

RESOLUTION 2022- 23

**RESOLUTION OF THE COUNCIL OF THE CITY OF MIDWEST CITY  
DECLARING CERTAIN PROPERTY LOCATED AT THE NORTHWEST  
CORNER OF N. AIR DEPOT BOULEVARD AND RENO AVENUE  
(PORTIONS OF THE FORMER HERITAGE PARK MALL [AND OTHER  
ADJACENT PROPERTY]), AS BLIGHTED AND APPROPRIATE FOR AN  
URBAN RENEWAL PROJECT PURSUANT TO 11 O.S. §38-101, *ET SEQ.***

**WHEREAS**, the Oklahoma Urban Redevelopment Law, 11 O. S. §38-101, *et seq.*, declares that there exist in certain municipalities blighted areas, which, among other things, constitute an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impair or arrest sound urban growth, and retard sound economic development; and that by prevention and elimination of same, property values will be stabilized and tax burdens will be more equitably distributed and the financial and capital resources of the state will be strengthened; and that this menace can best be remedied by cooperative participation of private enterprise, municipal governing bodies and public agencies, 11 O.S. §38-102; and

**WHEREAS**, 11 O.S. §38-102 further declares that certain blighted areas, or portions thereof, may require acquisition, clearance and disposition subject to use restrictions, so that the blighting conditions may be eliminated, remedied, or prevented; and

**WHEREAS**, 11 O.S. §38-102 further declares that the powers conferred by the Oklahoma Urban Redevelopment Law are for public uses and purposes, for which the power of eminent domain and police power may be exercised, and declares that it is a matter of legislative determination that the provisions of the Oklahoma Urban Redevelopment Law are enacted in the public interest; and

**WHEREAS**, the Oklahoma Urban Redevelopment Law defines a “blighted area” as follows

“Blighted area” shall mean an area in which there are properties, buildings, or improvements, whether occupied or vacant, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces; improper subdivision or obsolete platting of land; deterioration or demolition of structures without repair, replacement or reinvestment; improper street layout in terms of existing or projected traffic needs, traffic congestion or lack of parking or terminal facilities needed for existing or proposed land uses in the area, predominance of defective or inadequate street layouts; faulty lot layout in relation to size, adequacy, accessibility or usefulness; insanitary or unsafe conditions, deterioration of site or other improvements; diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title including, but not limited to, highly fragmented interests; any one or combination of such conditions which the municipal governing body determines substantially impairs or arrests the sound growth of the municipality and constitutes a substantial liability, or which endangers life or property by fire or other causes, or is

consider such proposed plan, and to submit the proposed plan to the City Planning Commission and to City Council for their respective consideration, public hearings, and adoption, if appropriate.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of The City of Midwest City as follows:

1. Based on the information and data available to the City Council, including the facts reflected in the Blight Study attached as Exhibit B hereto, the area located on the northwest corner of Reno Avenue and N. Air Depot Boulevard, as reflected on the map attached as Exhibit A hereto and described below, is hereby declared to be a blighted area and appropriate for an urban renewal project within the contemplation of the Oklahoma Urban Redevelopment Law, 11 O.S. §§38-101, *et seq.*; such area is more particularly described as the area within the following legal descriptions:

Blocks 5, 6, 7, and 8 in Heritage Park Mall, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to Midwest City, Oklahoma County, Oklahoma, as shown by the recorded plat thereof; and Lot 3 in Heritage Park Mall (a Re-Subdivision of Block 3, 4, and 5 of Miracle Mile Addition) in Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, recorded in Book 47 at Page 96, Oklahoma County Records, Oklahoma; and Block 2 of Heritage Park Map, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to the City of Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

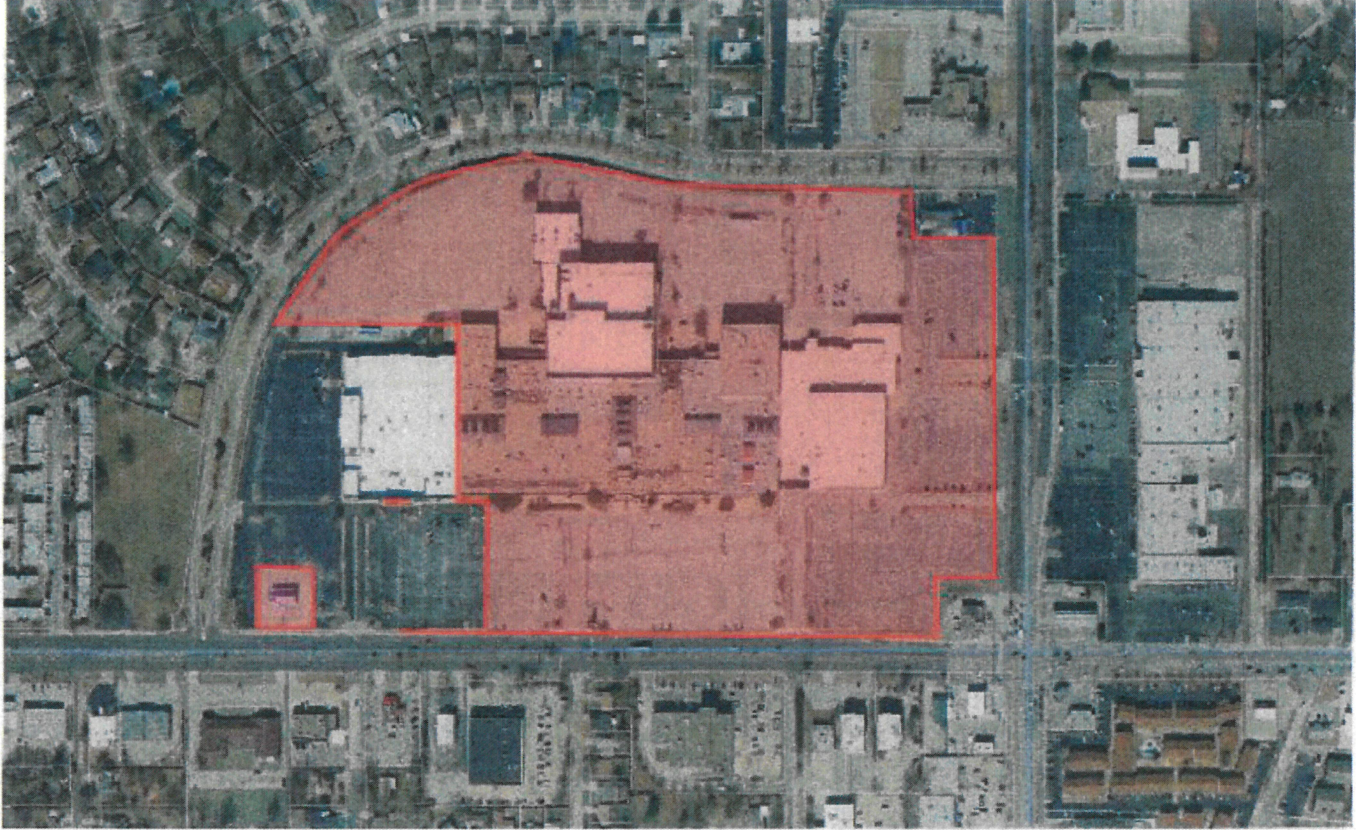
2. The redevelopment of the area is deemed to be necessary in the public interest of the public health, safety, morals, and welfare of the residents of the City.

3. The Renewal Authority is requested to prepare a proposed urban renewal plan in accordance with the Oklahoma Urban Redevelopment Law for the Blighted Area, to consider such urban renewal plan, and to submit the proposed plan to the City Planning Commission and to City Council for their respective consideration, public hearings, and adoption, if appropriate.

**EXHIBIT A**

EXHIBIT B

**EXHIBIT A  
BLIGHTED AREA MAP**



URBAN RENEWAL PROJECT

July 30, 2023

## **INTRODUCTION**

This Blight Report evaluates the condition of property in a small area that lies along Reno Avenue and N. Air Depot Boulevard in Midwest City, depicted on the attached Exhibit 1 (“Blighted Area”). The Blighted Area consist of a former shopping mall, built in the 1970s, and vacant, in part, for over 10 years. This Blight Report focuses on the physical conditions and characteristics of the properties, buildings, and improvements within the Blighted Area within the context of the Oklahoma Urban Redevelopment Law, 11 O.S. §38-101, *et seq.*

## **BLIGHTED AREA DESCRIPTION**

The Blighted Area is generally described as follows: an area located on the northwest corner of Reno Avenue and N. Air Depot Boulevard, made up of the following parcels: the former Heritage Park Mall property that is being used for unapproved and unsafe purposes, the former Montgomery Ward property that is being used for unapproved and unsafe purposes, the abandoned and vacant former Sears property, and the abandoned and vacant former What-A-Burger property.

The Blighted Area is more specifically described as follows:

Blocks 5, 6, 7, and 8 in Heritage Park Mall, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to Midwest City, Oklahoma County, Oklahoma, as shown by the recorded plat thereof (former What-A-Burger and Remainder of Heritage Park Mall); and

Lot 3 in Heritage Park Mall (a Re-Subdivision of Block 3, 4, and 5 of Miracle Mile Addition) in Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, recorded in Book 47 at Page 96, Oklahoma County Records, Oklahoma; (former Montgomery Wards building) and

Block 2 of Heritage Park Map, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to the City of Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof. (Former Sears building).

## **EVIDENCE OF BLIGHT**

The Oklahoma Urban Redevelopment Law, at 11 O.S. §38-101(8) defines blighted area as follows: “Blighted area” shall mean an area in which there are properties, buildings, or improvements, whether occupied or vacant, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces; improper subdivision or obsolete platting of land; deterioration or demolition of structures without repair, replacement or reinvestment; improper street layout in terms of existing or projected traffic needs, traffic congestion or lack of parking or terminal facilities needed for existing or proposed land uses in the area, predominance of defective or inadequate street layouts; faulty lot layout in relation to size, adequacy, accessibility or usefulness; insanitary or unsafe conditions,

All Exhibits listed in this Blight Report are provided separately.

### **Deterioration or demolition of structures without repair, replacement or reinvestment**

Investment and development in the Blighted Area has been and is stagnant. The buildings in the Blighted Area have not been properly used for more than ten years. There has been little or no attempt to renovate, modernize, or repair the building and their facilities. The former Heritage Park Mall, former Montgomery Ward, and former What-A-Burger properties have had no legal occupants for more than eight years. The former Sears building has one legal occupant that is using only a small portion of the building and the parking lot for driving instruction. All of the buildings and facilities are in structural disrepair and little or no serious effort has been made to renovate or reoccupy the buildings.

These structures are in violation of multiple provisions of the International Property Maintenance Code, the International Fire Code, and City ordinances, and have been cited by the City for such over 100 times. Violations include active roof leaks, water decay to structural elements, mold and mildew, hazardous and flammable materials, lack of proper fire protection, blocked ingress and egress, lack of maintenance, and illegal use of facilities. Many tickets issued in response to these violations have been issued and remain in ongoing litigation.

#### **Exhibit 7 – Code Violation Reports**

The Blighted Area is adversely impacting the property around it. Life Church, which shares a property line with the Blighted Area, specifically the former Heritage Park Mall, has invested significantly in its property, and the lack of repair and investment of the structures next to it negatively impacts its property. To the west and north of the Blighted Area is the Meadowood single family residential neighborhood and the Cleveland Bailey Elementary School. This neighborhood abuts the Blighted Area and is directly negatively impacted by the lack of repair and investment. The deterioration of property values, concerns about safety in the area, environmental effects, and negative impacts on quality of life are experiences by those who live, play, and send their children to school in this neighborhood.

While the City has received a permit application and a certificate of occupancy request related to the former Heritage Park Mall building and the former What-a-Burger building, the City is unable to grant such requests given the unsound and unsafe conditions of the structures.

### **Inadequate provision for ventilation, light, air, sanitation or open spaces**

Buildings within the Blighted Area have been specifically found to be in violation of the International Fire Code and the International Property Maintenance Code. The Code Violation Reports, provided as Exhibit 7, state that the air quality and deterioration of the spaces are a threat to human life, safety, and health.

dead rodents constitutes an environmental hazard negatively impacting the health, safety, and welfare of the public.

The Blighted Area poses a safety hazard to the community as an attractive nuisance for criminal activity and vagrancy. High levels of police service calls have been documented.

#### Exhibit 9 – Police Incident Reports

#### **Deterioration of site or other improvements**

The lack of maintenance in the Blighted Area has rendered the site and its improvements to be severely deteriorated. The parking lots are cracked, curbs are eroded, and lighting and landscaping are derelict. As stated earlier, the asphalt within the designated Blighted Area has begun to decay. The asphalt within the designated Blighted Area has begun to decay. This renders certain portions of the infrastructure within the Blighted Area a hazard to the public health and safety. A sink hole developed in the asphalt parking lot on the Heritage Park Mall site, that renders that portion of the parking lot not usable. Additionally, the sink hole is near the Life Church site and may become a hazard to patrons and staff of Life Church.

#### **CONCLUSION**

The findings support a prevalence of blighting conditions throughout the Blighted Area. Such conditions substantially impair and arrest the sound growth of the municipality and constitute a substantial liability, endanger life and property by fire or other causes, and is conducive to ill health, transmission of disease, mortality, juvenile delinquency, or crime and by reason thereof, are detrimental to the public health, safety, morals or welfare of the City. The declaration of blight for the Blighted Area by the City presents an opportunity to meet the City's goal of clearing this area of its blighting conditions and transforming it from an underutilized and economically non-performing area into an area of economic growth. Redevelopment of the Blighted Area will aid in accommodating new economic growth. The findings of this Blight Report support a recommendation for adoption of a resolution by the City declaring the area blighted consistent with the Oklahoma Urban Redevelopment Law, 11 O.S. §38-101, *et seq.*