

RESOLUTION NO. CC-2021-38

A RESOLUTION OF THE STILLWATER CITY COUNCIL DECLARING THE STRUCTURE LOCATED AT 2420 EAST 12TH AVENUE, STILLWATER, OKLAHOMA, DILAPIDATED AND A PUBLIC NUISANCE DETRIMENTAL TO THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC AND THE COMMUNITY, AND ORDERING THE DILAPIDATED STRUCTURE TO BE TORN DOWN AND REMOVED PURSUANT TO 11 O.S. §22-112

WHEREAS, 11 O.S. §22-112 addresses condemnation of dilapidated buildings, notice requirements, removal of dilapidated structures, and filing of liens; and

WHEREAS, pursuant to the provisions of 11 O.S. §22-112(A)(1), notice was given to Eugene and Deborah Combs, record property owners (the “Property Owners”) of 2420 East 12th Avenue, Stillwater, Oklahoma 74074 (the “Subject Property”), as shown by the current year’s tax rolls in the Office of the Payne County Treasurer, of a Public Hearing to be held by the Stillwater City Council (the “Council”) on November 15, 2021, at 5:30 p.m. regarding a dilapidated structure (the “Dilapidated Structure”); and

WHEREAS, the Notice of Public Hearing (the “Notice”) regarding the Dilapidated Structure was sent by certified mailed to the Property Owners on November 4, 2021; and

WHEREAS, there are no record mortgage holders as verified by Office of the Payne County Clerk; and

WHEREAS, in order to provide maximum notice and transparency, notice was posted on the Subject Property advising the Property Owners and others of the Public Hearing scheduled for November 15, 2021; and

WHEREAS, the notice was posted on the Subject Property and remains in place as of the date of this Public Hearing; and

WHEREAS, due to the provision by mail and posting of the notice, no publication was effectuated by the City of Stillwater; and

WHEREAS, 11 O.S. §22-112(C) defines dilapidated building as follows:

- a. a structure which, through neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public;
- b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;
- c. a structure which is determined by the municipal governing body to be an unsecured building as defined by 11 O.S. §22-112.1 more than three times within any 12-month period;

- d. a structure which has been boarded and secured for more than 18 months;
- e. a structure declared by the municipal governing body to constitute a public nuisance.

WHEREAS, as of the final date of inspection prior to preparation of the Notice, the Dilapidated Structure was not maintained in a clean, safe, secure, or sanitary condition, the exterior walls have holes, breaks, loose and rotting materials, windows have extensive rot, exterior doors and door assemblies are in poor condition, structural members are deteriorating, potentially impacting dead and live loads, and trees and brush are overtaking the rear of the structure (the “Structure Condition”); and

WHEREAS, Ms. Deborah Combs appeared on November 15, 2021, and advised that her husband had passed away; and

WHEREAS, the Council approved tabling the item to allow Ms. Combs additional time to address the deficiencies; and

WHEREAS, the hearing was continued to January 24, 2022; and

WHEREAS, as of the date of this Public Hearing, January 24, 2022, the Dilapidated Structure has not been addressed and therefore remains a nuisance; and

WHEREAS, current and past documentation of the condition of the structure and the state of the Subject Property is contained in the Written Official Record attached hereto as Exhibit “A;” and

WHEREAS, the Structure Condition as set forth above, demonstrates that the Dilapidated Structure, through neglect or injury, is devoid of the necessary repairs and is in a state of decay and partial ruin to such an extent that the Dilapidated Structure is a hazard to the health, safety, and welfare of the general public; and

WHEREAS, the Structure Condition as set forth above, demonstrates that the Dilapidated Structure is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public; and

WHEREAS, the Structure Condition as set forth above, as well as the attached Written Official Record, demonstrates that the Dilapidated Structure and the Subject Property should be declared a public nuisance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA, THAT a Public Hearing regarding the Subject Property was held on this 24th day of January, 2022.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Written Official Record accompanying this Resolution is hereby formally accepted and adopted herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT based upon the Written Official Record provided to the City Council and the Property Owners and adopted herein, as well as the information presented at the Public Hearing, the City Council hereby finds that the Dilapidated Structure on the Subject Property is dilapidated and has become detrimental to the health, safety, and welfare of the general public and the community.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT based upon the Written Official Record provided to the City Council and the Property Owners and adopted herein, as well as the information presented at the Public Hearing, the City Council hereby finds that the Structure on the Subject Property is dilapidated and creates a fire hazard which is dangerous to other properties.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT based upon the Written Official Record provided to the City Council and the Property Owners and adopted herein, as well as the information presented at the Public Hearing, the City Council hereby declares the Dilapidated Structure and the Subject Property a Public Nuisance.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT based upon the Written Official Record provided to the City Council and the Property Owners and adopted herein, as well as the information presented at the Public Hearing, the City Council hereby finds that the Dilapidated Structure on the Subject Property constitutes a detriment and a hazard and that the property would be benefited by the removal or remediation of the Dilapidated Structure.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT based upon the Written Official Record presented to the City Council and approved herein, as well as the information presented at the Public Hearing, the City Council hereby orders the Dilapidated Structure is to be torn down and removed or remediated.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Property Owners have ninety (90) days from the effective date of this Resolution to have the Dilapidated Structure torn down and removed or remediated and that due to the length of time the Subject Property and the Dilapidated Structure have created a nuisance and affected the general health, safety, and welfare of the community, no further extensions will be given.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT if the Property Owners do not have the Dilapidated Structure torn down and removed or significantly remediated within ninety (90) days from the effective date of this Resolution, the City Manager of the City of Stillwater is authorized to cause the Dilapidated Structure to be torn down and removed.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Stillwater City Clerk is directed to immediately file a notice of dilapidation with the Payne County Clerk describing the property, this Resolution containing the findings of the City Council, and stating that the City of Stillwater claims a lien on the Subject Property should the Property Owners fail to have the Dilapidated Structure torn down and removed or significantly remediated.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT employees of the City of Stillwater and its agents are expressly authorized to enter the Subject Property for the performance of their necessary duties and governmental functions, including inspections authorized by law and consent and to effectuate the directives of the City Manager if the Dilapidated Structure is not torn down and removed or significantly remediated within ninety (90) days of the date of this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT all actions taken and authorized herein are appropriate and necessary for the health, safety, and welfare of the residents of the City of Stillwater, Oklahoma.

ADOPTED by the City Council of the City of Stillwater, Oklahoma, on this 24th day of January, 2022, after full compliance with the Oklahoma Open Meeting Act.

WILLIAM H. JOYCE, MAYOR

ATTEST:

TERESA KADAVY, CITY CLERK

Approved as to form and legality:

KIMBERLY CARNLEY, INTERIM CITY ATTORNEY