

UNP future unknown

UNP:

City receives lawsuit threat in response to UNP TIF closure talks

CITY

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When the city council met Nov. 13, it requested input from the Statutory Review Committee on how to end the University North Park TIF as quickly as possible. It also set a 30-day deadline for the committee to respond.

That has not happened,

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“Anybody can sue over anything ... We’ve always known that was a possibility, and it has definitely not deterred me or any of the others [who oppose this].”

From **Page A1** but that’s not to say that the city hasn’t gotten some feedback. On Dec. 7, the city received a letter from developer University Town Center (UTC) and University North Park, signed by both OU Foundation president Guy Patton and development manager Robert Collett.

It details the entities’ objections to ending the TIF in five points. Topping the list is the “Financial Liability of the City and the TIF Trust.”

“... The city and the TIF Trust have multiple obligations to UTC and UNP under the Development Agreements that remain outstanding,” the letter reads. “... Regardless of when the TIF concludes, the City and the TIF Trust must meet all their obligations to UTC and UNP. If the City and TIF Trust rush to end the TIF before their obligations under the Development Agreements are fulfilled, UTC and UNP are prepared to fully enforce their legal rights.”

said avoiding a lawsuit would be simple.

“The easiest thing to do to not get sued is to fulfill your contractual obligations,” he said.

Though Castleberry was in on the vote to request the Statutory Review Committee’s input on how to end the TIF — a measure that also included language stating the council’s desire to see it closed as soon as possible — he said voting to end the TIF is a different issue.

“I thought it was premature,” he said. “I think we have to include our partners in this deal. I don’t want to act unilaterally. I think we have a partnership with our taxing authorities and I value their input.

Joe Carter,

“Now, we may override their input, but I think to act without their input doesn’t help us in future deals, whether it’s a parking authority or the center city TIF.”

Ward 6 council member Breea Clark said she favors taking a thoughtful approach and is pleased that the council is taking some time to work toward a solution that works for the city and its TIF partners.

“There is no conspiracy theory behind it, and I, in fact, appreciate the thoughtfulness that we’re putting into

Following the threat of litigation, the letter closes with its own recommendations and states that Patton and Collett will be carefully following the process.

Two Statutory Review Committee meetings have since been postponed. The first came Dec. 10, and the most recent postponement occurred Monday. So, there hasn't been any substantial movement on the issue since the Nov. 13 meeting, but the wheels could begin turning again when the council meets in special session at 5 p.m. today.

The agenda includes continued discussion about possible senior center sites and the upcoming transportation bond and stormwater votes. It also includes an executive session to discuss potential litigation related to University North Park.

City Chief Communications Officer Annahlyse Meyer said Monday's Statutory Review Committee meeting was delayed specifically so the council could discuss the letter and determine its course.

Ward 2 council member Joe Carter said he doesn't expect that course to change.

"Anybody can sue over anything ... We've always known that was a possibility, and it has definitely not deterred me or any of the others [who oppose this]," he said.

Carter said the council made its unanimous vote during the Nov. 13 meeting knowing that eliminating projects could be met with resistance from the developer. Even if the developer pursues litigation, Carter maintains that ending the TIF is the right decision for Norman.

"According to our legal staff, it's a proper and appropriate thing for us to do, and that lawsuit would not have any merit," he said. "So, I don't know if they're now threatening us with a lawsuit, but it doesn't mean anything to me.

"They've lost complete credibility and I don't consider [UNP and UTC to be] honorable [parties], and it doesn't surprise me if it is a last gasp threat."

Ward 3 council member Robert Castleberry said there's currently no pending litigation and nothing has been filed, but he

this instead of rushing into what potentially could be another lawsuit," she said.

"There are contractual obligations with the current agreement we have with UTC and UNP, and we just need to make sure that we're following procedure, and it might be helpful for us to talk to them instead of demanding that the TIF be ended right away without having that conversation, and I think that's really what they want to see."

The city council is legally required to seek the input of the Statutory Review Committee, which includes representatives from the TIF taxing jurisdictions. However, with a supermajority, the council could override the committee's recommendations.

At the Nov. 13 council meeting, Ward 4 council member Bill Hickman said it appears the votes are already there. He said he remains resolved to ending the TIF immediately.

"I hope council members will stick to their votes, regardless of what comes back from the Statutory Review Committee," he said.

In this June 27 file photo, OU Foundation President Guy Patton, center left, and OU Athletic Director Joe Castiglione, center right, listen as the city council discusses the OU Foundation's arena proposal at city hall. On Dec. 7, the city received a letter signed by Patton threatening legal action if the city were to withdraw from the original UNP TIF agreement without fulfilling its obligations.

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Ward 2 council member