

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

DATE: December 3, 2002

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

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res. 9273, as Amended

PREPARED BY Jay Parrott, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

**RECOMMENDATION:**

After closing the public hearing staff recommends the City Commission adopt Amended Resolution 9273 and assess the total charges of \$ 59,079.88 against the property itself with interest and penalties on the unpaid balance.

**MOTION:**

I move to adopt Resolution 9273, as Amended.

**SYNOPSIS:**

The owner of property at Lots 6 & 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 liable for the costs incurred in razing the structure known as the Linden Terrace Apartments at 322 4 Avenue North. The following expenses were incurred:

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 & clean-up by <i>Shumaker Trucking &amp; Excavating</i>	\$ 43,941.15
Building related expenses (See Attachment #1)	\$ 3,261.89
Hauling asbestos waste by <i>Montana Waste Systems Inc.</i>	\$ 533.84
<b><u>Court related expenses</u></b>	<b><u>\$ 11,740.00</u></b>
Ownership & Encumbrance report by <i>Stewart Title</i>	\$ 220.00
Administrative Fee	\$ 200.00

Publishing - Legal Ad (Notice of Public Hearing) \$ 25.00

Recording Fees \$ 12.00

AMENDED TOTAL COSTS INCURRED \$ 59,079.88

**BACKGROUND:**

The owner of the property known as the Linden Terrace Apartments at 322 4 Avenue North was given 60 days from April 18, 2000, to obtain either a repair or razing permit. A repair permit was not filed for during the allotted time set by the Uniform Building Code. Proposals for razing the structure were taken with the contract awarded to *Shumaker Trucking & Excavating* with razing started on August 8, 2002 and completed on August 16, 2002.

Notification that a public hearing would be held on December 3, 2002, at 7:00 p.m., for the purpose of assessing said costs on the above-mentioned property was given to the property owner and published in the TRIBUNE on November 25, 2002. Staff has taken the following action:

<u>Action</u>	<u>Date</u>
• Initial complaint taken by staff	05-25-1999
• Initial inspection of property	06-16-1999
• Ownership and encumbrance report ordered	09-21-1999
• Original 60-day Condemnation Notice mailed	10-01-1999
• Original Appeal date expires	11-21-1999
• Original 60-day time period expires	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 of utility termination – building vacant	02-28-2000
• Order for Injunction and Temporary Retaining Order file	02-29-2000
• City Commissioners postpone bid opening	04-18-2000
• 2 <sup>nd</sup> 60-day Condemnation Notice mailed	04-18-2000

- Appeal filed for 2<sup>nd</sup> 60-day Condemnation Notice received 05-19-2000
- “Petition for Rehearing” filed in State Supreme Court 06-06-2002

<u>Action Continued</u>	<u>Date</u>
• Decision by Eighth Judicial District Court Linden may be Razed	06-21-2001
• Appeal filed with State Supreme Court	01-21-2002
• “Petition for Rehearing” DENIED by State Supreme Court	07-02-2002
• Bid opening for demolition	07-17-2002
• “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

cc: Coleen Balzarini, Controller  
Judy Burg, Fiscal Control/Tax

**LINDEN TERRACE APARTMENTS  
CHRONOLOGICAL LIST OF RECEIPTS  
ATTACHMENT # 1**

---

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10-01-99	First Montana Title Company Ownership report	\$ 110.00
04-26-00	Certified mail to Jon Marchi Condemnation Notice	\$ 8.45
05-15-00	Johnson Madison Lumber 63 sheet of 4x8 wafer board to secure apts.	\$ 708.00
05-18-00	Certified mail to James Doody Acknowledgement of fax	\$ 8.12
06-16-00	GF Public Works Dept. Labor for securing apts.	\$ 1,046.52
09-07-00	James Doody Certified mail for Appeals Board finding	\$ 8.00
06-10-02	Northern Analytical Laboratory Asbestos testing prior to demolition	\$ 60.00
06-14-02	GF Public Works Dept. Secure basement windows Remove wood from doors for asbestos inspection	\$ 211.80
05-22-02	GF Community Development Legal Ad for asbestos bid	\$ 83.58
05-30-02	GF Community Development Mail asbestos samples to Northern Analytical Labs	\$ 6.30
06-05-02	GF Community Development Mail asbestos samples to Northern Analytical Labs	\$ 18.82
05-13-02	Northern Analytical Labs Asbestos testing prior to demolition	\$ 195.00
07-25-02	James Doody FEDX Letter	\$ 25.27
07-25-02	Jon Marchi FEDX Letter	\$ 14.93
07-25-02	GF Public Works Labor & material for barricades	\$ 362.10

GF Community Development Transcript fees	\$ 395.00
---	-----------

TOTAL COSTS INCURRED	<u>\$ 3,261.89</u>
----------------------	--------------------

### AMENDED ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing and cleanup of property at Lot 6 and Lot 7, Block 247, Great Falls Original Addition, Great Falls, Montana, more commonly known as Linden Terrace Apartments at 322 4 Avenue North.

Razing Permit	\$ 18.00
Asbestos Inspection by <i>Maxim Technologies Inc.</i>	\$ 2,468.00
Asbestos Abatement by environmental Contractors LLC	\$ 8,830.00
Demolition & clean-up by Shumaker Trucking & Excavating	\$ 43,941.15
Building related expenses (See Attachment # 1)	\$ 3,261.89
Hauling asbestos waste by <i>Montana Waste Systems Inc.</i>	\$ 553.84
<del>Court Related expenses</del>	<del>\$ 11,740.00</del>
Ownership report by <i>Stewart Title</i>	\$ 220.00
Administrative Fee (Preparation of Reports, Inspections, Clerical, etc.)	\$ 200.00
Publishing - Legal Ad (Notice of Public Hearing)	\$ 25.00
Recording Fees	<u>\$ 12.00</u>
AMENDED TOTAL COSTS INCURRED	<u>\$ 59,079.88</u>

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on December 3, 2002, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing razing and cleanup costs on the following property in the amount set forth:

322 4 Avenue North . . . . . \$ 70,819.88

Any person interested or affected by the proposed charge may file written protests or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing.

BY ORDER OF THE CITY COMMISSION

Peggy J. Bourne, City Clerk

-----  
OFFICE USE ONLY

Publication November 25, 2002

cc: Peggy J. Bourne, City Clerk

Account # 451-7121-572-3599

**Amended Owners:**

**BISHOP OF GREAT FALLS  
PO BOX 1399  
GREAT FALLS MT 59403**

**COLLEGE OF GREAT FALLS  
1301 20<sup>TH</sup> STREET SOUTH  
GREAT FALLS MT 59405**

**NOVA SCOTIA LAND COMPANY LLC**

**A/K/A NOVA SCOTIA LAND CO.  
c/o JAMES DOODY  
6004 ELBOW DRIVE, SOUTHWEST  
CALGARY ALBERTA CANADA T2V1J3**

**NOVA SCOTIA LAND COMPANY LLC  
A/K/A NOVA SCOTIA LAND CO. LLC  
PO BOX 3583  
GREAT FALLS MT 59403-3583**

**Amended Owner's continued:**

~~ESTATE OF FRANKLIN GOOD  
c/o THOMAS J DELANTY CO.  
REPRESENTATIVE OF THE EASTSE OF FRANKLIN GOOD  
c/o GRAYBILL  
# 18 6<sup>TH</sup> STREET NORTH  
GREAT FALLS MT 59401~~

~~PETE DION  
c/o GRAYBILL  
#18 6<sup>TH</sup> STREET NORTH  
GREAT FALLS MT 59401~~

~~JON MARCHI  
7783 VALLEY VIEW ROAD  
POLSON MT 59860~~

~~JON MARCHI  
PO BOX 430  
POLSON MT 59860-0430~~

~~LEO GRAYBILL JR.  
PR OF ESTATE OF LORETTO LOHMAN ROBERTS  
#18 6<sup>TH</sup> STREET NORTH  
GREAT FALLS MT 59401~~

(Attach itemized account)

Post on Property  
Property File

