

**MUNICIPAL COUNSELOR'S RECOMMENDATIONS  
AS TO LEGAL ISSUES BEFORE THE BOARD**

BOA Case No. 13256: Appeal of Preservation Oklahoma, Inc., of the decision of the Downtown Design Review Committee regarding the approval of a Certificate of Approval for the demolition of five buildings located at 300 North Robinson Avenue, 135 Robert S. Kerr Avenue, 125 Robert S. Kerr Avenue, 120 Robert S. Kerr Avenue and 107 Robert S. Kerr Avenue.

1. The Case involves **one** appeal by Preservation Oklahoma from the decision of the DDRC to approve **one** CA to allow SandRidge to demolish five (5) buildings, and therefore, should be ruled upon by the Board as a whole, i.e., all five (5) buildings, unless the Appellant, Preservation Oklahoma **and**, SandRidge agree to have the buildings decided upon separately.

2. There are no standards in the code for the DDRC to apply in considering a CA for demolition. Therefore, the DDRC could consider all reasonable factors in reaching its decision.

In this case, the DDRC considered, the following factors:

- a. the structural integrity and safety of the buildings;
- b. the functional and aesthetic viability of the structures; and
- c. whether or not retention and restoration of the buildings is economically feasible for SandRidge's purposes.

In this case, the Board sits as an appellate tribunal to decide whether or not to sustain or reverse the decision of the DDRC with respect to DDRC Case No. DTCA-10-016.

The Board should therefore, consider only these grounds considered by the DDRC in deciding this appeal.

3. If the Board finds that one (1) or more of the buildings is/are,
  - a. structurally sound and safe;
  - b. functionally and aesthetically viable; and
  - c. that the retention and restoration of the building(s) is/are economically feasible for SandRidge's purposes.

It can reverse the decision of the DDRC.

4. If the Board finds that the buildings, taken as a whole:

- a. are structurally unsound;
- b. are not functionally or aesthetically viable; and
- c. that the retention and renovation of the building(s) is/are not economically feasible for SandRidge purpose,

The Board can sustain the decision of DDRC.

5. The parties may raise a variety of other legal issues, such as:
  - a. standing;
  - b. authority;
  - c. delegation;
  - d. jurisdiction.

The Municipal Counselor's Office recommends that the Board decline to rule on these issues and allow them to be raised and ruled upon by the District Court on appeal.

BOARD OF ADJUSTMENT  
SUGGESTED MOTIONS – CASE No. 13256

1. To allow SandRidge to demolish the five buildings:

I move that we **sustain** the decision of the Downtown Design Review Committee in Case No. DTCA-10-016, for the reason that the evidence supports the decision of the DRRC that the buildings, taken as a whole;

- a. are structurally unsound and unsafe;
- b. are functionally and aesthetically obsolete; and
- c. that economically, their retention and restoration is not a feasible option for SandRidge's purposes.

2. To deny SandRidge's application to demolish the five buildings:

I move that we **reverse** the decision of the Downtown Design Review Committee in Case No. DTCA-10-016, for the reason that the evidence does not support the decision of the DDRC because (one or more of the buildings) is (are) :

- a. structurally sound;
- b. functionally and aesthetically viable; and
- c. that economically, their retention and restoration is a feasible option for SandRidge's purposes.