



City of Broken Arrow

Legislation Details (With Text)

File #:	18-913	Name:	
Type:	General Business	Status:	Passed
File created:	7/30/2018	In control:	Broken Arrow City Council
On agenda:	8/7/2018	Final action:	8/7/2018
Title:	Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1116, 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 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014		

Sponsors:

Indexes:

Code sections:

Attachments: 1. RESOLUTION NO 1116.pdf

Date	Ver.	Action By	Action	Result
8/7/2018	1	Broken Arrow City Council	approved	Pass

Broken Arrow City Council Meeting of: 08-07-2018

Title:

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1116, 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 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014

Background:

In February, 2018, City Staff inspected the property located at 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014 and found the structure was not in good repair, was not structurally sound or sanitary and constituted not only a menace to the health and safety but was also a public nuisance due to broken windows and numerous holes in the siding allowing animals and birds to enter the dwelling. There are gaps in the skirting, leaving plumbing and utilities exposed to the elements.

On February 12, 2018, a Notice Abate a Nuisance public hearing was mailed to the owner of the property as shown in the current year's tax rolls in the Wagoner County Treasurer's Office by United States Postal Service, namely to John Straton, 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014. A public hearing was held on April 5, 2018 after which an Order of Abatement was sent to the record owner of the property by mail, to repair or demolish the structure at 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014. As of this date the nuisance remains unabated.

Title 50 O.S. §17 provides that in cases where it is deemed impractical to summarily abate any such nuisance, a City or town may bring suit in the District Court in the county in which such nuisances are located by the governing body of a town or City adopting a resolution to direct or bring a lawsuit in the property Court for the purpose of abating a nuisance.

As noted above, this structure located at 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014 on the real estate described as: ARROW VILLAGE MOBILE CITY LOT 274 1.00 Lots, and locally known as 2701 E. Norman Pl., Broken Arrow, Oklahoma 74014.

Said property was previously declared a public nuisance and remains a public nuisance. The Legal Department requests the City Council to approve the Resolution authorizing the Acting 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, with the matter being 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

Funding Source: Development Services Operational Budget

Requested By: Trevor Dennis, Acting City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1116

Recommendation:

Approve Resolution No. 1116 and authorize its execution.