



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: R-1314-118**

**File ID:** R-1314-118

**Type:** Resolution

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 27

**In Control:** City Council

**Department:** Planning and  
Community  
Development  
Department

**Cost:**

**File Created:** 03/27/2014

**File Name:** R-1314-118 condemning 104 W. Symmes

**Final Action:**

**Title:** RESOLUTION NO. R-1314-118: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE; AND PROVIDING FOR NOTICE AND HEARING THEREOF. (104 WEST SYMMES STREET).

**Notes:** ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to close the public hearing.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to approve or reject the directive that Staff abate the nuisance as outlined in Resolution No. R-1314-118 as required by law.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 04/08/2014

**Agenda Number:** 27

**Attachments:** R-1314-118.pdf, Momo 104 W. Symmes.pdf,  
Summary 104 W. Symmes.pdf, Photographs 104 W.  
Symmes.pdf, Letter requesting postponement.pdf

**Project Manager:** Linda Price, Revitalization Manager

**Entered by:** linda.price@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File R-1314-118

Body

**Background:** The City of Norman has a program for the demolition and removal of structures that are not maintained by the owner(s) and have become unfit for human habitation and/or a nuisance to the surrounding

neighborhoods. Funds are usually appropriated yearly for the removal of those structures that are condemned and not removed by the owner(s) with payment due to the City of Norman within six (6) months of receipt of the billing. However, this fiscal year the budget for demolition was deleted, and a request for an appropriation will be necessary if the owner fails to remove the structure. Failure to satisfy the debt with the City results in a lien being filed against the property.

There is one property with one structure proposed for condemnation in association with this agenda item: 104 West Symmes: BTE, LLC (Robert Marriott and Warren Taber), owners of record. After receiving formal notice of the condemnation proceeding, the City was contacted by Mr. Marriott to discuss additional time to evaluate whether to demolish or remove the structure himself or to incorporate the structure into a development plan. The Resolution before Council moved forward with formal condemnation. Mr. Marriott's letter is his formal request for postponement on the terms outlined in the letter. Mr. Marriott indicated he is not available to attend the April 10th Council meeting. Because of Council member's interest in moving forward with resolving this issue, the item was placed on the Agenda with the formal postponement request for formal action by the Council.

**Discussion:**

The structure that is the subject of this condemnation action is a metal building that was moved to this location prior to 2007, but never brought into compliance by attaching it to a permanent foundation. In addition there are a number of violations to the International Property Maintenance Code including broken windows (glazing); rusted surfaces eating away portions of the exterior metal and corrosion all over the exterior; rotting structural members that have failed in some areas to support the imposed loads as evidenced by the leaning of the structure; walls that are bowed in and out; and numerous access points where rodents and pests may enter the structure. In the opinion of staff, the structure meets the definition of a dilapidated building and is unsafe.

When notified in September and November of 2011 and in November 2013 of the need for a permanent foundation for the building, the owner indicated that he planned to obtain a building permit to erect new structures on the property as well as keep the metal building. No building permit applications were ever received. However, as noted above, the property owners have not submitted a formal request to postpone condemnation upon the conditions outlined in their request. Those conditions set a 45 day deadline for the property owners to decide whether to demolish and remove the structure through their own efforts, or to come forward with a rehabilitation plan that will bring the structure into compliance with the Norman Code.

Attachments include Resolution of Condemnation No. R-1314-118, a summary of code violation activity related to the property, staff memoranda and photos of the property, and the formal request for a 45 day postponement.

Notification of condemnation has been sent to the owner of record. The property was also posted as required by State law and City ordinance. The postponement request acknowledges that if the condemnation procedure is required to be resumed on May 27th, then no additional notice to the property owner will be required.

**RECOMMENDATION:** If Council does not desire to grant the postponement of the item to May 27th, then Staff recommends approval of condemnation for the building through Resolution No. R-1314-118 and requests that the building be ordered to be removed. If Council grants the postponement request, then Staff will work with the property owners to resolve the issues through a demolition plan or rehabilitation plan, whichever is appropriate.