

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 1st and July 10th 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 1st 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
TOTAL=	\$2,430.54

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. Further research found these two residents did not receive the City Manager's June 22, 2017 decision letter. They were mailed same letter a few days later.

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 requests for consideration from:

Ryan Adams - a waiver of \$529.90

Shane and Brittany Casey - a waiver of \$353.39

Cost: **Dependent upon the waivers**

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

Reviewed By: **Assistant City Manager - Administration**

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**