



City of Broken Arrow

Legislation Details (With Text)

File #: 17-1900 **Name:**
Type: General Business **Status:** Passed
File created: 2/27/2017 **In control:** Broken Arrow City Council
On agenda: 3/7/2017 **Final action:** 3/7/2017
Title: Consideration, discussion, and possible approval of Resolution No. 991, a Resolution 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

Sponsors:

Indexes:

Code sections:

Attachments: 1. 03-07-2017 RESOLUTION NO 991 - HENDRIX ABATEMENT 3013 S OAK AVE.pdf

Date	Ver.	Action By	Action	Result
3/7/2017	1	Broken Arrow City Council	approved	Pass

Broken Arrow City Council
Meeting of: 03-07-2017

To: Mayor and City Council
From: Office of the City Attorney

Title:
Consideration, discussion, and possible approval of Resolution No. 991, a Resolution 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

Background:

On December 1, 2016, City Staff conducted a hearing regarding the property located at 3013 South Oak Avenue, Broken Arrow, Oklahoma 74012-6854 and determined that the main structure in its present condition was not in good repair, not structurally sound or sanitary and constituted not only a menace to the health and safety of the public but is also a public nuisance.

City Staff had provided notice to abate this public nuisance and notice of public hearing on October 26, 2016. A Notice to Abate the Nuisance Public Hearing was mailed to the owner of the property as shown on the current year's tax rolls in the Tulsa County Treasurer's Office by the United States Postal Service, namely to John J. and Betty L. Hendrix, 3013 South Oak Avenue, Broken Arrow, Oklahoma 74012-6854. Notice was also provided to the following mortgage holder of record as shown by the records of the Office of the Tulsa County Clerk: The Secretary of Housing and Urban Development, 451 7th Street S.W., Washington, DC 20410. The public hearing was held on December 1, 2016 before Hearing Officer Russell Gale. An Order of Abatement was issued and sent to the record owner as well as above-noted mortgage holder.

The structure located at 3013 South Oak Avenue, Broken Arrow, Oklahoma 74012-6854 was previously

declared a public nuisance and remains a public nuisance. The Legal Department requests that the City Council approve the Resolution authorizing the City Attorney to file an action in the District Court to obtain a Decree ordering the abatement of the public nuisance and should the owner fail to abate the nuisance as ordered, the matter will be referred to the Development Services Department which will take all necessary action to demolish and remove said structure.

Cost: All costs associated with the abatement

Prepared By: Trevor A. Dennis, Deputy City Attorney

Reviewed By: Development Services Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 991

Recommendation:

Approve Resolution No. 991 and authorize its execution.