112 SQFT

**CRU RESTAURANT & BAR**  
3720 MULLAN RD // MISSOULA, MT 59808

1ST FLOOR PLAN

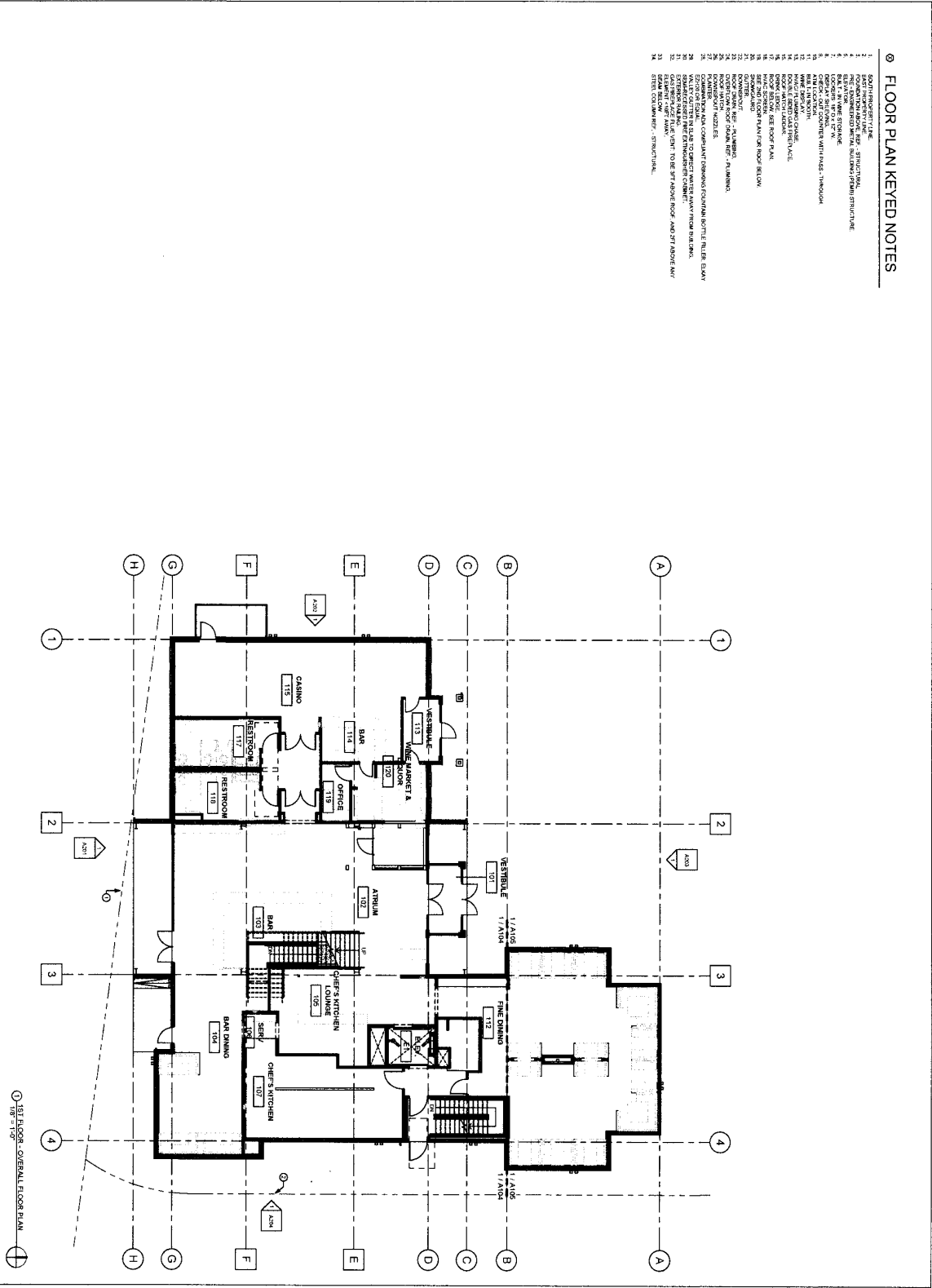
SCHEMATIC DESIGN  
A.2  
2021.08.31

**PARADIGM**  
ARCHITECTURE



FLOOR PLAN KEYED NOTES

- 1 ROOM NUMBER / NAME
- 2 ROOM NUMBER / NAME - STRUCTURAL
- 3 ROOM NUMBER / NAME - STRUCTURAL
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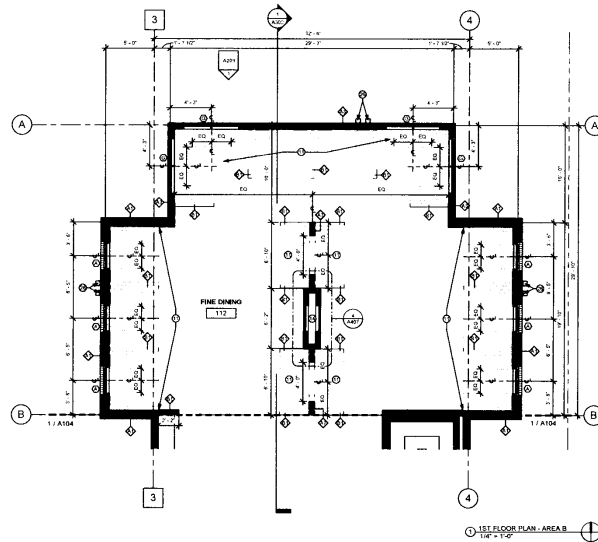


<p>115 CASINO</p> <p>114 BAR</p> <p>113 OFFICE</p> <p>112 KITCHEN</p> <p>111 DINING</p> <p>110 BAR DINING</p> <p>109 KITCHEN</p> <p>108 KITCHEN</p> <p>107 KITCHEN</p> <p>106 DINING</p> <p>105 BAR DINING</p> <p>104 KITCHEN</p> <p>103 KITCHEN</p> <p>102 KITCHEN</p> <p>101 KITCHEN</p> <p>100 KITCHEN</p> <p>99 KITCHEN</p> <p>98 KITCHEN</p> <p>97 KITCHEN</p> <p>96 KITCHEN</p> <p>95 KITCHEN</p> <p>94 KITCHEN</p> <p>93 KITCHEN</p> <p>92 KITCHEN</p> <p>91 KITCHEN</p> <p>90 KITCHEN</p> <p>89 KITCHEN</p> <p>88 KITCHEN</p> <p>87 KITCHEN</p> <p>86 KITCHEN</p> <p>85 KITCHEN</p> <p>84 KITCHEN</p> <p>83 KITCHEN</p> <p>82 KITCHEN</p> <p>81 KITCHEN</p> <p>80 KITCHEN</p> <p>79 KITCHEN</p> <p>78 KITCHEN</p> <p>77 KITCHEN</p> <p>76 KITCHEN</p> <p>75 KITCHEN</p> <p>74 KITCHEN</p> <p>73 KITCHEN</p> <p>72 KITCHEN</p> <p>71 KITCHEN</p> <p>70 KITCHEN</p> <p>69 KITCHEN</p> <p>68 KITCHEN</p> <p>67 KITCHEN</p> <p>66 KITCHEN</p> <p>65 KITCHEN</p> <p>64 KITCHEN</p> <p>63 KITCHEN</p> <p>62 KITCHEN</p> <p>61 KITCHEN</p> <p>60 KITCHEN</p> <p>59 KITCHEN</p> <p>58 KITCHEN</p> <p>57 KITCHEN</p> <p>56 KITCHEN</p> <p>55 KITCHEN</p> <p>54 KITCHEN</p> <p>53 KITCHEN</p> <p>52 KITCHEN</p> <p>51 KITCHEN</p> <p>50 KITCHEN</p> <p>49 KITCHEN</p> <p>48 KITCHEN</p> <p>47 KITCHEN</p> <p>46 KITCHEN</p> <p>45 KITCHEN</p> <p>44 KITCHEN</p> <p>43 KITCHEN</p> <p>42 KITCHEN</p> <p>41 KITCHEN</p> <p>40 KITCHEN</p> <p>39 KITCHEN</p> <p>38 KITCHEN</p> <p>37 KITCHEN</p> <p>36 KITCHEN</p> <p>35 KITCHEN</p> <p>34 KITCHEN</p> <p>33 KITCHEN</p> <p>32 KITCHEN</p> <p>31 KITCHEN</p> <p>30 KITCHEN</p> <p>29 KITCHEN</p> <p>28 KITCHEN</p> <p>27 KITCHEN</p> <p>26 KITCHEN</p> <p>25 KITCHEN</p> <p>24 KITCHEN</p> <p>23 KITCHEN</p> <p>22 KITCHEN</p> <p>21 KITCHEN</p> <p>20 KITCHEN</p> <p>19 KITCHEN</p> <p>18 KITCHEN</p> <p>17 KITCHEN</p> <p>16 KITCHEN</p> <p>15 KITCHEN</p> <p>14 KITCHEN</p> <p>13 KITCHEN</p> <p>12 KITCHEN</p> <p>11 KITCHEN</p> <p>10 KITCHEN</p> <p>9 KITCHEN</p> <p>8 KITCHEN</p> <p>7 KITCHEN</p> <p>6 KITCHEN</p> <p>5 KITCHEN</p> <p>4 KITCHEN</p> <p>3 KITCHEN</p> <p>2 KITCHEN</p> <p>1 KITCHEN</p>	<p><b>CRU RESTAURANT &amp; BAR</b></p> <p>2315 CLARK FORK LANE // MISSOULA, MT 59808</p>	<p><b>PARADIGM ARCHITECTURE</b></p> 	<p>REVISIONS</p> <p><b>A103</b></p> <p>115 FLOOR PLAN - OVERALL</p> <p>PERMIT SET</p>
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⊙ FLOOR PLAN KEYED NOTES

- 1 SOUTH PROJECT LINE
- 2 EAST PROJECT LINE
- 3 FOUNDATION ANGLE KEY - STRUCTURAL
- 4 SEE ENGINEER'S NOTES BUILDING PERMITS STRUCTURE
- 5 SEE PERMITS
- 6 SEE PERMITS
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- 34 SEE PERMITS



PARADIGM  
 ARCHITECTURE

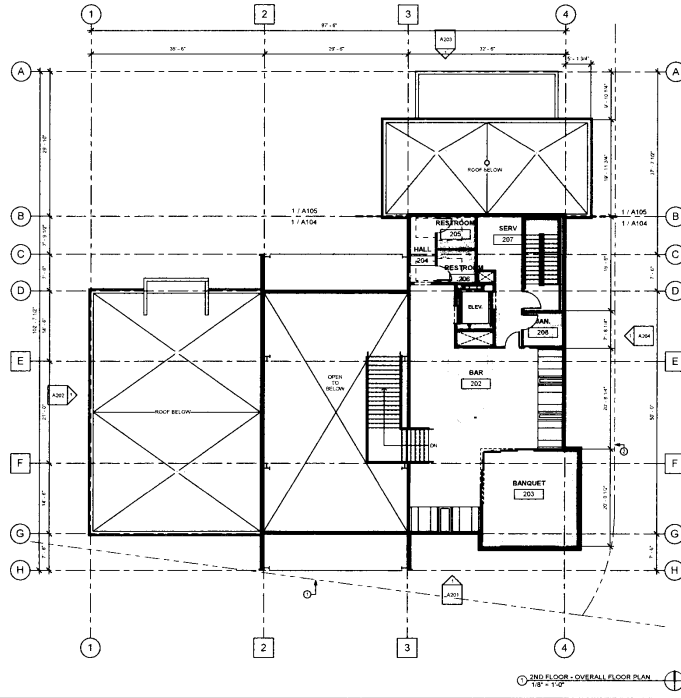
CRU RESTAURANT & BAR  
 2315 CLARK FORK LANE # MISSOULA, MT 59808

1ST FLOOR - AREA B  
**A105**  
 PERMIT SET



⊙ FLOOR PLAN KEYED NOTES

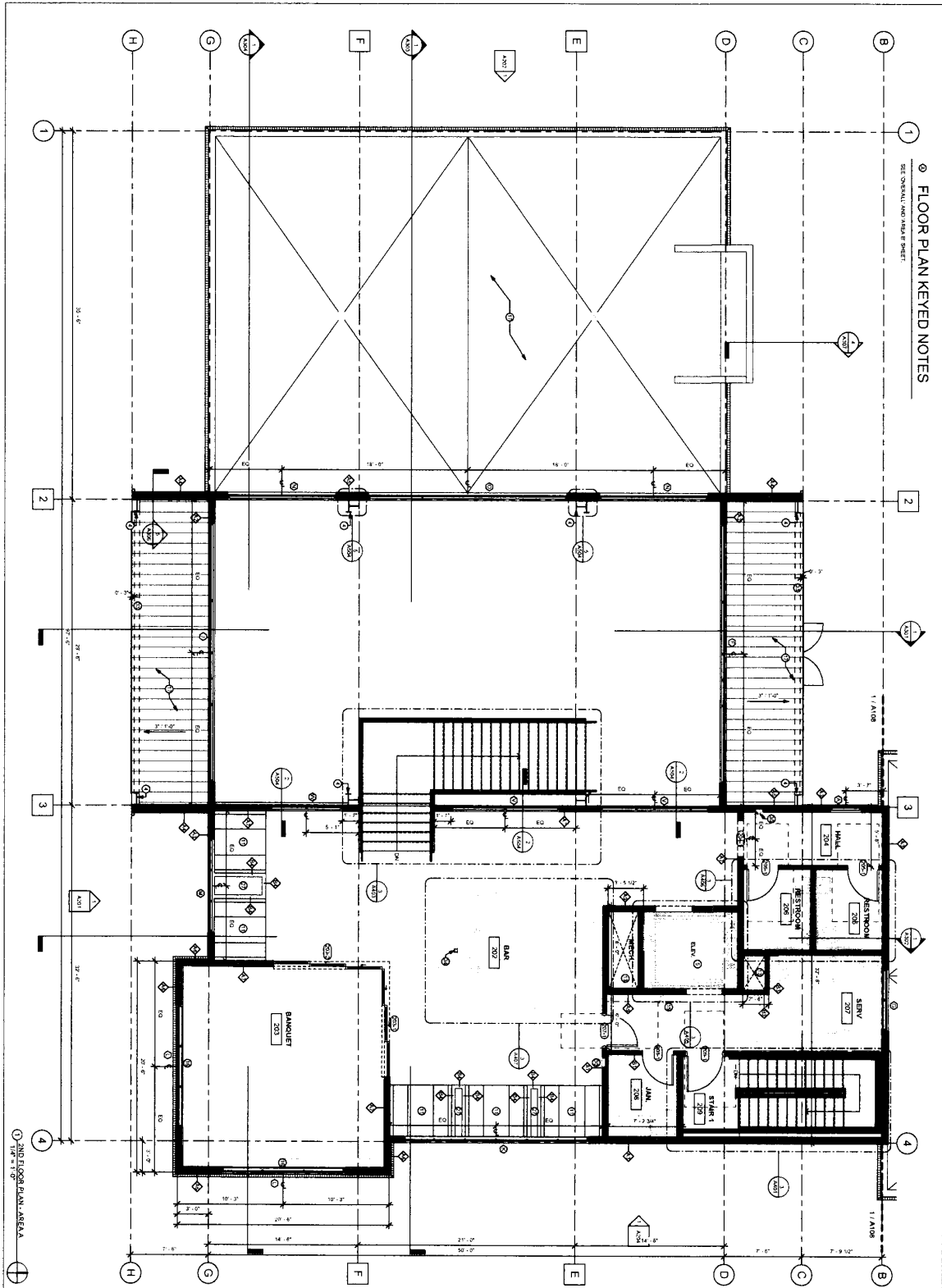
1. SOUTH PROPERTY LINE.
2. SEE PERMIT SET.
3. FOUNDATION AND REINFORCEMENT - STRUCTURAL.
4. SEE CONCRETE WITH REINFORCEMENT STRUCTURE.
5. ELECTRICAL.
6. MECHANICAL.
7. MECHANICAL STORAGE.
8. MECHANICAL STORAGE.
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**PARADIGM**  
ARCHITECTURE

**CRU RESTAURANT & BAR**  
 2315 CLARK FORK LANE / MISSOULA, MT 59808

2023.07.19  
 2ND FLOOR PLAN  
 OVERALL  
**A106**  
 PERMIT SET



FLOOR PLAN KEYED NOTES  
 SEE GENERAL AND NOTES TO PERMIT

2ND FLOOR - AREA  
 2023.11.14  
**A107**  
 PERMIT SET

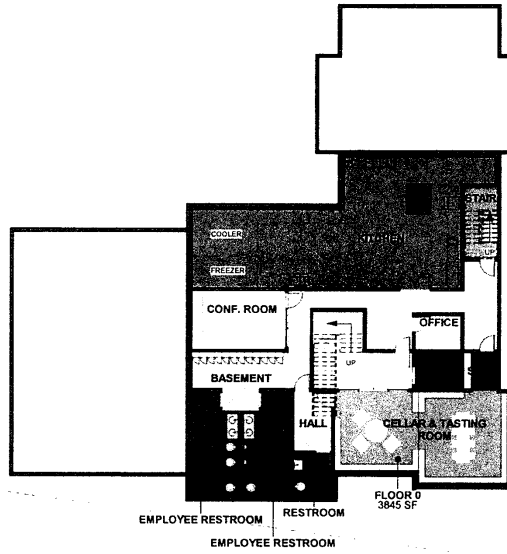
REVISIONS

**CRU RESTAURANT & BAR**  
 2315 CLARK FORK LANE // MISSOULA, MT 59808

**PARADIGM ARCHITECTURE**







① BASEMENT FLOOR PLAN  
1/16" = 1'-0" 

GROSS FLOOR AREA:  
BASEMENT = 4028 SQFT

**CRU RESTAURANT & BAR**  
3720 MULLAN RD // MISSOULA, MT 59808

BASEMENT FLOOR PLAN

SCHEMATIC DESIGN  
A.1  
2021.08.31

**PARADIGM**  
ARCHITECTURE

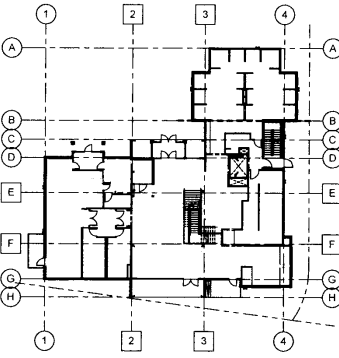


**FLOOR PLAN KEYED NOTES**

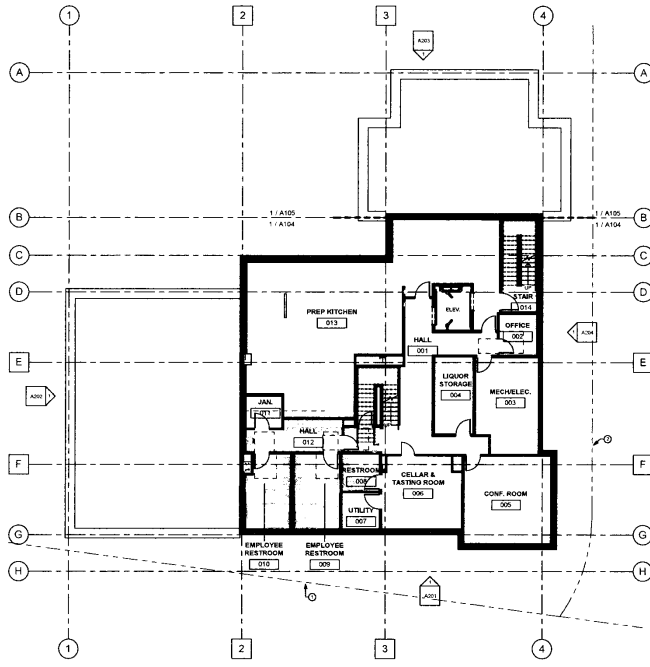
1. SOUTH PROPERTY LINE
2. EXISTING PROPERTY LINE
3. FOUNDATION ANCHOR REF. - STRUCTURAL
4. PREL. ANCHOR PILES WITH BUILDING PERMITS STRUCTURE
5. ELEVATION
6. SLOPE IN FIRE STAIRCASE
7. LOCKERS - SEE PLAN
8. DISPLAY CASE WALL
9. GROUND LEVEL CONCRETE RETAINMENT WALL - THROUGH
10. FIRE ALARM
11. BUILDING ELEVATION
12. WIND UP/SHUT-DOWN
13. WIND UP/SHUT-DOWN
14. WIND UP/SHUT-DOWN
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99. SEE MECHANICAL PLAN FOR ROOF BELOW
100. SEE MECHANICAL PLAN FOR ROOF BELOW

**GRID ALIGNMENT**

- GRID 2: OUTSIDE FACE OF PEMB STEEL FRAME (WEST FACE)
- GRID 3: OUTSIDE FACE OF PEMB STEEL FRAME (EAST FACE)
- GRID 4: SOUTH FACE OF PEMB STEEL FRAME
- GRID 5: NORTH FACE OF PEMB STEEL FRAME



GRID LEGEND  
 1/8" = 1'-0"



BASEMENT - OVERALL FLOOR PLAN  
 1/8" = 1'-0"

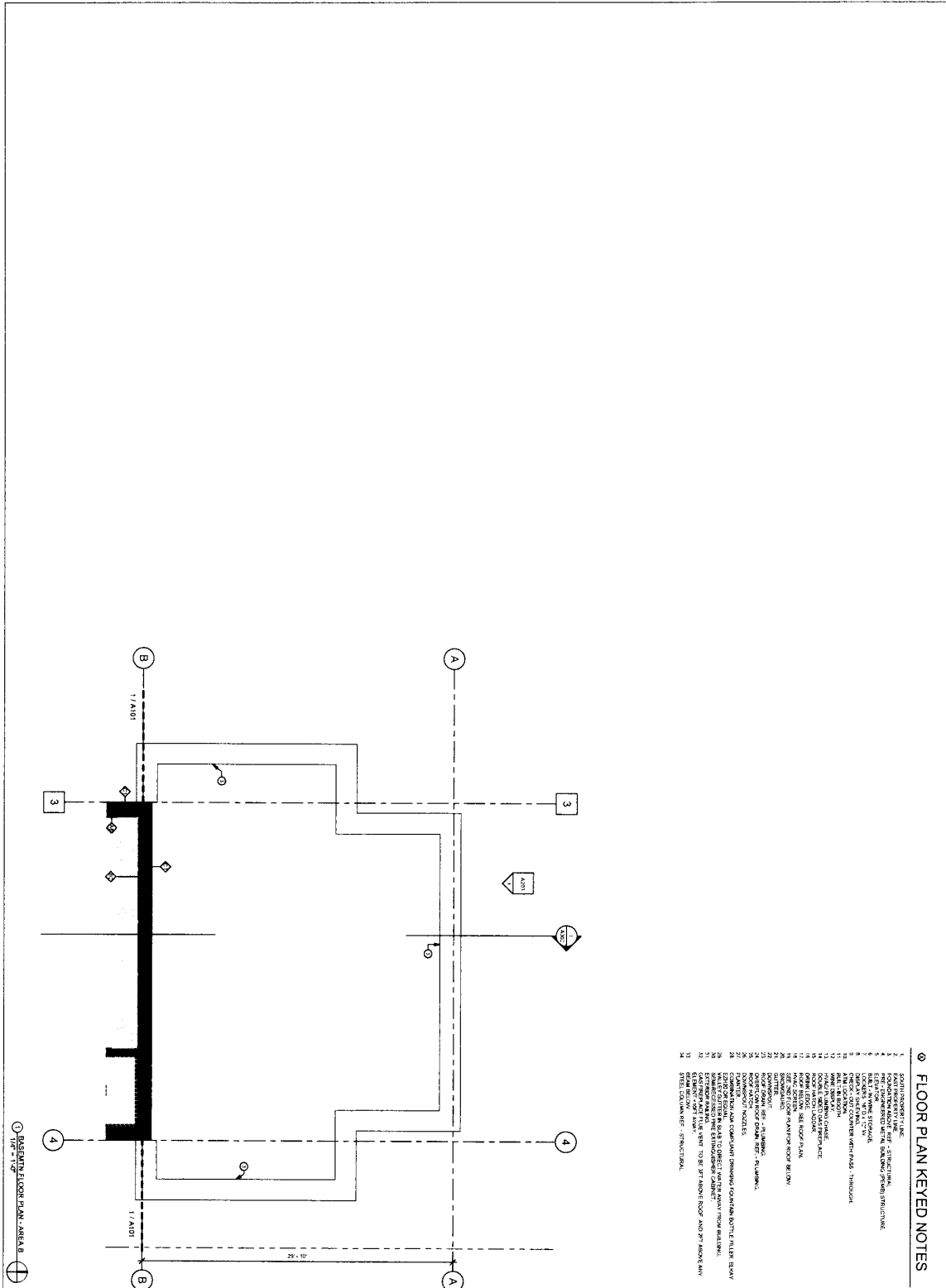


**PARADIGM**  
 ARCHITECTURE

**CRU RESTAURANT & BAR**  
 2315 CLARK FORK LANE / MISSOULA, MT 59808

NO. 11-18  
 BASEMENT FLOOR  
 PLAN - OVERALL  
**A100**  
 PERMIT SET





- FLOOR PLAN KEYED NOTES**
- 1 SOUTH ELEVATION LINE
  - 2 FOUNDATION WALLS - STRUCTURAL
  - 3 FOUNDATION WALLS - CONCRETE
  - 4 FOUNDATION WALLS - BLOCK/CMU STRUCTURE
  - 5 FOUNDATION WALLS - CONCRETE
  - 6 FOUNDATION WALLS - BLOCK/CMU STRUCTURE
  - 7 FOUNDATION WALLS - CONCRETE
  - 8 FOUNDATION WALLS - BLOCK/CMU STRUCTURE
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  - 30 FOUNDATION WALLS - BLOCK/CMU STRUCTURE
  - 31 FOUNDATION WALLS - CONCRETE
  - 32 FOUNDATION WALLS - BLOCK/CMU STRUCTURE
  - 33 FOUNDATION WALLS - CONCRETE
  - 34 FOUNDATION WALLS - BLOCK/CMU STRUCTURE

REVISIONS

2023.11.14

BASEMENT FLOOR PLAN - AREA B

**A102**

PERMIT SET

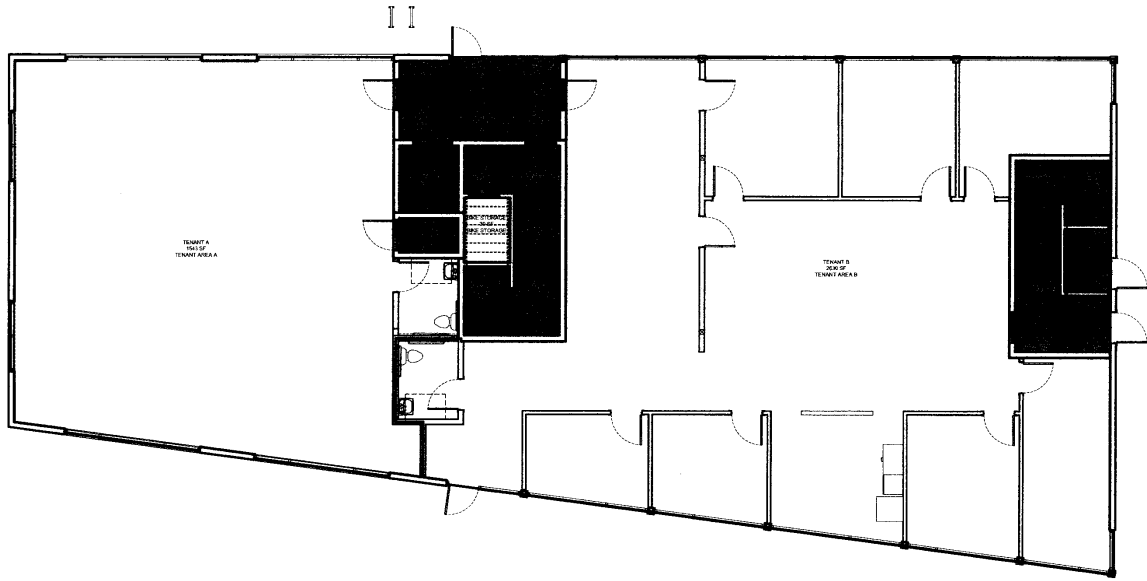
**CRU RESTAURANT & BAR**

2315 CLARK FORK LANE // MISSOULA, MT 59808



# MULLAN CROSSING

Building 2

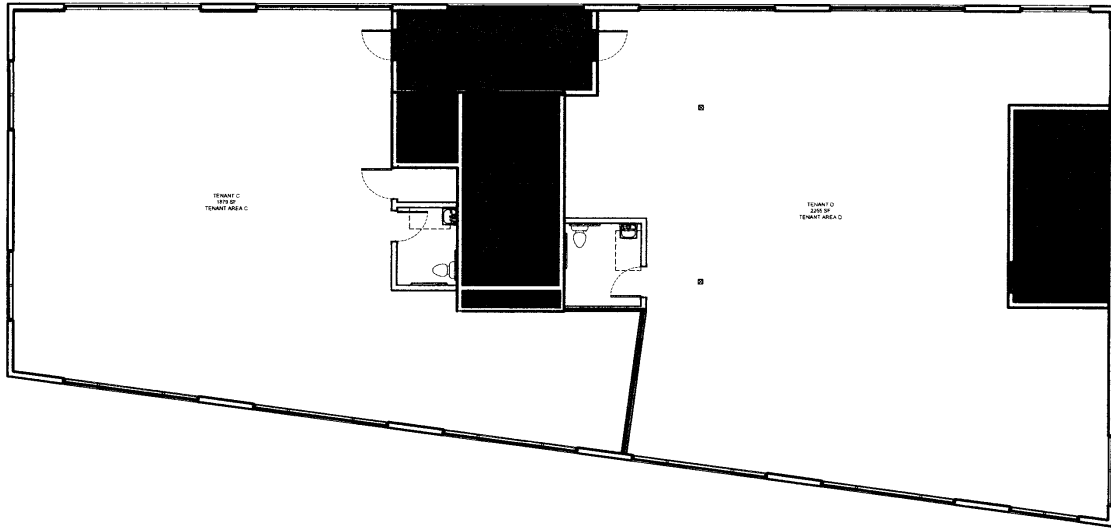


BOMA (A) - Rentable - First Floor  
1/4" = 1'-0"

WALKER HOMES AND DEVELOPMENT  
COMMERCIAL BUILDING PAD 2  
FIRST FLOOR - BOMA - METHOD A

DATE: 05/16/23  
05/16/23

Cushing  
Terrell.



1 BOMA (A) - Rentable - Second Floor

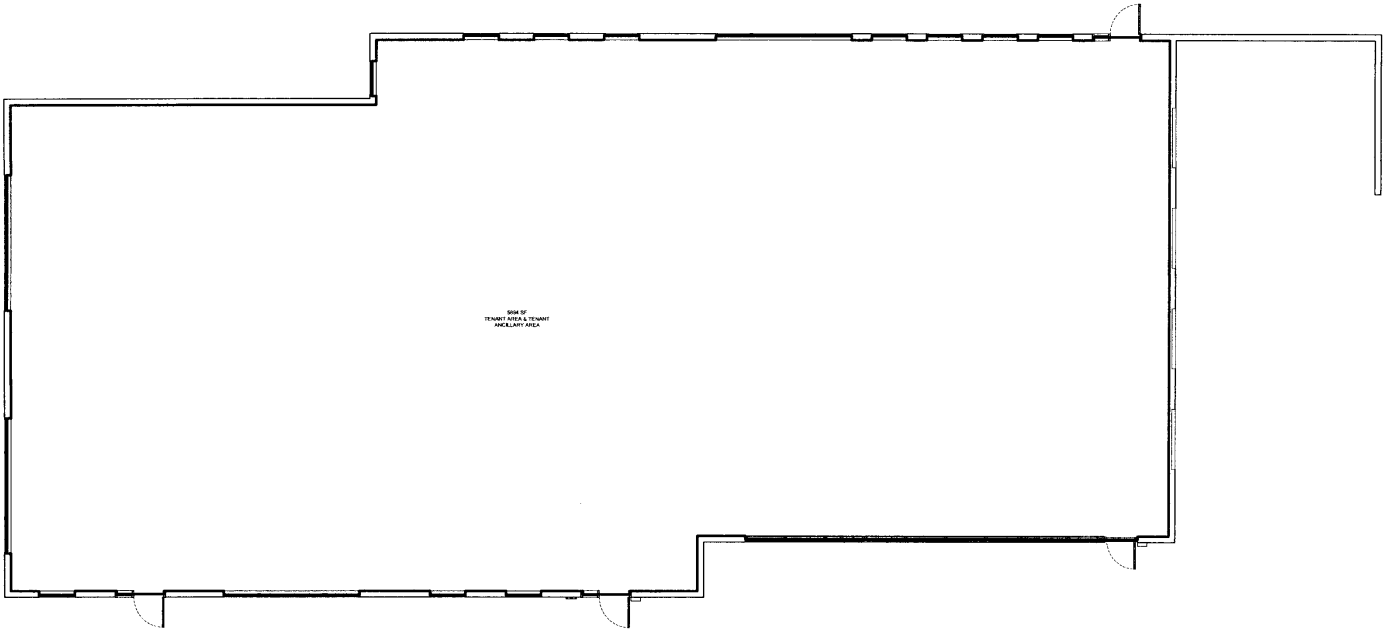
WALKER HOMES AND DEVELOPMENT  
COMMERCIAL BUILDING PAD 2  
SECOND FLOOR - BOMA - METHOD A

DATE: 07/26/2023  
09/16/23

**Cushing  
Terrell.**

# MULLAN CROSSING

Building 3



BOMA (A) - Rentable - First Floor  
1/8" = 1'-0"



**NOTE\*\*** Calculations are based on assumption of single occupancy and dimensions of design drawings. Measurements shall be field verified prior to execution of leasing documents.

WALKER HOMES AND DEVELOPMENT  
COMMERCIAL BUILDING PAD 3  
BOMA - METHOD A

Cushing  
Terrell.

05/23/23



# **EXHIBIT D**

## **Exemption from Subdivision Review**



## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

### Condominium Certification Letter

May 22<sup>nd</sup>, 2023

Brian Walker  
P.O. Box 17754  
Missoula, Montana 59808

Staff have reviewed the property located at 3760 Mullan Road & 2315 Clark Fork Lane, legally described as:

Tract A of Halling Farms, Tract 1, an amended subdivision plat on record in the records of Missoula County, Montana, at Book 38 Plats, Page 98, located in the Northeast Quarter of Section 18, Township 13 North, Range 19 West, P.M.M.

It is our understanding that you plan to file a Declaration of Condominium Ownership.

#### A. City Exemption

1. Condominiums, townhomes, or townhouses, as those terms are defined in MCA 70-23-102, if constructed in the City of Missoula on land subdivided in compliance with State Law (MCA, Title 76, Chapter 3, Parts 5 and 6) or on lots within incorporated cities and towns, are exempt from subdivision review if:

- a. The proposal is a conversion of an existing rental-occupancy apartment house or office building to individual condominium ownership.
- b. The approval of the original subdivision of land where the condominiums, townhomes, or townhouses will be constructed expressly contemplated the construction of such and included applicable park dedication as required by 76-3-621; or
- c. The condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.
  - i. The development was determined to be in compliance with applicable local zoning regulations on May 18<sup>th</sup>, 2023 based on the plans provided by the applicant with the zoning compliance permit 2023-MSS-ZCP-00007.
  - ii. Future building permits for the condominium units shall match the approved plans in the Declaration of Condominium Ownership, or an amendment to the Declaration will be required.

This proposal complies with the Subdivision Exemption Regulations as they apply to condominiums, townhomes, or townhouses.

If you have any further questions, you may contact the City of Missoula Development Services at (405) 552-6625.

Sincerely,

*Lauren Stevens*

Lauren Stevens, Senior Planner

# **EXHIBIT E**

## **Exemption from Sanitation in Subdivision Review**



January 11, 2022

David Friedlander  
1817 South Ave West, Suite A  
Missoula, MT 59801

RE: Mullan Crossing  
Municipal Facilities Exclusion  
EQ# 22-1743  
City of Missoula  
Missoula County, MT

Dear David,

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(1)(d), MCA, the creation of these condo units is not subject to review, and the declaration can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

This Municipal Facilities Exclusion will consist of nine (9) condominiums to each be used for one commercial unit and the remaining portion of land will be designated as a "Common Element" per the condo declaration.

Sincerely,

A handwritten signature in black ink that reads "James L. Erven, R.S." is written over a horizontal line.

James L. Erven, R.S.  
Subdivision Reviewer  
Public Water Supply and Subdivision Review Section  
Department of Environmental Quality  
(406) 461-9844  
Email: james.erven@mt.gov

cc: City Engineer  
County Sanitarian  
file

# PARADIGM ARCHITECTURE

06/14/2023

Tyler Gernant  
Clerk and Recorder  
Missoula County  
200 West Broadway  
Missoula, MT 59802-4292

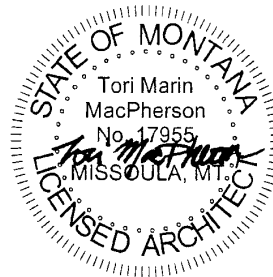
RE: "Mullan Crossing" Condominium Owner's Association, Inc.

Dear Mr. Gernant:

Pursuant to Mont. Code Ann. § 70-23-306 I have reviewed the floor plans for Building 1 attached to this Declaration of Unit Ownership, and hereby certify that they are an accurate copy of the plans filed with and approved by the City of Missoula Building Department. If you have any questions, or if I can be of further assistance, please call my office at (406) 549-6120

Sincerely,

Tori Marin MacPherson



July 7, 2023

**Cushing  
Terrell.**

Tyler Gernant  
Clerk and Recorder  
Missoula County  
200 West Broadway  
Missoula, MT 59802-4292

Re: "Mullan Crossing" Condominium Owner's Association, Inc.

Dear Mr. Gernant,

Pursuant to Mont. Code Ann. § 70-23-306 I have reviewed the floor plans for Commercial Building Pad 2 as attached to this Declaration of Unit Ownership, and hereby certify that they are an accurate copy of the plans filed with and approved by the City of Missoula Building Department. If you have any questions, or if I can be of further assistance, please call my office at (406)258-7348

Sincerely,

*David Z. Mitchell, AIA*



**David Mitchell, AIA**  
Project Manager | Architect

**Montana Department of Revenue Certificate**

The undersigned representative of the Montana Department of Revenue, pursuant to Montana Code Ann. § 70-23-303 and 304, hereby certifies that the name "Mullan Crossing" is approved and that all taxes and assessments due or payable for the real property described in the preceding Declaration have been paid.

Montana Department of Revenue

By: B. S. S. Date 10-20-21

Bonnie Saxton, Cartographer

Tax ID# 0001732456

Tax ID# 0002318906

Notary not required at this time

### Treasurer's Certificate

I hereby certify, pursuant to 7-4-2613(1)(a)(ii) M.C.A. and other relevant provisions of Montana law, that as of this 26 day of July, 2023 real property taxes and assessments that have been assessed and levied on the below described land to be divided or merged have been paid.

Tax ID#: 1732459

Legal Description: Tract A of Halling Farms Tract 1

Development Name: Mullan Crossing



---

Deputy County Treasurer





## MISSOULA COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

### Condominium Certification Letter

May 22<sup>nd</sup>, 2023

Brian Walker  
P.O. Box 17754  
Missoula, Montana 59808

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It is our understanding that you plan to file a Declaration of Condominium Ownership.

#### A. City Exemption

1. Condominiums, townhomes, or townhouses, as those terms are defined in MCA 70-23-102, if constructed in the City of Missoula on land subdivided in compliance with State Law (MCA, Title 76, Chapter 3, Parts 5 and 6) or on lots within incorporated cities and towns, are exempt from subdivision review if:

- a. The proposal is a conversion of an existing rental-occupancy apartment house or office building to individual condominium ownership.
- b. The approval of the original subdivision of land where the condominiums, townhomes, or townhouses will be constructed expressly contemplated the construction of such and included applicable park dedication as required by 76-3-621; or
- c. The condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.
  - i. The development was determined to be in compliance with applicable local zoning regulations on May 18<sup>th</sup>, 2023 based on the plans provided by the applicant with the zoning compliance permit 2023-MSS-ZCP-00007.
  - ii. Future building permits for the condominium units shall match the approved plans in the Declaration of Condominium Ownership, or an amendment to the Declaration will be required.

This proposal complies with the Subdivision Exemption Regulations as they apply to condominiums, townhomes, or townhouses.

If you have any further questions, you may contact the City of Missoula Development Services at (405) 552-6625.

Sincerely,

*Lauren Stevens*

Lauren Stevens, Senior Planner



**COMMUNITY PLANNING, DEVELOPMENT & INNOVATION**

Development Services Division

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

December 8, 2022

Tori MacPherson  
Paradigm 3 Architecture  
125 ½ W Main Street  
Missoula, MT 59802

**RE: Tavern and Casino Conditional Use Approval at 3760 Mullan Road**

Dear Tori MacPherson,

This is to confirm that at their regularly scheduled meeting on November 14, 2022, the Missoula City Council, with a vote of nine (9) ayes, two (2) nays, and one (1) member absent, approved a conditional use request for a Tavern and Casino at the property addressed as 3760 Mullan Road, and legally described as Tract A of Halling Farms, Tract 1, an amended subdivision plat on record in the records of Missoula County, Montana, at Book 38 Plats, Page 98, located in the Northeast Quarter of Section 18, Township 13 North, Range 19 West, P.M.M. This decision, along with the associated condition of approval, was based on the findings of fact and conclusions of law included as an attachment to this correspondence, and written and oral testimony provided to City Council.

The approved conditional use is subject to the following condition of approval:

1. The Tavern and Casino conditional uses at 3760 Mullan Road shall comply with all applicable portions of the Title 20 Zoning Ordinance. Plans submitted at the time of building permit application shall substantially conform to the plans submitted at the time of conditional use review, subject to review and approval by Development Services prior to building permit approval.

The conditional use approval remains valid for two years from the date of this approval letter. A building permit must be issued for the Tavern and Casino within the two-year approval period, unless a request for an extension of up to one year is requested and approved according to the provisions of Section 20.85.070 of the Title 20 City of Missoula Zoning Ordinance.

If you have any questions, please feel free to contact me at 406-552-6054 or email me at [StevensL@ci.missoula.mt.us](mailto:StevensL@ci.missoula.mt.us).

Thank you,

*Lauren Stevens*

Lauren Stevens, Senior Planner  
Development Services Division  
Community Planning, Development, and Innovation

cc: MMW, LLC., Owner/Applicant  
Troy Monroe, PWM  
Steve Reichert, PWM  
Cassie Tripard, CPDI  
Mary McCrea, CPDI  
Walter Banziger, CPDI  
Aaron Bowman, CPDI  
Jim Nugent, City Attorney  
Marty Rehbein, City Clerk

**Findings of Fact and Conclusions of Law  
Tavern and Casino Conditional Use Request at 3760 Mullan Road  
November 14, 2022**

**Findings of Fact:**

**General**

1. The property is located at 3760 Mullan Road. Retired property addresses include 3720 and 3770 Mullan Road.
2. The subject property is legally described as Tract A of Halling Farms, Tract 1, an amended subdivision plat on record in the records of Missoula County, Montana, at Book 38 Plats, Page 98, located in the Northeast Quarter of Section 18, Township 13 North, Range 19 West, P.M.M.
3. The property was annexed in 2020 by City Resolution #8447, subject to 8 conditions of approval.
4. The subject property has frontage on Mullan Road and Clark Fork Lane. Mullan Road is functionally classified as a Minor Arterial and Clark Fork Lane will be functionally classified as a Local Street upon completion.
5. The subject property is within the Missoula Urban Transportation District, the Utility Services Area Boundary, the Urban Growth Area, and the Air Stagnation Zone. The building will be required to connect to City water and sewer.
6. The subject property is within an established service area for Missoula hospitals and the City Fire and Police Departments.

**Proposed Development**

7. The subject parcel previously contained two detached single-dwelling residential structures and four accessory structures.
8. The approved Tavern and Casino conditional uses, along with Food and Beverage Retail Sales and Restaurant uses, will be contained within one new commercial building located on the southeast corner of the parcel. The new building will be assigned an address at the time of building permit submittal.
9. There is one proposed commercial building located on the southwest corner of the parcel that was issued a building permit on March 16, 2022. The new commercial building will have four commercial units and will require eighteen parking spaces.
10. There is one proposed future building to be located on the northeast corner of the parcel. Compliance with the Title 20 zoning ordinance and all other applicable City codes will be reviewed at the time of building permit submittal.
11. Title 20, Section 20.40.040 states casinos must be located on parcels with frontage on an arterial street. The subject property has frontage on Mullan Road, a minor arterial street, and complies with Title 20.

**Growth Policy and Zoning**

12. The applicable regional plan is the Our Missoula 2035 City Growth Policy. The subject property has a land use designation of Community Mixed Use on the

western half of the parcel and a land use designation of Regional Commercial and Services on the eastern half of the parcel.

13. Areas designated as Community Mixed Use are for high intensity commercial uses that serve general community needs. High density residential development (up to 43 dwelling units per acre) is also permitted in all of the zoning districts corresponding to this land use designation. The current relatable Title 20 zoning districts for lands designated as Community Mixed Use are: C1 Neighborhood Commercial, C2 Community Commercial, and M1R Limited-Industrial Residential.
14. Areas designated as Regional Commercial and Services are for commercial uses that serve the needs of the broader region and often require larger land areas. High density residential development (up to 43 dwelling units per acre) is also permitted in most zoning districts corresponding to this land use designation. The current relatable Title 20 zoning districts for lands designated as Regional Commercial and Services are: C1 Neighborhood Commercial, C2 Community Commercial, M1R Limited-Industrial Residential, and OP3 Public Lands and Institutions.
15. The subject property is zoned C1-3 Neighborhood Commercial.
16. Pursuant to Table 20.10-1 "Uses Allowed in Business and Commercial Districts" of the Title 20 zoning ordinance, Tavern and Casino uses require conditional use approval to operate in the C1-3 Neighborhood Commercial zoning district.
17. Parcels to the north of the subject property are zoned B2-2 Community Business and C1-3 Neighborhood Commercial. Parcels to the west of the subject property are zoned B2-2 Community Business. South of the subject property parcels are zoned M1-2 Limited Industrial. Parcels to the east of the subject property area zoned C1-4 Neighborhood Commercial.
18. Surrounding uses include multi-dwelling residential, financial services (bank), construction sales and services, manufacturing, and entertainment and spectator sports (movie theater). The parcel to the north is currently vacant.
19. There is no minimum parcel area or building setback requirements in the C1-3 Neighborhood Commercial zoning district unless the parcel abuts a residential district. This parcel does not abut a residentially zoned parcel. The maximum height permitted in the C1-3 zoning district is 65 feet.
20. The new Tavern and Casino uses will be required to meet all Missoula Municipal Code requirements at the time of building permit approval, per the condition of approval imposed by City Council.

#### **Parking and Access**

21. Title 20.60.020, Table 20.60-1 provides the required parking ratio for each use classification. The parking requirement for both the Tavern and Casino uses is one space per four seats + one space per two employees + one space per billiard table + one space per two gambling machines. The parking requirement for a Restaurant use is one space per four seats + one space per two employees. The parking requirement for a Food and Beverage Retail Sales use is one space per 480 square feet. Parcels containing more than one use must provide parking in an amount equal to the total of the requirements for all uses.

22. A total of seventy-seven parking spaces are required for the new proposed commercial building containing the four proposed uses. The parking requirement for this building is met.
23. The proposed parking lot on the subject property intends to provide parking for all three planned buildings. Total parking required for the subject property will be determined by the parking requirements for the various use classifications across the three buildings combined. The parking lot will contain one-hundred and one parking spaces.
24. The new commercial building that is in progress will have four commercial units and will require eighteen parking spaces. The proposed third building on the property does not have proposed uses at this time, therefore a parking requirement cannot be provided. Proposed uses will be required to supply parking that meets the required minimum, and will be reviewed for at the time of building permit.
25. Title 20, Table 20.60-2 outlines the bicycle parking requirements for commercial uses. One short term bicycle parking space is required per ten motor vehicle parking spaces and one long term bicycle parking space is required per five employees.
26. The proposed building will require eight short term bicycle parking spaces and four long term bicycle parking spaces.
27. Eight short term bicycle parking spaces are proposed on the north side of the building by the main entrance area. Four long term bicycle parking spaces are proposed north of the building adjacent to the parking area and sidewalks connecting to Clark Fork Lane. Compliance with bicycle parking design standards of Title 20, Section 20.60.090.C & .D will be reviewed for at the time of building permit per the condition of approval imposed by City Council.
28. Vehicle access to the subject property will be provided by a proposed driveway from Clark Fork Lane on the north side of the parcel, subject to review and approval by Public Works & Mobility.
29. Pedestrian access to the subject property is from Clark Fork Lane and Mullan Road. Right-of-way improvements on Mullan Road and Clark Fork Lane are required by the annexation conditions of approval.

**Annexation Conditions**

30. The subject parcel was annexed into the City in 2020 subject to eight conditions of approval.
31. The first condition of approval required the applicant to dedicate 25 feet of right-of-way for Mullan Road and to construct half street improvements meeting minor arterial standards adjacent to the subject property. Right-of-way has been dedicated and there is an improvements agreement in place to ensure completion of half street improvements.
32. The second and third conditions of approval required dedication of right-of-way for Clark Fork Lanes at varying widths and improvements to the road. Right-of-way has

been dedicated and there is an improvements agreement in place to ensure completion of street improvements.

33. The fourth condition of approval required an access easement through the subject property. However, this condition was met through alternative means by aggregating two proposed parcels into one parcel to provide legal access. This condition of approval is met.
34. The fifth and sixth conditions of approval required extension of a water main within Mullan Road and installation of a fire hydrant. There is an improvements agreement in place to ensure completion of water and hydrant installation. The Fire Department will require adequate coverage to be provided prior to combustible construction.
35. The seventh condition of approval required approval of a boulevard landscaping plan and installation of boulevard landscaping on Mullan Road and Clark Fork Lane. An approved boulevard landscaping plan is included in an improvements agreement ensuring installation of boulevard landscaping.
36. The last condition of approval required the applicant to petition into the Missoula Urban Transportation District. This condition of approval is met.

#### **Conditional Use Review**

37. Title 20, Section 20.85.070.H outlines criteria for the review of conditional uses, which include whether the proposed uses: are in the interest of public convenience; will not have a significant adverse impact on the neighborhood or community; will not impede the orderly development and improvement of surrounding properties for uses permitted in the district; have compatible operating characteristics with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation; will not have a significant adverse impact on traffic safety and comfort for motorized and non-motorized modes; is in accordance with the Growth Policy and other adopted plans; the site addresses open space, light, and protection of natural features; and that the uses are compatible with adjacent properties in terms of physical elements.
38. The Tavern and Casino uses will comply with all applicable Title 20 regulations. Compliance with zoning, engineering, fire and building code will be confirmed prior to building permit approval per the condition of approval imposed by City Council.
39. The proposed design of the building addresses the requirements of Title 20, Section 20.40.170, which outlines site and building standards for commercial uses that do not exceed 30,000 square feet of gross floor area. Final design will be reviewed at the time of building permit and must substantially comply with the design in the conditional use application, per the condition of approval imposed by City Council.
40. The Tavern and Casino uses, along with the Restaurant and Food and Beverage Retail Sales, proposed in this location are in the interest of public convenience by providing more services adjacent to an arterial street. Entertainment uses and a variety of dining options, including take-and-bake meals, are proposed. The proposed uses would serve residents in the Mullan area, including the abutting multi-dwelling residents, while reducing the need for trips to and beyond Reserve

Street. City Council determined that the uses will not have a significant adverse impact on the neighborhood.

41. City Council determined that the Tavern and Casino will not impede the development and improvement of surrounding properties. The proposed building is the second of three proposed structures on the subject property, and City Council determined that its construction will not have an adverse effect on the design and development of the other two structures. Site design elements such as parking and landscaping have been designed to accommodate all three buildings.
42. City Council determined that the Tavern and Casino uses on the subject property will have operating characteristics that are compatible with the surrounding area. Tavern and Casino uses are located on nearby parcels to the east, in addition to other commercial uses such as a movie theater and bank. The proposed hours of operation for the Casino and Food and Beverage Retail Sales uses are from 10 am to midnight, and 11 am to midnight is proposed for the Tavern and Restaurant uses. Adjacent properties contain businesses with a range of operating hours from 9 am to 12:30 am, with some open 24 hours. Outdoor site lighting will be provided for safety and will comply with all City codes, including the Dark Skies Ordinance. City Council determined that excessive noise is not anticipated from the property, and all activity will be contained inside the building.
43. Increased traffic generation is anticipated during business hours, however City Council determined that the completion of Clark Fork Lane will provide an additional north-south route through the area and reduce congestion for motorized and non-motorized modes of transportation. Additional improvements to Mullan Road are required per the conditions of annexation approval, improving access to and from the site for all modes of transportation.
44. Vehicular access to the site will be provided from one drive access on Clark Fork Lane, which is the street of lowest classification. Safe pedestrian and bike access to the site is provided at multiple locations on Mullan Road and Clark Fork Lane and do not conflict with the vehicular access point. Vehicular parking is located behind the building and does not conflict with pedestrian or vehicular access.
45. Review for compliance with the growth policy occurred at the time of annexation. The C1-3 Neighborhood Commercial zoning district applied at the time of annexation was determined to be relatable to the land use designations of the Our Missoula 2035 City Growth Policy. City Council determined that the Tavern and Casino uses comply with the Community Mixed Use and Regional Commercial and Services land use designations which aim to provide commercial uses that serve the needs of the general community and broader region.
46. The Tavern and Casino uses will comply with all applicable Title 20 landscaping standards per the condition of approval imposed by City Council, and will properly address open space for the commercial site.
47. The proposed building is approximately 34 feet in height, which complies with the maximum 65-foot building height requirement of the C1-3 zoning district. The structure is located on the southeast corner of the site, away from the abutting multi-dwelling development and will not impact light availability for nearby residents.



48. City Council determined that there are no significant natural features on or near the subject property.
49. The subject property is required to provide a landscaped buffer along the western property line where it abuts residential uses. The proposed building is required to comply with Title 20, Section 20.40.040 and Section 20.40.170.
50. Any signage associated with this project will be required to meet all applicable standards as outlined in Title 20, Chapter 20.75 and will be reviewed for at the time of sign permit.

**Conclusions of Law:**

Conditional use applications may be approved by the City Council only when Council determines that the applicable review criteria, in bold below, have been satisfied:

- 1. Is in the interest of the public convenience and will not have a significant adverse impact on the neighborhood or community;**
  - a. City Council determined that the Tavern and Casino uses at the subject property will be located to the west of a major commercial corridor containing similar uses with similar operating characteristics.
  - b. There will be a landscape buffer provided on the subject property where it abuts residential uses.
  - c. City Council determined that the Tavern and Casino uses will provide services to nearby residential development, increasing public convenience.
  - d. The Tavern and Casino uses are in an area that is already served by City Police and City Fire.
  - e. City Council determined that the Tavern and Casino uses in this location will not compromise public convenience or the general welfare of the neighborhood or community.
- 2. Will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district;**
  - a. The proposed building was designed to be compatible with the other two proposed buildings on the subject property. City Council determined that the Tavern and Casino uses will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district.
- 3. Has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation;**
  - a. The Tavern and Casino uses will have similar operating hours to nearby businesses to the east.
  - b. Outdoor lighting will be compliant with City codes and will be reviewed at the time of building permit per the condition of approval imposed by City Council.
  - c. Noise generated by the use will be required to conform with the regulations for a commercial zone, as established in the Missoula Municipal Code, Chapter 9.30.040.
  - d. The parcel is adjacent to a minor arterial road and abuts high intensity commercial and residential uses. Traffic generation will be similar to adjacent uses.

- e. City Council determined that the Tavern and Casino uses have operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation.
- 4. Will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized), and will be functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing;**
- a. Vehicular access is provided from the street of lowest classification and does not conflict with pedestrian or bicycle access to the site.
  - b. As part of the annexation, improvements to Clark Fork Lane and Mullan Road are required to serve the development.
  - c. Multiple pedestrian and bicycle access points are provided from both Mullan Road and Clark Fork Lane. The parking lot is located behind the structure and does not conflict with pedestrian and bicycle access to the site.
  - d. City Council determined that the Tavern and Casino uses will not have a significant adverse impact on traffic safety or comfort, including all modes of transport, and will be functional and safe in terms of pedestrian, bicycle, and vehicular access, parking, loading, and servicing.
- 5. Is in accordance with the Growth Policy and other relevant adopted plans;**
- a. The C1-3 zoning district was applied to the subject parcel at the time of annexation in 2020. The zoning was applied based on compliance with the Growth Policy.
  - b. The Tavern and Casino uses comply with the Community Mixed Use and Regional Commercial and Services land use designations which call for commercial uses that serve the general community and broader region.
  - c. City Council determined that the Tavern and Casino uses are in accordance with the Growth Policy.
- 6. That the site properly addresses open space, light, and protection of natural features;**
- a. The Tavern and Casino use project must comply with all applicable Title 20 landscaping standards per the condition of approval imposed by City Council, properly addressing open space for the site.
  - b. The Tavern and Casino use project properly addresses light access by siting the 34-foot-tall structure away from abutting residential uses.
  - c. There are no significant natural features on or near the subject property.
  - d. City Council determined that the site properly addresses open space, light, and protection of natural features.
- 7. That uses are compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, any applicable use-specific standards and any other elements considered important by the City Council.**
- a. The structure must comply with the design standards of Title 20, Section 20.40.170 for commercial uses not exceeding 30,000 square feet per the condition of approval imposed by City Council.

- b. The Casino use is located on an arterial street as required by the use-specific standards of Title 20, Section 20.40.040.
- c. A landscape buffer is required along the western property line to protect abutting residential development.
- d. City Council determined that the site and building design are compatible with existing commercial uses to the east. City Council determined that the three-story multi-dwelling structures to the west are similar in scale to the Tavern and Casino structure.
- e. City Council determined that the uses are compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, and the Casino use-specific standards.