City of Broken Arrow

Legislation Details (With Text)

File #:	18-1108	**Name:**	
Type:	General Business	**Status:**	Passed
File created:	9/11/2018	**In control:**	Broken Arrow City Council
On agenda:	9/18/2018	**Final action:**	9/18/2018
Title:	Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1134, 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 1617 South Pine Avenue, Broken Arrow, Oklahoma 74012		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. RESOLUTION NO 1134		

Date	Ver.	Action By	Action	Result
9/18/2018	1	Broken Arrow City Council	approved	

Broken Arrow City Council
Meeting of: 05-15-2018

Title:

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1134, 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 1617 South Pine Avenue, Broken Arrow, Oklahoma 74012

Background:

On May 10, 2018, City Staff inspected the property located at 1617 South Pine Ave., Broken Arrow, Oklahoma 74012, 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; due to dilapidation and disrepair.

On July 2, 2018, 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 Matthew and Hollye Foster, 1617 South Pine Ave, Broken Arrow, Oklahoma 74012. A public hearing was held on August 2, 2018, after an Order of Abatement was issued by Hearing Officer, Russell Gale. The Order of Abatement was also sent to the record owners.

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 nuisances are located by the governing body by the town or city adopting a resolution to direct or bring a lawsuit in the proper court for the purpose of abating a nuisance.

As noted above, the structure located at 1617 South Pine Ave., Broken Arrow, Oklahoma 74012, on the real estate described as: Lots 5, Block 16, Stacey Lynn Fifth, City of Broken Arrow, Tulsa County, Oklahoma, 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 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. 1134

Recommendation:
Approve Resolution No. 1134 and authorize its execution.

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