

RESOLUTION NO. 1102

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 21460 E. 45TH ST. S., BROKEN ARROW, OKLAHOMA, 74014

WHEREAS, the property located at 21460 E. 45th St. S., Broken Arrow, Oklahoma, 74014, 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 February 26, 2018 , a Notice to Abate a Nuisance public hearing letter was mailed to the owner of the property by United States Postal Service at 21460 E. 45th St. S., Broken Arrow, Oklahoma, 74014, at the address shown at the current year's tax rolls in the Wagoner County Treasurer's office, namely: Harold W. Johnson, Sr. and Carla G. Johnson, P.O. Box 165, Wagoner, Oklahoma 74477; and

WHEREAS, that the public hearing held on April 5, 2018, Russell Gale, the Hearing Officer for the City of Broken Arrow, Oklahoma, found the structure at 21460 E. 45th St. S., Broken Arrow, Oklahoma, 74014, to be in violation of City Ordinance § 15-1.C(15) and 15-4, and Oklahoma State Statute, Title 11, O.S. §§ 22-111, 112; and

WHEREAS, following the public hearing on April 5, 2018, 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) and 15-4, and 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 Sun City IV, Lot 2, Block 7, City of Broken Arrow, Wagoner County, State of Oklahoma, and locally known as 21460 E. 45th St. S., Broken Arrow, Oklahoma, 74014, has previously been declared a public nuisance; and

BE IT FURTHER RESOLVED that the Acting 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 15th day of May, 2018.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney