

## **RESOLUTION NO. 991**

### **A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL AUTHORIZING THE CITY LEGAL DEPARTMENT TO FILE AN ACTION IN DISTRICT COURT TO OBTAIN A DECREE ORDERING THE ABATEMENT OF A PUBLIC NUISANCE REGARDING THE PROPERTY LOCATED AT 3013 SOUTH OAK AVENUE, BROKEN ARROW, OKLAHOMA, 74012**

**WHEREAS**, the property located at 3013 South Oak Avenue, Broken Arrow, Oklahoma, 74012, was inspected by representatives of the City of Broken Arrow who determined that the main structure in its present condition constitutes not only a menace to the health and safety of the public, but is also a public nuisance; and

**WHEREAS**, on October 26, 2016, a Notice to Abate a Nuisance public hearing letter was mailed to the owner of the property by United States Postal Service at 3013 South Oak Avenue, Broken Arrow, Oklahoma, 74012-6854, the address shown at the current year's tax rolls in the Tulsa County Treasurer's office, namely: John J. and Betty L. Hendrix, 3013 South Oak Avenue, Broken Arrow, Oklahoma, 74012-6854; and

**WHEREAS**, a Notice to Abate Public Nuisance was also mailed to the following mortgage holder as shown by the records of the Tulsa County Clerk; Secretary of Housing Development, 451 7<sup>th</sup> St S.W., Washington, DC 20410; and

**WHEREAS**, that the public hearing held on December 1, 2016, where Russell Gale, the Hearing Officer for the City of Broken Arrow, Oklahoma, found the structure at 3013 South Oak Avenue, Broken Arrow, Oklahoma, 74012, to be in violation of City Ordinance § 15-1.C(15); 15-1D.11(A)(B) and Oklahoma State Statute, Title 11, O.S. § 22-111, 112; and

**WHEREAS**, following the public hearing on December 1, 2016, an Order of Abatement was issued finding that the structure in its present condition was a dilapidated structure in violation of City Ordinance 15-1.C(15); 15-1D.11(A)(B); Oklahoma State Statute, Title 11, O.S. § 22-111, 112; and

**WHEREAS**, the above-described public nuisance remains unabated.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BROKEN ARROW, OKLAHOMA**, that the main structure on the property legally described as Lot 18, Block 10, Vandever West, City of Broken Arrow, Tulsa County and locally known as 3013 South Oak Avenue, Broken Arrow, Oklahoma 74012 has previously been declared a public nuisance; and

**BE IT FURTHER RESOLVED** that the City Attorney is hereby authorized to file an action in District Court pursuant to 50 O.S. § 17, to obtain a Decree ordering the abatement of the public nuisance and should the owner fail to abate the nuisance as ordered, that the matter may be referred to the Development Services Department to take all necessary action to demolish and remove said main structure.

**APPROVED AND PASSED** in Open Meeting by the City Council of the City of Broken Arrow on this 7th day of March, 2017.

ATTEST:

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Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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Deputy City Attorney