



# City of Broken Arrow

## Request for Action

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**File #:** 17-1900, **Version:** 1

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**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 7<sup>th</sup> 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

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**Attachments:**        **Resolution No. 991**

**Recommendation:**

Approve Resolution No. 991 and authorize its execution.