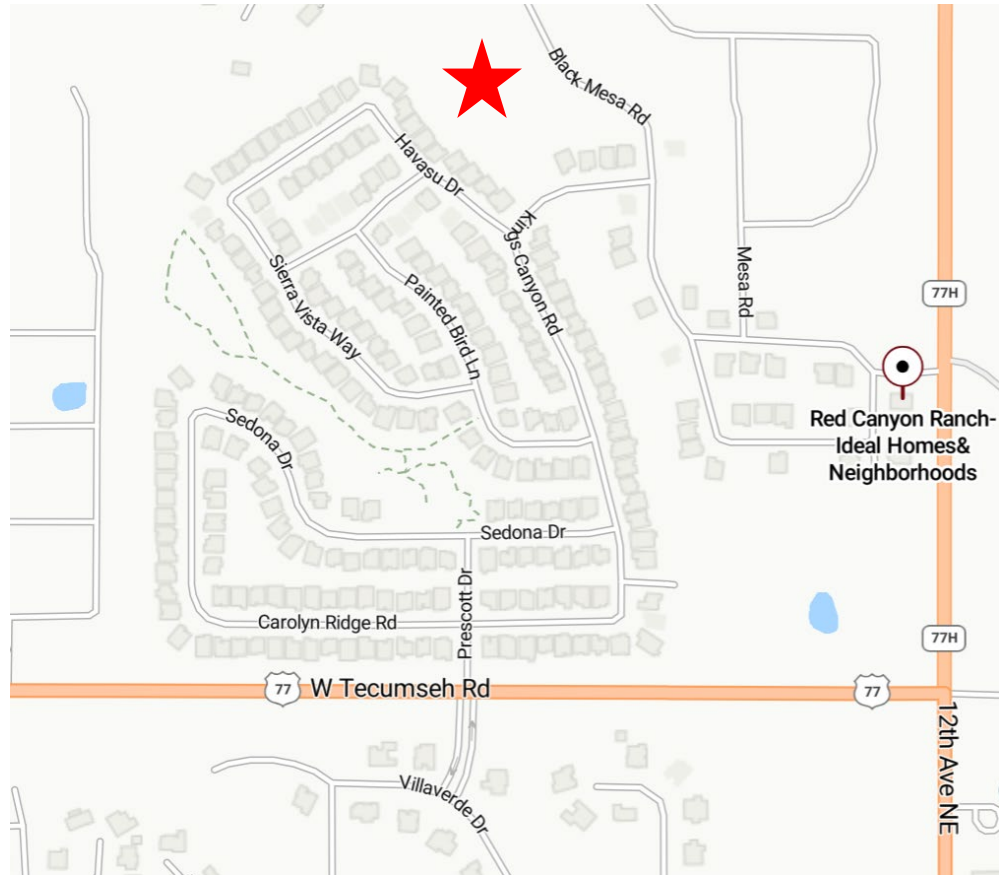




Red Canyon Ranch Detention Infrastructure

Red Canyon Ranch Stormwater Infrastructure



Red Canyon Ranch Stormwater Infrastructure

Account #: 163418 / Parcel ID: NC29RCRS2 B 001

3898 KINGS CANYON RD

CURRENT RED CANYON RANCH PROPERTY

OWNERS

4260 28TH AVE NW, STE 110

NORMAN OK 73069

Current Market Value

\$1,000

No Photo Available



Red Canyon Ranch, § 2



Red Canyon Ranch Stormwater Infrastructure

Account #: 50040 / Parcel ID: NC29WILHE 1

10001

700 RIVER VIEW DR

CURRENT WILSON, PATRICIA LYNN-TRUST

700 RIVER VIEW DR

NORMAN OK 73071

Current Market Value

\$338,319



Wildwood Hills Estates Lot 10 Blk 1



Red Canyon Ranch Stormwater Infrastructure

Account #: 50039 / Parcel ID: NC29WILHE 1 9001

CURRENT BELL, EUGENE L & PAMELA D
710 River View DR
Norman OK 73071-7135

Current Market Value

\$326,840

710 RIVER VIEW DR



Wildwood Hills Estates Lot 9 Blk 1



Red Canyon Ranch Stormwater Infrastructure



Analysis

- **Negligence** - a negligence cause of action has not accrued because neither, the City, the Bells, nor the Wilsons have not been damaged.
 - Duty
 - Breach
 - Causation
 - **Damages**
- **11 O.S. § 43-107** – “If any building, structure or land is ***in violation of any municipal ordinance or other regulation, the proper local authorities of the municipality, or any other person affected thereby***, in addition to other remedies, may institute appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate any violation; to prevent the unlawful occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.” (Emphasis added).



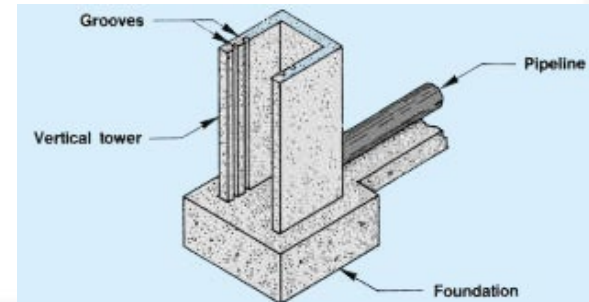
Analysis

5001.3 It shall be the responsibility of all owners of property, whether undeveloped, developed, or undergoing development to:

* * *

E. Not alter or otherwise change designed and installed storm water management control systems and not take any action on existing property that shall adversely affect stormwater runoff in any manner contrary to the provisions of this Section, whether temporary, permanent, or a combination thereof.

- The outfall structure has been altered.
- No penalty provisions in Section 5000. *See e.g.,* § 6001.6(B) EDC
- Does not address the maintenance issue.



Analysis

5001.4 Provision of Improvements

* * *

- C. Property owners, developers, or their legal agents, upon receipt of notice by the City of Norman that repair or maintenance is required of privately owned stormwater infrastructure, shall be responsible for effecting such repairs or maintenance within the time specified, or the City shall have repairs and maintenance performed at the expense of the property owner.
-

- Addresses the maintenance issue.
- Not sure how costs would be collected if the City has maintenance performed. *See e.g.*, 11 O.S. § 22-111 (“[a] municipal governing body may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure....”).



Options

1. Direct the City Manager to advise the Bells and Wilsons that they have standing to sue for injunctive relief under 11 O.S. § 43-107.
2. Direct the City Manager to authorize the notice required by § 5001.4 of the EDC and have repairs and maintenance performed at the expense of the property owner if the owner does not effect maintenance within the time specified.
3. Authorize the City Attorney's office to commence litigation under 11 O.S. § 43-107 for alleged violations of the EDC.
4. Amend § 5000 of the EDC to provide for criminal penalties for alleged violations of § 5000.

