

**A G E N D A R E P O R T**

**DATE:** November 19, 2002

**ITEM** Res. 9273, Cost Recovery, L6&7, B247, GF Orig. Add., 322 4 Ave. N.

**INITIATED BY** Community Development Department

**ACTION REQUESTED** Set Public Hearing for December 3, 2002

**PREPARED BY** Jay Parrott, Code Enforcement

**REVIEWED & APPROVED BY** Mike Rattray, Community Development Director

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**RECOMMENDATION:**

Staff recommends the City Commission set December 3, 2002, at 7:00 P.M. for a public hearing to assess costs for razing and clean up of the nuisance property located at 322 4 Avenue North, Lot 6 and Lot 7, Block 247, Great Falls Original Addition, Great Falls, Cascade County, Montana and that the charge shall be assessed against the property itself.

A public hearing for assessing said costs is mandated by the Official Codes for the City of Great Falls, Nuisance Abatement Code, Section 8.49.070.

**MOTION:**

I move a public hearing be set for December 3, 2002, at 7:00 P.M., on Resolution 9273.

**SYNOPSIS:**

The owner of the property at Lot 6 & Lot 7, Block 247, Great Falls Original Addition, Great Falls, Cascade County, Montana, was issued a notice of hearing before the City Commission of Great Falls to appear at 7:00 P.M., December 3, 2002. The hearing is to show cause why the owners of the property should not be held liable for the costs incurred in razing the structure known as Linden Terrace Apartments, 322 4 Avenue North.

**BACKGROUND:**

On May 25, 1999, the Community Development Department received a complaint concerning the property located at 322 4 Avenue North. On October 1, 1999, the Building Official inspected the property and found the structure did not meet requirements set by the ordinances for the City of Great Falls and the Uniform Building Code as adopted by reference. The following action has been taken:

<u>Action</u>	<u>Date</u>
• Initial complaint taken by staff	05-25-1999
• Initial inspection of property	06-16-1999
• 1 <sup>st</sup> Ownership and encumbrance report ordered	09-21-1999

<u>Action continued</u>	<u>Date</u>
• Original 60-day Condemnation Notice mailed	10-01-1999
• Original Appeal date expired	11-21-1999
• Original 60-day time period expired	12-21-1999
• Occupants of property notified of utility termination	12-30-1999
• Occupants of property notified of utility termination 2 <sup>nd</sup> time	01-05-2000
• Original bid opening for demolition	01-19-2000
• City Commission awards bid	02-01-2000
• 3 <sup>rd</sup> notice utility termination – building is vacant	02-28-2000
• Order for Injunction and Temporary Retraining Order filed	02-29-2000
• City Commissioners postpone bid opening	04-18-2000
• 2 <sup>nd</sup> 60-day Condemnation Notice issued	04-18-2000
• Appeal filed for 2 <sup>nd</sup> Condemnation Notice	05-19-2000
• “Petition for Rehearing” filed in State Supreme Court	06-06-2002
• Decision by Eighth Judicial District Court Linden may be Razed	06-21-2001
• Appeal filed with State Supreme Court	01-24-2002
• “Petition for Rehearing” DENIED by State Supreme Court	07-02-2002
• Bid opening for demolition	07-17-2002
• Hauling asbestos by Waste Management	07-31-2002
• “Notice to Proceed” with demolition issued	08-07-2002
• Razing application applied for	08-07-2002
• Razing started	08-08-2002
• Razing completed	08-16-2002

- Final inspection and approval by staff

08-21-2002

Cost for cleanup as follows:

Razing Permit	\$ 18.00
Asbestos Inspection by <i>Maxim Technologies Inc.</i>	\$ 2,468.00
Asbestos Abatement by <i>Environmental Contractors LLC</i>	\$ 8,380.00
Demolition & Cleanup by <i>Shumaker Trucking &amp; Excavating</i>	\$ 43,941.15
Hauling asbestos waste by <i>Montana Waste Systems Inc.</i>	\$ 553.84
Building Related expenses (See Attachment # 1)	\$ 3,261.89
Court Related expenses	\$ 11,740.00
Ownership Report by <i>Stewart Title</i>	\$ 220.00
Administrative Fee	\$ 200.00
Publishing - Legal Ad (Notice of Public Hearing)	\$ 25.00
Recording Fees	<u>\$ 12.00</u>
TOTAL COSTS INCURRED	<u><u>\$ 70,819.88</u></u>

Resolution 9273 would allow staff to assess the razing cost against the property itself.

