

City Clerk
P.O. Box 1230
Bozeman, MT 59771-1230



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ORDINANCE NO. 1685

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, ADOPTING AN URBAN RENEWAL PLAN FOR THE NORTH SEVENTH AVENUE CORRIDOR AND ADJACENT PROPERTIES.

WHEREAS, the Bozeman City Commission did, on the 22nd day of August, 2005, adopt Resolution #3839, declaring that blighted areas exist within the municipality and that the rehabilitation, redevelopment, or a combination thereof, of such area or areas is necessary; and

WHEREAS, the Bozeman City Commission appointed an Urban Renewal Planning Committee to prepare an urban renewal plan for the area; and

WHEREAS, the Urban Renewal Planning Committee has prepared a proposed Urban Renewal Plan; and

WHEREAS, the Bozeman Planning Board did, on November 7, 2006 find the proposed Urban Renewal Plan to be in conformity with the Bozeman 2020 Community Plan, the adopted comprehensive plan for the Bozeman Planning jurisdiction; and

WHEREAS, the Bozeman City Commission did, on the 13th day of November 2006, conduct a public hearing to consider the proposed Urban Renewal Plan.

BE IT ORDAINED by the City Commission of the City of Bozeman, Montana:

Section 1

That the North Seventh Avenue Urban Renewal Plan, attached hereto as Exhibit "A", is hereby adopted.

Section 2

Repealer. All resolutions, ordinances and sections of the Bozeman Municipal Code and parts thereof in conflict herewith are hereby repealed.

Section 3

Savings Provision. This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance.

Section 4



Severability. If any portion of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which may be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are declared to be severable.

Section 5

Effective Date. This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY PASSED by the City Commission of the City of Bozeman, Montana, on the first reading at a regular session thereof held on the 13th day November, 2006.

FINALLY PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, on second reading at a regular session thereof held on the 27th day of November, 2006.


[Signature]
BRIT FONTENOT
City Clerk

[Signature]
JEFF KRAUSS
Mayor

APPROVED AS TO FORM:

[Signature]
PAUL J. LUWE
City Attorney

North Seventh Avenue Urban Renewal District
Plan
October 2006

CITY OF BOZEMAN

NORTH SEVENTH AVENUE URBAN RENEWAL PLAN

Prepared by:

The North Seventh Avenue Urban Renewal Plan Committee

Doug Alexander
Andrew Cetraro
Susan Fraser
Mike Gaffke

Mike Hope
Sherry Reid
Carl Solvie
Michelle Wolfe

Prepared for:

The Bozeman City Commission

Jeff Krauss, Mayor

Jeff Rupp

Steve Kirchhoff

Sean Becker

Kaaren Jacobson

NORTH SEVENTH AVENUE URBAN RENEWAL PLAN

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NORTH SEVENTH AVENUE URBAN RENEWAL PLAN

INTRODUCTION

This Urban Renewal Plan was prepared by an eight member committee composed of business owners and business and residential property owners from the area covered by the plan (the District) and a member from the adjacent residential neighborhood in response to the City Commission's finding of blight on August 22, 2005 (Resolution #3839) (Attachment "A"). The City Commission supported the blight designation in order to create an Urban Renewal District because it believed this would encourage redevelopment and infill within the city limits and that the Tax Increment Finance (TIF) District created by the designation would help facilitate such activity.

DISTRICT

The boundary of the District is depicted in Figure 1 and is generally described as the commercially zoned property between N. 5th Avenue and N. 8th Avenue from Main Street north to the city limits, vacant R-4 zoned parcels between Tamarack Street and Oak Street from N. 5th Avenue to N. 3rd Avenue right of way extended, and a commercially zoned parcel north of Oak Street between N. 3rd Avenue right of way extended and the N. Black Avenue alignment. Between W. Main Street and West Lamme Street, the study area extends east only as far as a point roughly mid – block between N. 7th Avenue and N. 5th Avenue. A metes and bounds description is provided in Attachment "B".

Growth Policy Land Use Designations

The Bozeman 2020 Community Plan designates the area along the N. 7th Corridor as Neighborhood Commercial, Regional Commercial and Industrial. Some of the area east of N. 5th Avenue between Tamarack and Oak is designated Residential, and the area east along Oak Street contains Regional Commercial and Industrial designations.

Zoning Classifications

The District primarily consists of "B-2, Community business District" zoned parcels. East of the corridor, two large vacant parcels are zoned "R-4", Residential High Density District", and "M-1, Light Manufacturing" zoned parcels are located on the north end of the study area.

Land Area

The District encompasses roughly 323 acres or approximately 3.0 % of the approximately 10763 acres which comprised the total area of the city of Bozeman in August, 2005.

Land Use

The District primarily includes areas of commercial, residential, agricultural, industrial, and public uses.

Commercial Activity

The District includes one of the city's oldest auto oriented commercial strips. Much of the area was developed more than fifty years ago and much has been developed or will develop largely due to the influences of transportation features, particularly North Seventh Avenue, Interstate 90, and Oak Street. These transportation corridors shape many of the elements of the District including platting of land and land use, access, traffic and circulation, and development patterns.

Residential Neighborhoods

Well established and well kept residential neighborhoods adjoin North Seventh Avenue commercial development on both the east and west. A portion of these neighborhoods is included in the District to assure that redevelopment of the Corridor includes careful consideration of the issues associated with these established residential areas.

A map of the District is found in Figure 1 and a metes and bounds description of the area included in the District is contained in Attachment "B".

Planning Process

The planning activity for the District was conducted through the preparation of a Design and Connectivity Plan for the North Seventh Corridor (DCP) prepared by Winter and Company. An Urban Renewal Planning Committee was appointed by the City Commission and this group worked with staff and Winter and Company to identify a scope for the project. A public workshop was held on February 15, 2006 and another more focused workshop conducted on May 25, 2006. Advertising in the Chronicle notified the public prior to each workshop. The Consultant presented the Draft Design and Connectivity Plan on August 1, 2006 to the public, the DRB, and at a joint meeting of the Zoning Commission, Planning Board, and City Commission. The DCP was finally adopted by the City Commission on October 23, 2006.

The DCP constitutes the vision for redevelopment and rehabilitation of the Corridor in this urban renewal plan. The DCP was prepared with the acknowledgement that it would serve as the design framework for this urban renewal plan and is hereby adopted by reference as part of this plan. The DCP is available at the City Clerk's office or on the internet on the planning page at www.bozeman.net.

The following sections addressing Context, Description, and Existing Conditions are taken from the DCP.

CONTEXT

North 7th Avenue is a vital part of the City of Bozeman. It serves as a major circulation corridor and is home for a variety of businesses that contribute to the vitality of the community. However, important as the corridor is today, its full potential is unrealized and issues remain. Some of those issues include its effectiveness in connecting with other parts of the city and the types of uses and degree of intensity of development that may occur. The goal of this plan is to develop a framework plan that addresses technical questions about the area, while providing a vision for the future. A key objective is to establish a distinct identity for the corridor and the subareas within it.

DESCRIPTION

North 7th Avenue is an established entryway corridor that extends from I-90 south to Main Street. This Class II corridor is automobile oriented; however, it has the potential to become more pedestrian-oriented. The scale of the street, and the character of uses emerging along it, are conducive to pedestrian activity, at least for the area south of the highway. This is in part because parcel sizes are comparatively smaller here than on some of the newer, outlying corridors.

North 7th Avenue can play the following roles:

- Neighborhood service center
- Economic generator
- Gateway
- Complement to the Fair Grounds
- Complement to downtown
- Connector to Montana State University

Plan components to be considered in redeveloping North 7th Avenue as a particular place with an identifiable character:

- Automobile circulation
- Bicycle circulation
- Development patterns
- Landscape opportunities
- Pedestrian circulation
- Public transit
- Wayfinding

EXISTING CONDITIONS.

North 7th Avenue is primarily auto-oriented at present and is not conducive to pedestrian activity. The development patterns that have occurred on the commercial strip have resulted in buildings that are set back from the street with parking in front. Many of these conditions are identified on the Design Issues map [in the DCP]. Although there have been efforts to beautify the corridor through streetscape and landscape improvements, it still falls short of being a pedestrian or bike-friendly environment. The following issues were identified in the Design Objectives Plan Update and in [the DCP's] public outreach efforts.

Some Specific Issues

- Difficult pedestrian crossing I-90
- Lack of bicycle commuter lanes
- Left turn at Durston virtually impossible
- Drainage issues at Durston
- Poor lighting
- Many curb cuts, which disrupt sidewalks and encourage multiple turning movements that inhibit traffic flow
- Poorly defined walkways along the highway and within properties
- Incomplete bicycle route
- Discontinuity in sidewalks
- Lack of cross-property access between Parcels
- Buildings set back from the street, thereby failing to provide interest at the sidewalk
- Key intersections are poorly defined, making for difficult pedestrian crossings
- School zone crossings are dangerous
- Public way finding signs are sparse and difficult to read
- Pedestrian crossings where people feel safe are few
- Poor maintenance and dusty
- Lack of boulevard grass between the sidewalk and street
- Provide proper lighting, stop lights for large truck traffic on inlets and outlets
- Improper tie-ins with Main, South 8th and Babcock

MISSION/ VISION

This Plan is the city's response to remedy the conditions of blight found in the August, 2005 report through thoughtful redevelopment of the Corridor. The following Corridor Goals are taken from the DCP. An expanded description of the intent of each goal is found in the DCP Chapter 2.

Corridor Goals

A basic goal is to have an active and exciting corridor that is attractive, with a distinct character. A strategy for achieving this goal is to improve the experience for the user by creating safe, attractive walkways and streets, and by providing buildings and landscaping that are of interest to users and passersby. Several key strategies should be

followed:

- 1. Provide a distinct identity for the corridor.**
- 2. Develop the corridor as a focus for commercial and entertainment activities that serve residents and visitors alike.**
- 3. Strengthen the corridor as a neighborhood service center.**
- 4. Provide mixed use development.**
- 5. Clearly define gateways at key locations along the corridor.**
- 6. Improve auto, bicycle and pedestrian circulation along the corridor.**
- 7. Provide pedestrian connections to adjacent neighborhoods.**
- 8. Establish a wayfinding system.**
- 9. Guide new development along the corridor such that it improves the aesthetic experience.**
- 10. Coordinate public and private improvements.**
- 11. Strengthen connections between complementary uses.**
- 12. Provide flexible public space along the corridor.**

GUIDING PRINCIPLES

In addition to the specifically stated goals for the District, the following Guiding Principles have been adopted to provide a basis for decision-making over the life of the District. These principles should be applied to any development, program or other activity that will affect the District.

- 1. Ensure the health, safety, and security of the District.**
- 2. Balance commerce and livability in the District within the mixed-use framework.**
- 3. Public open space is essential to a healthy and appealing urban environment.**
- 4. The costs of projects and programs shall be weighed against their benefits to the District.**

5. **Private property shall not be acquired for other private use through the eminent domain process in the implementation of any aspect of this plan**
6. **The City shall not limit its vision for the District improvements to monies available solely through the TIF funding.**
7. **Projects shall consider impacts on adjacent neighborhoods.**
8. **The city shall consider the impact on the District of all projects undertaken outside of the District.**

EXECUTING THE PLAN

INTRODUCTION

Once adopted, this Plan becomes the official policy guide for public action regarding the North Seventh Avenue Urban Renewal District. These policies can only be transformed into action through an effective implementation program. The framework for implementation described herein depends on sound processes of administration, financing and evaluation. As the implementation of this Plan proceeds, new opportunities will arise and unforeseen problems will emerge. The Plan's administration must be sufficiently flexible to respond effectively to changing circumstances without losing sight of long range goals.

ADMINISTRATION

To implement this Plan, an Urban Renewal Agency will be created, hereafter referred to as the North Seventh Urban Renewal Board (NSURB). The NSURB is responsible for the implementation of this Plan, pursuant to MCA § 7-15-4232. Specifically, the NSURB will: 1) develop plans which implement the vision for the District; 2) review on an ongoing basis the operation and processes of all public agencies to assure that such activities are supportive of the Plan; and 3) advocate and coordinate the complete and full implementation of the Plan.

Individuals appointed to the NSURB shall have a demonstrated interest in the District or adjacent neighborhoods. Pursuant to MCA § 7-15-4234, the mayor, by and with the advice and consent of the City Commission, shall appoint the NSURB, which shall consist of five voting members. The initial voting membership shall consist of one NSURB member appointed for 1 year, one for 2 years, one for 3 years, and two for 4 years. Each appointment thereafter shall be for 4 years.

(1) Each voting member shall hold office until his/her successor has been appointed and has qualified.

(2) A voting member shall receive no compensation for his/her service but shall be entitled to authorized necessary expenses, including traveling expenses, incurred in

the discharge of his/her duties.

(3) Any person may be appointed as voting members if they reside within the municipality. The preferred composition of the NSURB would include two residents of the District, two business owners in the District, and one member at large.

(4) A voting member may be removed for inefficiency, neglect of duty, or misconduct in office.

(5) The appointment of voting members shall be ratified annually by the City Commission.

A majority of the voting members shall not hold any other public office under the municipality other than their membership or office with respect to the NSURB.

The powers and responsibilities of the NSURB shall be exercised by the members thereof according to adopted bylaws approved by the City Commission. A majority of the members shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the NSURB and for all other purposes. Action may be taken by the NSURB upon a vote of a majority of the members (three) unless in any case the bylaws shall require a larger number.

In addition to the five voting members, the NSURB shall be composed of a non-voting membership of not more than four individuals. The initial membership shall consist of one member appointed for 1 year, one for 2 years, one for 3 years, and one for 4 years. Each appointment thereafter shall be for 4 years. These individuals must possess demonstrated interest in the district, specific expertise or other qualifications necessary to help implement the plan.

(1) Each non-voting member shall hold office until his/her successor has been appointed and has qualified.

(2) A non-voting member shall receive no compensation for his/her services but shall be entitled to authorized necessary expenses, including traveling expenses, incurred in the discharge of his/her duties.

(3) A non-voting member may be removed for inefficiency, neglect of duty, or misconduct in office.

(4) The appointment of non-voting members shall be ratified annually by the City Commission.

Initial administrative staff duties for the NSURB will be performed by city staff as available until other funding shall be available from alternate sources and permanent staff hired. The NSURB will make every effort to fund its own staff, either by contracting for services with existing public agency staff, contracting for services with a private firm, or hiring a staff. The FY08 work program shall specify the staff arrangement.

The NSURB may exercise any of the powers specified in MCA § 7-15-4233. However, no entrance to any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in 7-15-4257 shall be made without

the owner's permission

ANNUAL WORK PROGRAM, BUDGET, AUDIT AND EVALUATION

The NSURB shall prepare an annual work program (AWP) and budget that will list the activities and costs of activities for the coming fiscal year, as well as the method of financing those activities. The NSURB shall provide public notice in the newspaper and by other appropriate means and conduct a public hearing prior to the submittal of the annual work program to the City Commission. This program and budget may be amended during the course of the city's fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City Commission.

The NSURB shall cause to be performed an annual audit conducted in conjunction with the city's audit covering the operations of the NSURB in carrying out this Plan. The first such audit shall be completed within ninety (90) days of the close of the first fiscal year following the adoption of this Plan by the City Commission. All such audits shall be maintained as a part of the public records of the City of Bozeman.

The NSURB shall also provide to the City Commission and the public an annual program evaluation. Such evaluation shall review the North Seventh Avenue Urban Renewal District Plan and the past annual work program and other relevant NSURB activities for the year.

PLAN AMENDMENT

The Plan may be amended by the same means as adopted in accordance with Montana law. No ordinance amending the Plan shall be adopted until after a public hearing has been conducted thereon and notice of said hearing has been given in the official newspaper once a week for two consecutive weeks preceding the hearing. In addition, mailed notice shall be given to all persons owning property at the time and in the manner provided by MCA § 7-15-4215(1). All notices shall provide the information regarding the modification required by MCA § 7-15-4215(1). Nothing herein shall limit or affect the authority of the Commission to undertake and carry out renewal activities on a yearly basis as provided by MCA § 7-15-4220.

PROPERTY ACQUISITION

The NSURB will assist and encourage public and private entities to eliminate blight or blighting influences, and strengthen the City's economy by developing property in the District. Where necessary, in the execution of this Plan, the NSURB is authorized to acquire property in the District in accordance with the appropriate federal, state and local laws. However, the power of eminent domain shall not be used to acquire private property for private purposes or for parks.

ACTION BY THE CITY

The City shall aid and cooperate with the NSURB in carrying out this Plan, and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. To assure the purposes of the Plan are fully considered, the City shall obtain and consider the advice of the NSURB regarding all development proposals, public works projects or other matters occurring within or adjacent to the District or affecting any aspect of the Plan.

Other action by the City may include, but not be limited to the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way and for other necessary modification of the streets, the street layout and other public rights-of-way in the District.
2. Institution and completion of the proceedings necessary for changes and improvements in publicly-owned utilities within or affecting the District.
3. Revision of Master Plan, Zoning requirements, development standards and regulatory practices if necessary to facilitate the execution or principles, policies and implementation actions set forth by this Plan.
4. Performance of the above, and all other functions and services relating to public health, safety and physical development normally rendered in accordance with a schedule that will permit the redevelopment of the District to be commenced and carried to completion without unnecessary delays.
5. Promotion of the availability, through the City, of programs and funds to help keep existing and new housing, in or near the District, affordable and habitable.
6. The undertaking and completing of any other proceedings necessary to carry out the provision of this Plan.

FINANCE

The programs, projects and administration of the Plan shall be financed from a variety of sources both public and private which in part may include:

Private – Grants; dues; self-imposed taxes, such as Special Improvement Districts or Business Improvement Districts; private investment; and donations.

Private Enterprise Assistance Programs – Housing and Urban Development, Small Business Administration and Community Reinvestment Act financial assistance.

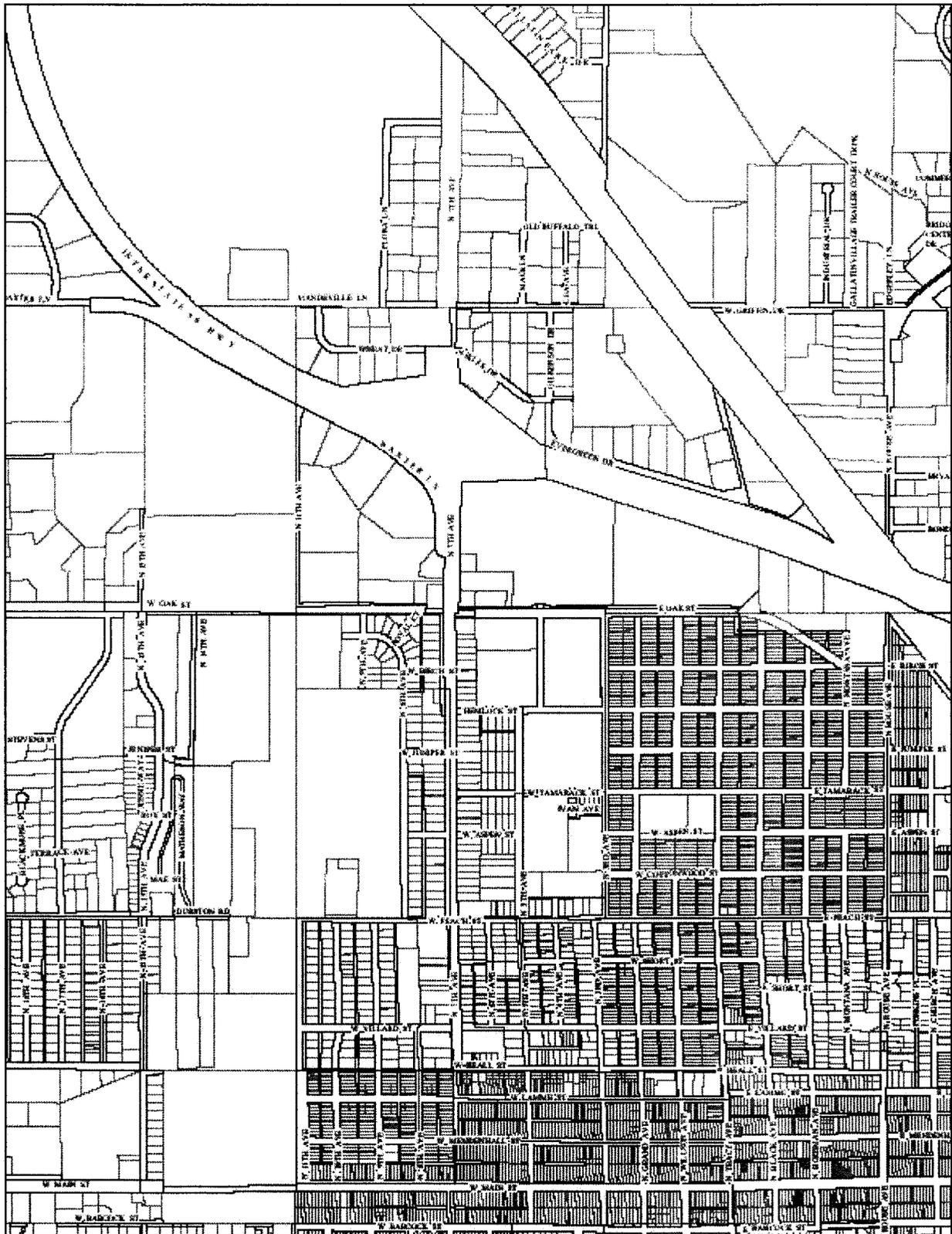
Public – Tax increment financing; revenue bonds; City and County general funds; public grants; utility Districts; user fees; state-backed, low interest loans; Montana Department of Transportation; general obligation bonds; tax credits; and enterprise funds.

Tax Increment Financing will be implemented in accordance with MCA §§ 7-15-4282-4292 and 4301-4324. In the event that property taxes are reduced or replaced with some new form of revenue, it is the intent of the Plan to use all available means to adjust the tax base or allow the capture of that portion of the new revenue form necessary to offset the reduced or lost increment.

The NSURB will annually develop a program and budget to be reviewed and adopted by the City Commission. During this procedure, specific actions will be proposed in detail for community review. This process will allow maximum community input to further the redevelopment interests of the community and to evaluate past actions of the NSURB.

Tax Increment Financing shall be used to further the implementation of the goals set forth in this plan.

Figure 1



Attachment "A"

COMMISSION RESOLUTION NO. 3839

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, DECLARING THAT BLIGHTED AREAS EXIST WITHIN THE MUNICIPALITY AND THE REHABILITATION, REDEVELOPMENT, OR A COMBINATION THEREOF OF SUCH AREA OR AREAS IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE RESIDENTS OF SUCH MUNICIPALITY.

WHEREAS, a blight investigation in a portion of the North Seventh Avenue Corridor in Bozeman outlined in Attachment A was completed by city staff at the direction of the City Commission; and

WHEREAS, the investigation determined that areas of blight as defined by state statute existed within the study area associated with the following: the defective or inadequate street layout identified within the study area; instances of known deterioration, inadequate provisions and/or age obsolescence of the following public improvements within the study area: storm drain, streets and sidewalks; instances of age obsolescence of buildings within the study area; inappropriate or mixed uses of land or buildings; deterioration of site; and improper subdivision or obsolete platting; and

WHEREAS, 7-15-4210 MCA requires that a municipality adopt a resolution of necessity in order to implement an urban renewal program.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, that areas of blight exist within the study area of North Bozeman outlined in Attachment A, and that the rehabilitation, redevelopment, or a combination

thereof of the area is necessary in the interest of the public health, safety, morals, or welfare of the residents of Bozeman.

BE IT FURTHER RESOLVED that the City shall not use its powers of eminent domain to acquire private property for any private use in the implementation of any urban renewal project within this area.

PASSED AND ADOPTED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 22nd day of August, 2005.

ANDREW L. CETRARO, Mayor

ATTEST:

ROBIN L. SULLIVAN
Clerk of the Commission

APPROVED AS TO FORM:

PAUL J. LUWE
City Attorney

(Signed copy available in City Clerk's office)

Attachment "B"

Legal Description of the North 7th Urban Renewal District Boundary

Beginning at the point of the southeast corner of Lot 7 Block 1 of the Springbrook Addition thence westerly approximately 270 feet to the southwest corner of Lot 17 Block 1 of the Springbrook Addition, thence westerly approximately 30 feet to the centerline of North 8th Avenue, thence northerly approximately 1,292 feet to the centerline of West Villard Street thence easterly approximately 30 feet to the southwest corner of Lot 8 of the Durston Subdivision, thence northerly approximately 665 feet, thence westerly approximately 4 feet, thence northerly approximately 214 feet to the centerline of West Peach Street, thence westerly approximately 65 feet to the southwest corner of Lot 18 Block 1 of Durstons Second Subdivision, thence northerly approximately 1980 feet to the southwest corner of Lot 3 Block 2 of the Vista Addition, thence easterly approximately 150 feet to the southwest corner of Lot 2 Block 2 Vista Subdivision, thence northerly approximately 645 feet to the northwest corner of Lot 14 Block 1 Vista Addition, thence westerly approximately 1246 feet along the southern boundary of the Oak Street right-of-way to the northwest corner of Tract 1 of C.O.S. 2082, thence northerly approximately 1706 feet down the centerline of North 11th Avenue to the south boundary of the Baxter Lane right-of-way, thence northerly approximately 70 feet across the Baxter Lane right-of-way, thence northerly approximately 170 feet across the MDOT right-of-way for Interstate 90 to the southwest corner of Lot 2 of the Wheat Commercial Subdivision, thence northwesterly approximately 1000 feet along the southern boundary of Tract A of C.O.S. 391A to the westernmost point, thence easterly approximately 800 feet to the northwest corner of Lot 1 of the Wheat Commercial Subdivision, thence easterly approximately 789 feet to a point approximately 25 feet from the northeast corner of Lot 12 of the Wheat Commercial Subdivision, thence northerly approximately 965 feet to the northwest corner of Lot 3 of the Gordon Mandeville School Section Subdivision, thence easterly approximately 440 feet to the west boundary of the North 7th Avenue right-of-way boundary , thence northerly approximately 1760 feet to a point where the west boundary of the North 7th Avenue right-of-way intersects the Burlington Northern right-of-way, thence southeasterly approximately 1,408 feet along the Burlington Northern right-of-way to the southeast corner of Lot 18A of the Amended Plat of the Gordon Mandeville State School Section Subdivision, thence westerly approximately 200 feet to the northeast corner of Lot 17 of the Gordon Mandeville School Section Subdivision, thence southerly approximately 481 feet to the southwest corner of Lot 20 of the Gordon Mandeville School Section Subdivision, thence southwesterly approximately 107 feet to the southeast corner of Lot 16 of the Gordon Mandeville School Section Subdivision, thence westerly approximately 260 feet to the northeast corner of Lot 15B of Minor Subdivision #49, thence southerly approximately 686 feet to a point along the north boundary of Lot 20 of the Industrial Park Subdivision approximately 20 feet west of the northeast corner of said lot, thence westerly approximately 340 feet to the northeast corner of Lot 22 of the Industrial Park Subdivision, thence southerly approximately 698 feet to the southwest corner of Lot 14 of the Industrial Park.