

Memorandum

REPORT TO: City Commission

FROM: Bob Murray, Capital Project Manager
Nick Ross, Director of Transportation and Engineer

SUBJECT: A Resolution Authorizing the City Manager, Upon Approval of the City Attorney, to Sign the Right of Way Agreement, Warranty Deed, and All Other Necessary Documents to Complete Right of Way Acquisition and Effectuate Closing from Emil Anderson for the Fowler Avenue Connection

MEETING DATE: July 21, 2026

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Adopt a Resolution Authorizing the City Manager, Upon approval of the City Attorney, to Sign the Right of Way Agreement, Warranty Deed, and All Other Necessary Documents to Complete Right of Way Acquisition and Effectuate Closing from Emil Anderson for the Fowler Avenue Connection.

STRATEGIC PLAN: 4.3 Strategic Infrastructure Choices: Prioritize long-term investment and maintenance for existing and new infrastructure.

BACKGROUND: The Department of Transportation and Engineering has recently completed final design and bid documents of Phase 1 of the Fowler Avenue Connection project. Phase 1 between Oak and Durston includes all roadway, utility, and multimodal elements approved in the scope of final design by Bozeman City Commission. In order for Phase 1 to advance to construction, right of way acquisition must be completed.

This right of way agreement will purchase 5.261 acres, known as Public Road Tract 3-C shown in Figure 2 of Exhibit A, from owner Emil Anderson. Tract 3-C will be created through subdivision of the parcel owned by Mr. Anderson. Final annexation and subdivision to create Tract 3-C is now contingent upon approval of this right of way agreement.

The city commissioned the most recent appraisal for this acquisition on June 18, 2025. The city's right of way agent for the project has determined that in his professional opinion, the appraisal is still valid. Staff recommends the final terms and cost of acquisition are appropriate based on appraised value, infrastructure need, and benefit to the community.

The documents listed for authorization in this item are those the city will need executed to complete the property transfer once the tract is created.

UNRESOLVED ISSUES: None.

ALTERNATIVES: As suggested by the Commission.

FISCAL EFFECTS: Tract 3-C will be acquired for \$5,000,000 from the Street Impact Fee Fund under Project SIF114. Project funding for Phase 1 of the Fowler Avenue Connection has been approved in the FY25-26 Operating Budgets. Cost of Tract 3-C acquisition is within the budgeted estimate for total right of way acquisition needed for the full Fowler Avenue Connection project.

Attachments:

[Resolution_City_Anderson_Fowler_ROW.docx](#)

[ExhibitA_City_Anderson_Fowler_ROW Agreement_Final.pdf](#)

[ExhibitB_City_Anderson_Fowler_WarrantyDeed.pdf](#)

[Fowler Anderson Appraisal Report 6.18.25](#)

Report compiled on: June 10, 2026