

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

conducive to ill health, transmission of disease, mortality, juvenile delinquency, or crime and by reason thereof, is detrimental to the public health, safety, morals or welfare; and

WHEREAS, The City of Midwest City, Oklahoma (“City”) is engaged in economic development and redevelopment activities to enhance the City’s capabilities for economic growth and redevelopment; and

WHEREAS, the 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 former Sears property, and the abandoned and vacant former What-A-Burger property), as reflected on the map attached hereto as Exhibit A hereto (“Blighted Area”), is an area suffering from numerous conditions of blight, including dilapidation and deterioration, age and obsolescence, deterioration of structures without repair, replacement, or reinvestment, inadequacy of provision for ventilation and sanitation, improper street layout, faulty lot layout, insanitary or unsafe conditions, and deterioration of the site and improvements; and

WHEREAS, the Blighted Area is more specifically 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; and

WHEREAS, based on the information and data contained in the files of the City and reflected in the Blight Study, attached as Exhibit B hereto, the Blighted Area is characterized by dilapidated, deteriorated, and aging buildings and improvements that do not meet current building codes, vacant and unimproved properties, lack of new construction or renovation of existing structures, insanitary and unsafe conditions including significant safety hazards; and

WHEREAS, these conditions, both singly and in combination, constitute a blighted condition within the statutory definition; and

WHEREAS, the existence of such conditions in the Blighted Area substantially impairs and arrests the sound growth of the municipality and constitutes a substantial liability, endangers life and property by fire and other causes, and is conducive to ill health, transmission of disease, mortality, juvenile delinquency, and crime, and, by reason thereof, is detrimental to the public health, safety, morals, and welfare of the residents of the City; and

WHEREAS, for the foregoing reasons, the Blighted Area is suitable and appropriate for an urban renewal project or an urban redevelopment project; and

WHEREAS, the Midwest City Urban Renewal Authority (“Renewal Authority”) is requested and authorized to prepare a proposed urban renewal plan for the Blighted Area, to

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:

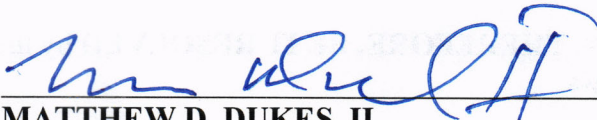
Blocks 5, 6, 7, and 8 in Heritage Park Mall, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to Midwest City, Oklahoma County, Oklahoma, as shown by the recorded plat thereof; and Lot 3 in Heritage Park Mall (a Re-Subdivision of Block 3, 4, and 5 of Miracle Mile Addition)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

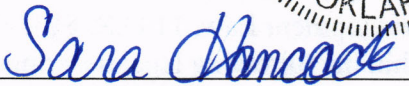
ADOPTED by the Council and signed by the Mayor of The City of Midwest City, Oklahoma, this 23 day of August, 2022.





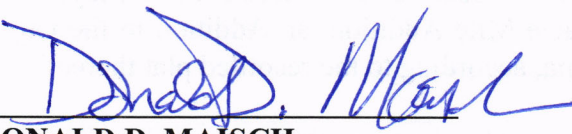
MATTHEW D. DUKES, II
MAYOR

ATTEST



SARA HANCOCK,
CITY CLERK

Approved as to form and legality:



DONALD D. MAISCH,
CITY ATTORNEY

EXHIBIT A

**EXHIBIT A
BLIGHTED AREA MAP**

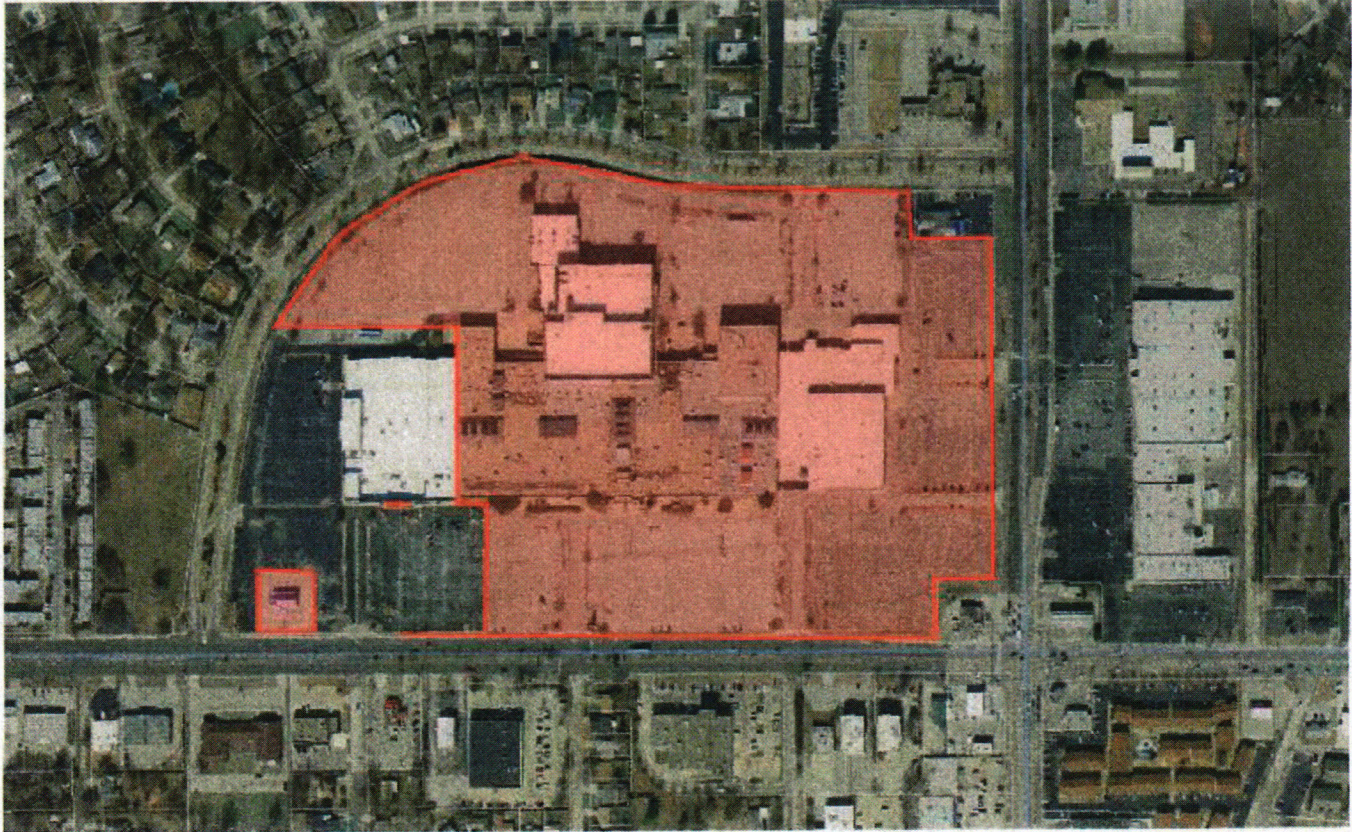


EXHIBIT B

EXHIBIT B



BLIGHT REPORT

HERITAGE PARK MALL URBAN RENEWAL PROJECT

July 26, 2022

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,

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 conducive to ill health, transmission of disease, mortality, juvenile delinquency, or crime and by reason thereof, is detrimental to the public health, safety, morals or welfare.

It is important to note that not every parcel or property in an area need exhibit characteristics of blight in order for the area as a whole to be considered blighted. The Blighted Area has been considered and evaluated in light of the statutory criteria cited above.

Dilapidation, deterioration, age, obsolescence

Heritage Park Mall opened in 1978. Twenty years later, stores began to close. In 2009, all but one of the stores in the mall were closed. In 2017, the final store closed. This pattern is not unusual to Midwest City. Across the United States, the death of the American mall is plaguing communities. With the rise of online shopping, the country is seeing the decline of retailers. Stores, large and small, have closed and are closing their brick-and-mortar operations. The outcome is large abandoned buildings and immense amounts of surface parking. This has proven to be the outcome of Heritage Park Mall. Current markets indicate that the traditional large indoor mall – including Heritage Park Mall – is obsolete.

Communities across the country are seeking to create new concepts for obsolete mall properties. Midwest City is as well. In fact, the western portion of the abandoned Heritage Park Mall, immediately adjacent to the Blighted Area, was purchased by Life Church, who renovated the space, repaved the parking lot, and is now home to a very active and well-maintained community church. The Blighted Area has not fared so well.

The buildings within the Blighted Area remain in disrepair. The buildings are over 40 years old, which is beyond the useful life of a commercial building. Few, if any, improvements have been made over the life of the structures. The structures are in poor condition and have suffered serious damage in the past that has not been repaired. Buildings within the Blighted Area are neglected, damaged, dilapidated, unsecured, and in violation of the International Property Maintenance Code, the International Fire Code, and City ordinances. The buildings are the subject of regular code violation inspections and actions.

- Exhibit 2 – Photos of the former Heritage Park Mall
- Exhibit 3 – Photos of the former Montgomery Ward
- Exhibit 4 – Photos of the former Sears
- Exhibit 5 – Photos of the former What-A-Burger
- Exhibit 6 – Community Development Department Report

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.

The former Heritage Park Mall and the Former Montgomery Ward have both been deemed unsafe and potential fire hazards, as documented in code enforcement inspections, as detailed in the Code Violation Reports. Multiple calls for service from the fire department have been documented. Several incidents of fire were reported. Not included in the attached Fire Incident Reports, but evidenced by the high levels of calls, the fire department has been forced to dispatch to the Blighted Area only to find that alarm and/or sprinkler systems were malfunctioning.

Exhibit 8 – Fire Incident Reports

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

The City has invested in signalization upgrades at the intersection of Reno Avenue and Air Depot Boulevard and has made significant streetscape improvements along Reno to enhance the City's western gateway entrance. The City must continue to plan and invest further in a safe and efficient traffic management plan for any development that is to occur in the Blighted Area.

The Blighted Area contains no internal layout for traffic circulation. Properly designed internal streets must be constructed in order for the existing structures to be utilized or for any development to occur in the Blighted Area.

Faulty lot layout in relation to size, adequacy, accessibility or usefulness

The Blighted Area was laid out as a mall, with the structures on the interior and a very large amount of surface parking lining the public streets. This layout is no longer relevant or adequate for the needs of modern development. The City's current method of informed and deliberate planning renders the current layout no longer useful or appropriate.

Insanitary or unsafe conditions

The Blighted Area is a clear and present hazard to the health, safety and welfare of the public and City reports over many reports document it. See Exhibit 7, Code Violation Reports. The City reports document inadequate or nonexistent fire protection systems in buildings with hazardous and combustible materials, causing a substantial threat to life and safety, particularly with a very active community church located immediately next door. There are no operable fire alarms, no operable sprinkler systems, and no properly serviced fire extinguishers. Reports show that the former Montgomery Ward and former Heritage Park Mall property buildings are not maintained in a way to prevent the risk of fire, building collapse, or other threat to life and safety, and are used to store hazardous and flammable materials without proper approval and without proper safety precautions. Inadequate means of ingress and egress constitute a fire hazard. The evidence of mold, mildew, and

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.*

