

RESOLUTION NO. 14-22

1 A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF  
2 UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE  
3 HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC  
4 INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN  
5 CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6 WHEREAS, in accordance with the provisions for issuing tax-deed  
7 to real property as set forth in Chapter 18 of Title 15  
8 of Montana Code Annotated, the Council of Commissioners  
9 (Council) of the City and County of Butte-Silver Bow,  
10 State of Montana (City-County) provided for issuance of  
11 tax-deed for the properties listed on Exhibit "A"  
12 attached herein on the 21<sup>st</sup> day of August 2014; and

13 WHEREAS, the required notices as provided by the laws of the  
14 State of Montana were given and said tax-deeds were  
15 issued to the City-County on the 21st day of August,  
16 2014 for the properties listed on Exhibit "A"; and

17 WHEREAS, Section 7-8-2301(1), MCA entitled "Disposal of County  
18 Tax-Deed Land" provides that the governing body of a  
19 county, within six months after acquiring title to tax-  
20 deeded land, shall enter an order to:

21 (a) sell the land at public auction;

22 (b) donate the land to a municipality, as provided  
23 in subsection (3), if the land is within the  
24 incorporated boundaries of the municipality;

1 (c) donate the land to a non-profit corporation as  
2 provided in subsection (3); or

3 (d) retain the land for the County as provided in  
4 subsection (3); and

5 WHEREAS, Section 7-8-2301(3), MCA provides that the governing  
6 body of the County may, upon expiration of the  
7 repurchase period provided for in Section 7-8-2303,  
8 MCA:

9 (a) sell the land as provided in subsections (2)  
10 and (4);

11 (b) donate the land to a municipality with the  
12 consent of the municipality;

13 (c) donate the land to a non-profit corporation  
14 for the purpose of constructing:

15 (i) a multi-family housing development  
16 operated by the corporation; or

17 (ii) single-family houses. Upon completion  
18 of a house, the non-profit corporation shall sell  
19 the property to a low-income person who meets the  
20 eligibility requirements of the corporation. Once  
21 the sale is completed, the property becomes  
22 subject to taxation.

23 (d) retain the land for the County pursuant to  
24 Section 7-8-2501, MCA; and

1           WHEREAS, the provisions of Section 7-8-2501, MCA, provide  
2           for the establishment of criteria for the  
3           classification of unsold tax-deed lands and other  
4           county-owned lands for retention in City-County  
5           ownership when there is a compelling public  
6           interest for such retention, and which can be  
7           coordinated with any of the following uses: land  
8           use planning, with particular emphasis upon  
9           remediation of lands classified as contaminated  
10          land under the Federal CERCLA law or the State  
11          CECRA law (Superfund), zoning, grazing and  
12          agricultural land improvement, fish and wildlife  
13          habitat improvement and enhancement, recreation,  
14          access to other intermingled or adjacent multiple  
15          use areas, transportation (including designation  
16          for future use within the transportation plan) or  
17          classification within a designated floodplain, and  
18          for any other appropriate uses which are in the  
19          best interests of the county or which will advance  
20          the public benefit and welfare.

21          WHEREAS, Section 7-8-2303, entitled "Repurchase Rights of  
22          Taxpayer or Successors" provides that at any time  
23          up to twenty-four hours before the time fixed for  
24          the first offering of property for sale or the

1 time fixed for the donation or retention of the  
2 property pursuant to Section 7-8-2301, the  
3 taxpayer or the taxpayer's successor in interest  
4 or legal representative may repurchase the  
5 property from the county; and

6 WHEREAS, the time for repurchase of the property set forth  
7 in Exhibit "A" will expire at 9:00 a.m. MDT on  
8 Tuesday, October 14, 2014 and the taxpayers or the  
9 taxpayers' successors in interest or legal  
10 representatives shall have the right to exercise  
11 the right of repurchase up until that time; and  
12

13 NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF  
14 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

15 SECTION 1: That in accordance with the provisions of Section  
16 7-8-2501, MCA, the Council hereby finds that there  
17 is a compelling public interest for the retention  
18 of the unsold tax-deed lands set forth in Exhibit  
19 "A" in City-County ownership because such lands  
20 can be coordinated with any of the following uses:  
21 land use planning, with particular emphasis upon  
22 remediation of lands classified as contaminated  
23 land under the Federal CERCLA law or the State  
24 CECRA law (Superfund), zoning, grazing and

1 agricultural land improvement, fish and wildlife  
2 habitat improvement and enhancement, recreation,  
3 access to other intermingled or adjacent multiple  
4 use areas, transportation (including designation  
5 for future use within the transportation plan) or  
6 classification within a designated floodplain, and  
7 for any other appropriate uses which are in the  
8 best interests of the county or which will advance  
9 the public benefit and welfare.

10 SECTION 2: That in accordance with the provisions of Section  
11 7-8-2301 and 7-8-2501 MCA, it is hereby determined  
12 that retention of those parcels set forth in  
13 Exhibit "A", in City-County ownership is necessary  
14 because of compelling public interest, in  
15 accordance with the criteria set forth in Section  
16 1 above.

17 SECTION 3: That the time for repurchase of those parcels set  
18 forth in Exhibits "A", will expire at 9:00 a.m.  
19 MDT on Tuesday, October 14, 2014 and this  
20 Resolution shall not affect the right of  
21 repurchase up until that time.

22 SECTION 4: That in accordance with the provisions of Section  
23 7-8-2301 and 7-8-2501, MCA, it is hereby ordered  
24 that absent the exercise of the right of

1 repurchase by the taxpayer or the taxpayers'  
2 successors in interest or legal representatives,  
3 those parcels set forth in Exhibits "A" shall be  
4 retained in City-County ownership for those  
5 reasons set forth in Section 1 above.

6 SECTION 5: That this resolution shall be in full force and  
7 effect from and after its passage and approval.

8 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2014.  
9

10 \_\_\_\_\_  
11 CINDI SHAW  
12 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS  
13

14 APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.  
15

16 \_\_\_\_\_  
17 MATT VINCENT  
18 CHIEF EXECUTIVE  
19

20 ATTEST:  
21  
22 SALLY J. HOLLIS  
23 CLERK AND RECORDER  
24

25  
26 BY \_\_\_\_\_  
27 TITLE \_\_\_\_\_  
28

29 APPROVED AS TO FORM:  
30  
31 \_\_\_\_\_  
32 EILEEN JOYCE  
33 COUNTY ATTORNEY  
34

35 \_\_\_\_\_  
36 WILLIAM O. ANDERSEN  
CHAIRMAN, JUDICIARY COMMITTEE

Council Resolution # 14-22  
Exhibit "A"

Properties to be held in City & County of Butte-Silver Bow Ownership

<u>Bid #</u> <u>Parcel #</u>	<u>Name</u>	<u>Legal</u>	<u>Property</u> <u>Address</u>
35. 1721200	Dennis W Maesar 119043 Silverbow Rd Silver Bow, MT 59750	COS 644-B, Tract A Sec 24: T03N R09W	119043 Silverbow Rd Silver Bow, MT 59750
38. 1893400	Dennis Maesar 119042 Silverbow Rd Silver Bow, MT 59750	COS 644-B, Tract B Sec 24: T03N R09W	119042 Silverbow Rd Silver Bow, MT 59750