



\$123,056.89. As of today's date, there are 76 properties that have unsatisfied assessments. Of this number, 55 properties remain with the original owners and 21 properties have been transferred or sold. Assessments for these properties with original owners total \$23,375.67. Assessments for the transferred properties total \$9,399.73. The total overall remaining assessments, excluding interest, is \$32,795.40.

As you are aware, the Municipal Clerk must certify the installment and interest due and owing to the County Treasurer on an annual basis. This certification must be accomplished between July 1<sup>st</sup> and July 10<sup>th</sup> of each year. Prior to that time, however, the Clerk must mail notice of the nature and amount of the assessment by restricted delivery on or before June 1<sup>st</sup> of each year.

This year, notification was provided to the land owners in accordance with state statute. Staff members in the Finance Department, the Legal Department, and the City Clerk have received a number of complaints regarding this assessment. The Finance Department has broken these complaints into several categories. The first involves owners who acquired the properties after passage of the Assessment Roll and adoption of the Ordinance. At the present time, there are eight (8) occupants who fall into this category. Of this number, six (6) had the closing companies contact the City of Broken Arrow. In each case City representatives, after we collected the \$25.00 fee, advised the closing company that there were no liens or other charges. The current residents and the amounts owed are as follows:

Katie M. and Elizabeth Roberts	\$406.17
Ryan Adams	\$529.90
David Lewis	\$361.32
Shane & Brittany Casey	\$353.39
Jonathan & Lara Weber	\$353.39
James & Mary Garland	\$426.37
<b>TOTAL=</b>	<b>\$2,430.54</b>

Of the eight, one was a HUD home. The closing took place in Oklahoma City and the City of Broken Arrow was not contacted regarding assessments. The purchaser, however, was advised by the closing company that there was nothing owed on the title. The current resident and amount owed is as follows:

Nathan Vega	\$392.69
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The last of the eight involved a routine acquisition. The City of Broken Arrow was not contacted regarding assessments, but a search of Wagoner County records was completed. The current resident and amount owed is as follows:

Troy Edward Kraus	\$408.39
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The individuals referenced above requested that their assessments be waived. In support of this, they argue that they did not receive notice of the assessment. They believe if City representatives indicated that no assessments were owed, it is unreasonable for them to be charged.

There are two other assessment waiver requests. The first is a gentleman by the name of Yeshi Reshedo. He currently owes \$418.21. He has requested a hardship waiver. The final request comes from a daughter of a man by the name of Damon Arthur. Apparently, Mr. Arthur died on April 7, 2017. The current assessment is \$921.72.

City Manager Michael Spurgeon reviewed each request for waiver. He concluded that because the improvements provide an ongoing benefit to each property, that it would be unequitable to waive the assessments when most others had paid their proportional share. Each of the owners identified above were notified of this decisions letter dated June 22, 2017. They were further advised that they have a right of appeal to the City Council.

The City Clerk has received three (3) requests for consideration by the Council. The first is from Jonathan and Lara Weber. They are requesting a waiver of \$353.39. James and Mary Garland are requesting a waiver of \$426.37, and Katie and Elizabeth Roberts are requesting a waiver of \$406.17.

**Cost:**                    **Dependent upon the waivers**

**Prepared By:**        **Beth Anne Childs, City Attorney**

**Reviewed By:**       **Finance Department**

**Approved By:**       **Michael L. Spurgeon, City Manager**

**Attachments:**       **Denial Letters dated June 22, 2017 from the City Manager**  
**Letters from the owners requesting waivers**

**Recommendation:**  
As the Council directs