

**RESOLUTION 10327  
CORRECTED**

*(This document is being recorded to correct Document Recording # R0382629 GRS, recorded on January 24, 2020, to correct the legal description in Resolution 10327)*

**RESOLUTION DECLARING A CONDITION ON CERTAIN PROPERTY LOCATED AT 804 4<sup>TH</sup> AVENUE SOUTHWEST, LEGALLY DESCRIBED AS GREAT FALLS 6<sup>TH</sup> (GF6), LOT 5, BLOCK 549, CASCADE COUNTY, MONTANA, A NUISANCE, ORDER THE NUISANCE BE ABATED AND AUTHORIZE CITY STAFF TO FORCE ABATEMENT IF NECESSARY.**

**WHEREAS**, Tom Wilson, (hereinafter “property owner”), owner of real property located at 804 4<sup>th</sup> Avenue Southwest, legally described as Great Falls 6<sup>th</sup> (GF6), Lot 5, Block 549, Cascade County, Montana, and within the incorporated boundaries of the City of Great Falls, was given notice pursuant to the Official Code of the City of Great Falls (OOCGF), Section 8.49.040, of a hearing before the City Commission on January 21, 2020, wherein said property owner was informed the City Commission would proceed to hear the testimony of City personnel and the testimony of any other interested party, who may be present, and desire to testify respecting the condition of the property; and

**WHEREAS**, said property owner was informed that the City Commission upon the conclusion of the hearing, would by Resolution, declare its findings, and may declare the property to be a nuisance, and direct the owner to physically commence abatement of the nuisance within ten (10) days, and to complete said abatement within thirty (30) days, by removing the standing dead wood which is a prime breeding site for the elm bark beetle, or taking other appropriate action necessary to cure the nuisance; and

**WHEREAS**, said property owner was informed that failure to abate the nuisance would result in the property being the subject of abatement, or other appropriate act, as the case may be, by the City and expenses thereof shall remain a lien on the property; and

**WHEREAS**, the City Commission has conducted the hearing on January 21, 2020, regarding the property pursuant to OCCGF Section 8.49.050, hearing testimony of the City personnel and the testimony of any other interested party, who was present, and desired to testify respecting the condition of the property, the estimated cost of the standing dead wood removal or other appropriate act, by the City and the expenses thereof shall remain a lien on the property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

1. Staff and other interested parties having presented evidence of the condition of the subject property, and having described the condition of the subject property, the

City Commission does hereby find the same to be a nuisance pursuant to OCCGF Sections 8.49.010, 8.52.040, 8.52.060, and hereby directs the owner to commence abatement within (10) days of the date of this Resolution to the satisfaction of the Great Falls Park and Recreation Director, pursuant to Title 8, Chapter 49 of the OCCGF.

2. It is further ordered that, abatement, to the satisfaction of the Great Falls Park and Recreation Director, be completed within thirty (30) days of the date of this Resolution, pursuant to Title 8, Chapter 49 of the OCCGF.
3. It is further ordered that, if the owner fails to abate said nuisance as ordered and within the time allowed, the City Staff is directed to take any and all steps necessary to abate the nuisance with all expenses to attach as a special assessment against the property.
4. This Resolution shall be in effect for a six (6) month period from the date below.
5. City staff shall serve the said property owner with a copy of this Resolution by certified mail, postage prepaid, and return receipt requested as required by Title 8, Chapter 49 of the OCCGF.

**BE IT FURTHER RESOLVED BY SAID CITY COMMISSION** that this Resolution shall become effective immediately upon its passage and approval.

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana on January 21, 2020.

**CORRECTED RESOLUTION 10327 PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana, February 18, 2020.

ATTEST:

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Darcy Dea, Deputy City Clerk

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Bob Kelly, Mayor

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Joseph Cik, Assistant City Attorney