



City of Broken Arrow

Request for Action

File #: 16-1196, Version: 1

**Broken Arrow City Council
Meeting of: 10-04-2016**

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

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 942, a resolution authorizing the City Legal Department to file a nuisance abatement action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 17639 East 101st Street, Broken Arrow, Oklahoma 74011

Background:

In January, 2016, City Staff inspected property located at 17639 East 101st Street, Broken Arrow, OK, 74011 and determined the structure was not in good repair, and was not structurally sound nor sanitary and constituted both a menace to the health and safety and also a public nuisance due to the exterior being in disrepair, cracks in the walls and foundation, vegetation overgrowth and a tree having fallen on the roof of the structure.

On July 8, 2016, a Notice to Abate a Nuisance and Hearing was mailed to the homeowner as well as posted on the property. Said notice was mailed to The Norma Grace Hamilton Trust, 17615 East 101st Street, Broken Arrow, OK 74011. The owner was identified according to the Tulsa County Assessor's Office tax rolls.

A public hearing was held on August 4, 2016, after which an Order of Abatement was issued by hearing officer, Russell Gale. The Order of Abatement was mailed to the property owner. To date the nuisance remains unabated.

Tile 50 § 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 the nuisance is located by the City adopting a resolution to direct the brining of the lawsuit in the proper Court for purposes of abating a nuisance.

As noted above, this structure is located at 17639 East 101st Street, Broken Arrow, OK 74011, more particularly described as follows:

Commencing at the Northeast corner of said NE/4 of the NE/4, Thence S 01 deg. 26'09" E for 50.00 feet, Thence S 88 deg. 39'30" W for 610.00 feet to the Point of Beginning of said tract of land, Thence S 01 deg. 26'09" E for 280.00 feet, Thence S 88 deg. 39' 30" W for 50.00 feet, Thence N 01 deg. 26'09" W for 280.00 feet, Thence N 88 deg. 39' 30" East for 50.00 feet to the Point of Beginning of said tract of land.

Staff recommends the Council approve the Legal Department file a nuisance abatement action in District Court

to abate the nuisance.

Cost: All costs associated with the abatement

Prepared By: Beth Anne Wilkening, City Attorney

Reviewed By: Assistant City Manager-Operations
Development Services

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 942
Pictures

Recommendation:

Approve Resolution No. 942 and authorize its execution.