

RESOLUTION NO. 17-53

1 A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF  
2 UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD  
3 BE 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  
8 15 of Montana Code Annotated, including providing the  
9 required notices provided by the laws of the State of  
10 Montana, the Council of Commissioners (Council) of the  
11 City and County of Butte-Silver Bow, State of Montana  
12 (City-County) provided for issuance of tax-deed for  
13 the properties listed on Exhibit "A" attached herein  
14 on the 18th day of August 2017; and

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

- 19 (a) sell the land at public auction;  
20 (b) donate the land to a municipality, as  
21 provided in subsection (3), if the land is within the  
22 incorporated boundaries of the municipality;  
23 (c) donate the land to a non-profit corporation  
24 as provided in subsection (3); or

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

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

7 (a) sell the land as provided in subsections (2)  
8 and (4);

9 (b) donate the land to a municipality with the  
10 consent of the municipality;

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

13 (i) a multi-family housing development  
14 operated by the corporation; or

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

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

23 WHEREAS, the provisions of Section 7-8-2501, MCA, provide  
24 for the establishment of criteria for the

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

19 WHEREAS, Section 7-8-2303, entitled "Repurchase Rights of  
20 Taxpayer or Successors" provides that at any time  
21 up to twenty-four hours before the time fixed for  
22 the first offering of property for sale or the  
23 time fixed for the donation or retention of the  
24 property pursuant to Section 7-8-2301, the

1 taxpayer or the taxpayer's successor in interest  
2 or legal representative may repurchase the  
3 property from the county; and

4 WHEREAS, the time for repurchase of the property set forth  
5 in Exhibit "A" will expire at 9:00 a.m. MDT on  
6 Tuesday, October 3, 2017 and the taxpayers or the  
7 taxpayers' successors in interest or legal  
8 representatives shall have the right to exercise  
9 the right of repurchase up until that time; and

10  
11 NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF  
12 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

13 SECTION 1: That in accordance with the provisions of Section  
14 7-8-2501, MCA, the Council hereby finds that  
15 there is a compelling public interest for the  
16 retention of the unsold tax-deed lands set forth  
17 in Exhibit "A" in City-County ownership because  
18 such lands can be coordinated with any of the  
19 following uses: land use planning, with  
20 particular emphasis upon remediation of lands  
21 classified as contaminated land under the Federal  
22 CERCLA law or the State CECRA law (Superfund),  
23 zoning, grazing and agricultural land  
24 improvement, fish and wildlife habitat

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

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

16 SECTION 3: That the time for repurchase of those parcels set  
17 forth in Exhibit "A", will expire at 9:00 a.m.  
18 MDT on Tuesday, October 3, 2017 and this  
19 Resolution shall not affect the right of  
20 repurchase up until that time.

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

1 successors in interest or legal representatives,  
2 those parcels set forth in Exhibit "A" shall be  
3 retained in City-County ownership for those  
4 reasons set forth in Section 1 above.

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

7 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

8  
9

10 \_\_\_\_\_  
11 JOHN MORGAN  
12 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

13 APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

14  
15

16 \_\_\_\_\_  
17 DAVE PALMER  
18 CHIEF EXECUTIVE

19 ATTEST:

20

21 SALLY J. HOLLIS  
22 CLERK AND RECORDER

23  
24

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

28 APPROVED AS TO FORM:

29

30 \_\_\_\_\_  
31 EILEEN JOYCE  
32 COUNTY ATTORNEY

33

34 \_\_\_\_\_  
35 SHERYL RALPH  
CHAIRMAN, JUDICIARY COMMITTEE

Council Resolution # 17-53  
Exhibit "A"

Exhibit "A"

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

Bid #	Parcel #	Name	Legal Description	Property Address	Reason Pulled
14	1904310	William Hill & Ellen Hill Irene May & Tammy Kussisto	South Park Addition Block 19A, Lot 8 - COS 604-B and Vacated City Road adjacent to Lot 8, Block 19A	2500 Block of Lexington Ave	Vacant Lot Unbuildable Site BSB Easement on this lot