

RESOLUTION NO. 942

**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 17639 EAST 101<sup>ST</sup> STREET, BROKEN ARROW, OK 74011.**

**WHEREAS**, the property located at 17639 East 101<sup>st</sup> Street, Broken Arrow, Oklahoma 74011, 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 July 8, 2016, a Notice to Abate a Nuisance public hearing was mailed to the owner of the property by the United States Postal Service at 17615 East 101<sup>st</sup> Street, Broken Arrow, OK 74011, the same being the address as reflected by the current year's tax rolls in the Tulsa County Treasurer's Office, namely The Norma Grace Hamilton Trust, 17615 East 101<sup>st</sup> Street, Broken Arrow, OK, 74011. Notice of the hearing date was also posted on the subject property; and

**WHEREAS**, following the public hearing held on August 4, 2016, an Order of Abatement was issued finding that the structure at 17639 South 101<sup>st</sup> Street, Broken Arrow, OK 74011, in its present condition was a dilapidated and uninhabitable structure in violation of City Ordinance § 15-1.C(15) and 15-1 D.11 a & b and 15-4 and Oklahoma State Statutes Title 11 § 22-111 & 112 and constituted a public nuisance; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA**, that the main structure on the property legally described as Part of the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Twenty-six (26), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows: Commencing at the Northeast corner of said NE/4 of the NE/4, Thence S 01 deg. 26'09" E for 50.00 feet, Thence S 88 deg. 39'30" W for 610.00 feet to the Point of Beginning of said tract of land, Thence S 01 deg. 26'09" E for 280.00 feet, Thence S 88 deg. 39' 30" W for 50.00 feet, Thence N 01 deg. 26'09" W for 280.00 feet, Thence N 88 deg. 39' 30" East for 50.00 feet to the Point of Beginning of said tract of land and locally known as 17639 East 101<sup>st</sup> Street, Broken Arrow, OK 74011, constitutes 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 neighborhood improvement 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 4<sup>th</sup> day of October, 2016

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney