



City of Broken Arrow

Request for Action

File #: 20-439, Version: 1

**Broken Arrow City Council
Meeting of 05-05-2020**

Title:

Consideration, discussion, and possible approval to grant a waiver for property owned by Joshua Stenros located within the Amended Glen Eagles subdivision regarding the Assessment District for stormwater initiated in 2007

Background:

In 2007, the Broken Arrow City Council began the process of approving an Assessment District for the subdivisions of Glen Eagles and Steeplechase Farms. The purpose of the Assessment District was to make improvements to the stormwater system after a significant rain event. Steeplechase Farms and portions of Glen Eagles were constructed pursuant to Wagoner County development standards and subsequently annexed into the City of Broken Arrow. The significant rain event resulted in the flooding of numerous residences in this area and highlighted the fact that the stormwater system was undersized. Complicating factors included the fact that the system was not constructed in accordance with the design engineer's plans, the unavailability/disengagement of the developer, grossly overgrown detention ponds, and a disorganized home owner's association. To resolve the stormwater issues, the Council elected to proceed with upgrades to the system that included using the street to handle stormwater. This option was chosen as a result of the incredible expense of upgrading underground stormwater pipes, among other things. The Council voted to bear the costs of construction. The cost of materials was to be borne by the home owners.

In the Glen Eagles/Steeplechase Farms District, the Assessment Roll originally contained two hundred seventy-seven properties. Material costs attributable to each property were based upon the size of the lot. The total assessment was \$123,056.89. To date two hundred nineteen property owners have paid their assessment in full; fifty-seven property owners have made partial payments and have a remaining balance due; and, one property owner has not made any payment. The remaining unpaid assessment is \$21,453.

On July 18, 2017, three property owners petitioned the City Council for a waiver of the assessment on their property. Each had purchased the property after the assessment was created. Records revealed that the City had advised, prior to closing in writing that no assessment existed. The City Council approved the waivers.

On August 1, 2017 two property owners petitioned the City Council for a waiver of the assessment on their property. Again each had purchased the property after the assessment was created and again the City had erred advising in writing that no assessment existed. The City Council approved the waivers.

On November 7, 2017 two property owners petitioned the City Council for a waiver of the assessment on their property. Both had purchased the property after the assessment was created. In one case the City had erred advising in writing that no assessment existed. However, in the second instance the closing company failed to contact the City to determine if an assessment existed. A Wagoner County records search was performed by the closing company and no record of any lien or assessment was due on the property. In both instances the City Council approved the waiver.

At the February 18, 2020 City Council meeting Mr. Stenros advised the City Council that he had recently

received notice from the Wagoner County Treasurers Office threatening to remove his property from his possession due to nonpayment of the assessment. He stated that the assessment was not a part of his closing documents when he purchased the property and that the assessment should not be his responsibility. He stated that he believed the assessment was the responsibility of the previous homeowner. Mr. Stenros was requesting relief from the assessment.

A search of Wagoner County records reveals that Mr. Andrew Cook sold the property in January 2017 to Mr. Joshua Stenros. City Clerk records reveal that Mr. Cook was the property owner since 2009 and was he property owner on the Assessment Roll. The Community Development Department advises that there is no record that the City was contacted by any party to determine if an assessment existed on the property.

On April 7, 2020 the City was advised by the Wagoner County Treasurer that Mr. Stenros paid \$95.62 toward the assessment balance. This payment removed Mr. Stenros property from the possibility of his property being auctioned by the Wagoner County Treasurer.

The Finance Department has been advised by the Wagoner County Treasurer that twenty-six property owners have made a partial or full payment toward their assessment since January 2020. In some cases the payment removed the property from a possible auction of the property.

The Wagoner County Treasurer advises that only one property owner has failed to make any payment and that individual has owned the property since 1998. There is no record of any payment toward the assessment. This is the only property that remains at risk for auction.

In regard to Mr. Stenros request, there is no record the City erred when he purchased the property. Staff recommends denial of the waiver request.

Cost: if waiver granted approximately \$478.09

Funding Source: N/A

Requested By: Russell Gale, Assistant City Manager - Administration

Approved By: City Manager's Office

Attachments: None

Recommendation:

To deny Mr. Stenros request that the assessment on his property be waived.