

**RESOLUTION NO. CC-2021-16**

**A RESOLUTION OF THE STILLWATER CITY COUNCIL DECLARING THE STRUCTURE LOCATED AT 723 WEST HIGHPOINT DRIVE DILAPIDATED AND ABANDONED, 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 Melissa Sorrentino, Matthew McCollom and Richard McCollom record property owners (the “Property Owners”) of 723 West Highpoint Drive, Stillwater, Oklahoma 74075 (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 February 24, 2020, at 5:30 p.m. regarding a dilapidated residential building (the “Dilapidated Structure”); and

**WHEREAS**, the Notice of Public Hearing (the “Notice”) regarding the Dilapidated Structure was sent by certified mail to the Property Owners on Monday, February 3, 2020; and

**WHEREAS**, on February 24, 2020, the Council conducted the Public Hearing; and

**WHEREAS**, following the Public Hearing, the City Manager gave the Property Owners numerous extensions to resolve the Dilapidated Structure; and

**WHEREAS**, on December 14, 2020, the City Council once again considered this matter; and

**WHEREAS**, Melissa Sorrentino, the Property Owners’ representative appeared and requested additional time to address this situation; and

**WHEREAS**, the Council indicated that a final extension of no more than four (4) months would be given; and

**WHEREAS**, despite the numerous extensions, no progress has been made to rehabilitate or demolish the Dilapidated Structure and in accordance with Council direction, this matter is being re-presented for action; and

**WHEREAS**, pursuant to the provisions of 11 O.S. §22-122(A)(1), and due to the failure of the Property Owners to rehabilitate or demolish the Dilapidated Structure, notice was given to the Property Owners of 723 West Highpoint Drive, Stillwater, Oklahoma 74075, 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 on June 7, 2021, at 5:30 p.m. regarding the Dilapidated Structure; 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, a sign was posted on the Subject Property advising the Property Owners and others of the Public Hearing scheduled for June 7, 2021; and

**WHEREAS**, the sign 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 had deteriorating stairs due to rust, a second floor walkway with cracked sections, stair handrails that were loose and missing stabilizing and safety bars, open and unsecured doors, water damage and structural members supporting the second floor, holes in the roof overhang that allows for birds and vermin to access the structure; and

**WHEREAS**, documentation of the condition of the Structure and the state of the Subject Property when initially declared a nuisance is contained in the Written Official Record, attached hereto as Exhibit "A;" and

**WHEREAS**, documentation of the present condition of the Structure and the state of the Subject Property is contained in the Supplement to the Written Official Record, attached hereto as Exhibit "B;" 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, as supplemented, 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 7<sup>th</sup> day of June, 2021.

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT** based upon the Written Official Record, as supplemented, 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, as supplemented, 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, as supplemented, 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, as supplemented, 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 of the Dilapidated Structure.

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT** based upon the Written Official Record, as supplemented, 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.

**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 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 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.

**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 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 7th day of June, 2021, after full compliance with the Oklahoma Open Meeting Act.

CITY OF STILLWATER, OKLAHOMA  
A Municipal Corporation

(SEAL)  
ATTEST:

\_\_\_\_\_  
WILLIAM H. JOYCE, MAYOR

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TERESA KADAVY, CITY CLERK

Approved as to form and legality:

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JOHN E. DORMAN, CITY ATTORNEY