



# City of Broken Arrow

## Request for Action

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**File #: 18-579, Version: 1**

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

**Title:**

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1102 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 21460 East 45th Street South, Broken Arrow, Oklahoma 74014

**Background:**

In February, 2018, City Staff inspected the property located at 21460 E. 45th St. S., Broken Arrow, Oklahoma 74014, 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 disrepair, tree limbs on roof, holes in ceilings, and trash on property.

On February 26, 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 Wagoner County Treasurer's Office by the United States Postal Service, namely to Harold W. Johnson, Sr. and Carla G. Johnson, P.O. Box 165, Wagoner, Oklahoma 74477. A public hearing was held on April 5, 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 21460 E. 45th St. S., Broken Arrow, Oklahoma 74014, on the real estate described as: Sun City IV, Lot 2, Block 7, to the City of Broken Arrow, Wagoner 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

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**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Resolution No. 1102

**Recommendation:**

Approve Resolution No. 1102 and authorize its execution.