

MAR 19 2024

RICK WARREN
COURT CLERK

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

106 _____

THE CITY OF EDMOND, OKLAHOMA,)
 An Oklahoma municipal corporation,)
)
 Plaintiff,)
)
 v.)
)
 EDMOND MEDICAL COMPLEX, LLC)
 An Oklahoma Limited Liability Company)
 RAYESH K. NARULA, an individual,)
 RAJESH KUMAR NARULA, an individual)
 RAJ KUMARI NARULA, and individual)
 BMA 451, LLC, an Oklahoma Limited Liability)
 Company, and)
 DW Investors LLC, a Foreign Limited)
 Liability Company,)
)
 Defendants)

CV - 2024 - 735

CASE NO. CV-2024-

JUDGE: *Natalie Mai*

PETITION FOR ORDER OF ABATEMENT

The City of Edmond, Oklahoma, an Oklahoma municipal corporation (herein after "Edmond"), submits its Petition for an Order of Abatement against Defendants Edmond Medical Complex LLC, Rayesh K. Narula, Rajesh K. Narula, Raj Kumari Narula, BMA 451 LLC, and DW Investors LLC, and alleges and states as follows:

1. Edmond is an Oklahoma municipal corporation organized and existing under and by virtue of the constitution and statutes of the State of Oklahoma, and maintains its principal place of business in Oklahoma County, Oklahoma.
2. Edmond Medical Complex LLC is registered with the Oklahoma Secretary of State as a domestic limited liability company with its principal place of business located within the boundaries of the corporate limits of Edmond at 1300 E. Ayers, Edmond,

Oklahoma 73034. Moreover, Edmond Medical Complex, LLC is the record owner of the real property identified herein. See Deed, attached hereto as Exhibit A.

3. Upon information and belief, Rayesh K. Narula, Rajesh Kumar Narula, and Raj Kumari Narula are the owners, operators and managers of the subject property and reside in Oklahoma County, Oklahoma. Additionally, Rayesh K. Narula is listed as the registered service agent for Edmond Medical Complex LLC.
4. BMA 451 LLC, believed to be a domestic limited liability company, may claim some right, title, lien, estate, encumbrance, claim, assessment or interest in and to the real property involved herein, by virtue of a Real Estate Mortgage With Power of Sale recorded and filed on or about October 9, 2023 with the County Clerk of Oklahoma County, Oklahoma Document No. 2023100901129553.
5. DW Investors LLC is a foreign limited liability company, licensed to transact business in Oklahoma with its registered service agent for service of process located in Oklahoma County, Oklahoma, may claim some right, title, lien, estate, encumbrance, claim, assessment or interest in and to the real property involved herein, by virtue of an Affidavit of Equitable Interest filed on July 11, 2023 with the County Clerk of Oklahoma County, Oklahoma, Document No. 2023071101087871.
6. Edmond has the right and power delegated to it by the Oklahoma legislature, under 50 O.S. § 16, to determine what shall constitute a nuisance within its respective corporate limits and to summarily abate a nuisance it deems to exist after giving notice to the owner and providing the owner an opportunity to be heard, provided such notice can be given. 50 O.S. § 16

7. If Edmond deems it impractical to summarily abate the nuisance it determines to exist within its corporate limits, Edmond may bring suit in the district court of the county in which such nuisance is located to have said district court abate the nuisance. 50 O.S. §§ 16 & 17 and Edmond Municipal Code Section 8.24.010.
8. On March 11, 2024, Edmond, acting by and through its city council, determined, by resolution, the above-identified real property owned by Edmond Medical Complex, LLC within Edmond's corporate limits in Oklahoma County, Oklahoma constitutes a nuisance due to the existence of a building which is dangerous to public health or safety because of damage, decay or other conditions, including the existence of fire or explosion hazards which endanger public safety, and the existence of activities which endanger public peace, health, safety, morals or welfare. See Resolution, attached as Exhibit B.
9. Edmond further determined the existence of unsafe conditions at the subject property which would likely result in serious injury or property damage, including multiple violations of building, fire, property maintenance, health and nuisance codes, as well as criminal activity involving an extraordinary amount of law enforcement resources.
10. Edmond has deemed it impractical to summarily abate the nuisance it determines to exist within its corporate limits and is resolved to bring suit in the district court of the county in which such nuisance is located, to have said district court abate the nuisance. 50 O.S. §17.
11. The Oklahoma County District Court has the power and authority to cause the nuisance to be abated, to assess all the costs thereof, including the costs of the

suit, against the real property on which such nuisance existed or is maintained and to declare such costs to be a judgment against the property. Further, the Oklahoma County District Court has the power and authority to thereafter order and direct the sale of the real property where the nuisance exists for the purpose of satisfying the judgment, and to order the real property be sold and proceeds thereof to be applied to the payment of the costs incurred by Edmond in obtaining an abatement of the nuisance. 50 O.S. § 17.¹

WHEREFORE, Plaintiff requests an Order of Abatement from this Court enjoining Defendants from further causing the afore-mentioned nuisances on real property owned by Defendants located on 1300 E. Ayers, Edmond, Oklahoma 73034, together with an award of attorney's fees, costs associated with seeking and obtaining a judgment and judicial abatement of the established nuisance.

¹ A determination of whether a nuisance exists is not before this Court. Edmond exercised its state granted power and authority to declare the nuisance. Under the same state statutory scheme, Edmond is now exercising its right, by and through this Petition; to seek an abatement of the established nuisance by the District Court of Oklahoma County, rather than summarily abating the nuisance itself, which Edmond deemed impractical. OKLA. STAT. tit. 50, §§ 16, 17.

Respectfully submitted,

HORNBECK VITALI & BRAUN, P.L.L.C.

A handwritten signature in black ink, appearing to read 'John E. Vitali', written over a horizontal line.

John E. Vitali, OBA No. 12018
Rodrigo Carrillo, OBA No. 33142
3711 North Classen Boulevard
Oklahoma City, OK 73118
(405) 236-8600 Telephone
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Attorneys for Plaintiff

Doc # 2003229338
 Bk 9154
 Pg 1881-1882
 DATE 12/23/03 14:35:21
 Filing Fee \$15.00
 Documentary Tax \$3870.00
 State of Oklahoma
 County of Oklahoma
 Oklahoma County Clerk
 Carolyn Caudill

Capitol Abstract & Title
 4801 Gaillardia Parkway
 Suite 150
 Oklahoma City, OK 73142
 File # 0311026394 **WARRANTY DEED**
 (Oklahoma Statutory Form)

KNOW ALL MEN BY THESE PRESENTS:

THAT **Coventry Villa Joint Venture, a Texas general partnership**

party of the first part, in consideration of the sum of TEN AND NO/100

dollars and other valuable considerations, in hand paid, the receipt which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto **Edmond Medical Complex LLC, a limited liability company**

Mail taxes/deed to: 5901 Megans Way
 Edmond, OK 73034

party of the second part, the following described real property and premises situate in Oklahoma County, State of Oklahoma, to-wit:

SEE EXHIBIT "A" ATTACHED

TAX ID NUMBER: 183433090


Subject to easements, rights of way and restrictive covenants of record. Less and except all oil, gas and other minerals previously reserved or conveyed of record.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, its successors, heirs, and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature

Signed and delivered this 19th day of December, 2003.

Coventry Villa Joint Venture, a Texas general partnership
By: OK Retirement, Inc., General Partner

BY: 
Elmo L. Robinson, Jr., President

STATE OF OKLAHOMA)
)
 COUNTY OF OKLAHOMA)

SS: **ACKNOWLEDGMENT**

Before me, the undersigned, a Notary Public, in and for said County and State on this 19th day of December, 2003, personally appeared **Elmo L. Robinson, Jr., President of OK Retirement, Inc., as General Partner on behalf of Coventry Villa Joint Venture, a Texas general partnership**

to me known to be the identical person who signed the name of the maker thereof to the within and foregoing instrument as its **General Partner** and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.



JACKIE HATTON
 Oklahoma County
 Notary Public in and for
 State of Oklahoma


 Jackie Hatton Notary Public

My commission expires: Commission # 98008903 Expires 07/02/06
 My commission number:



EXHIBIT "A"

A part of Lot or Block Twelve (12), Highland Park Addition to the City of Edmond, being a subdivision of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma, and being further described as follows:

Beginning at the NW/C of said Lot or Block 12; thence South along the West line of said Lot or Block 12 a distance of 411.50 feet to a point; thence East a distance of 191.40 feet to a point; thence South a distance of 253.00 feet to a point, said point being 188.00 feet East of the SW/C of said Lot or Block 12; thence East a distance of 246.15 feet to a point; thence North and parallel with the West line of said Lot or Block 12 a distance of 660.00 feet to a point on the North line of said Lot or Block 12; thence West along the North line of said Lot or Block 12 a distance of 434.64 feet to a point, said point being the point or place of beginning.

Plus the East 30 feet of the right-of-way of Hortense vacated from the South right-of-way of Ayers to the North right-of-way of Edwards on October 8, 1981 by City Ordinance #1205 in Case No. CJ-82-5253.

UNOFFICIAL

Resolution No. 8-24

A RESOLUTION FINDING THAT THE PUBLIC NUISANCE EXISTING ON PROPERTY LOCATED AT 1300 EAST AYERS IN THE CITY OF EDMOND HAS NOT BEEN ABATED AS DIRECTED BY THE EDMOND CITY COUNCIL ON FEBRUARY 26, 2024; DETERMINING THAT SUMMARY ABATEMENT IS NOT PRACTICAL; AND DIRECTING THE CITY ATTORNEY TO FILE SUIT IN DISTRICT COURT SEEKING TO ABATE SAID PUBLIC NUISANCE.

WHEREAS, cities in this state have the right and power to determine what is and what shall constitute a nuisance within their respective corporate limits; and

WHEREAS, Chapter 8.24 of the Code of Ordinances of the City of Edmond defines a public nuisance; and

WHEREAS, on February 26, 2024, the Edmond City Council declared the property located at 1300 East Ayers, Edmond Oklahoma 73034 a public nuisance due to, among other circumstances, the keeping of a place where activities in violation of state law or ordinance are practiced, the existence of a building or structure which is dangerous to the public health or safety because of damage, decay or other condition, the existence of a fire or explosion hazard which endangers the public safety, and the existence of activity which endangers the public peace, health, safety, morals or welfare; and

WHEREAS, in accordance with the procedure set forth in Chapter 8.24 of the Code, the Edmond City Council directed the nuisance be abated in the following manner and respective time frames:

1. By the next City Council meeting on March 11, 2024, Property Owners must come into compliance with all provisions of the Edmond Municipal Code, including Titles 8, 10, 16, 17, and 20;
2. The Property Owners, by 5:00 PM Friday, March 1, 2024, must hire a designated CLEET certified security guard / firm to be on the premises 24/7, with the contract with the firm to be provided to the City;
3. The Property Owners, by the next City Council meeting on March 11, 2024, must install security cameras to be on and operating 24/7;
4. No new occupants are allowed on the premises; and
5. If the elevator on the property is not properly licensed for use, that it be marked with yellow caution tape and "Do Not Enter"; and

WHEREAS, as of March 11, 2024, the owner or other persons responsible for a public nuisance have not abated the public nuisance it as directed; and

WHEREAS, summary abatement is impractical due to the imminent risk to the public peace, health, safety, morals or welfare; and



WHEREAS, the Edmond City Council desires to direct the City Attorney to institute legal proceedings in order to effect abatement of the public nuisance.


NOW, THEREFORE, BE IT RESOLVED BY THE EDMOND CITY COUNCIL THAT:

Due to the impracticability of summary abatement, the Edmond City Council directs and authorizes the City Attorney to bring suit in District Court against the owners, managers, operators, or other persons responsible for or causing the public nuisance seeking to abate the public nuisance, as authorized by OKLA. STAT. tit. 50 O.S. § 17.

The City Attorney is authorized to seek all relief available from the District Court deemed necessary and appropriate to abate the public nuisance identified by the Edmond City Council on February 26, 2024 and all prior notices, police reports, inspection reports, including, but not limited to, injunctive relief, recoupment of costs, appointments of commissioners filing of judgment liens, and applications for contempt and all associated proceedings arising therefrom.

The City Attorney is authorized to sign all documents necessary to carry out the directives contained in this Resolution.

Approved by the Edmond City Council this 11th day of March, 2024.

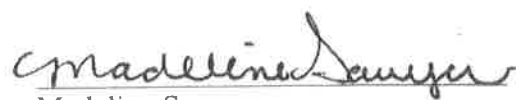

Darrell A. Davis
Mayor

Attest:


Kory Arcuson - Coley
City Clerk



Approved as to form and legality this 11th day of March, 2024.


Madeline Sawyer
City Attorney