

Bond Case Briefs

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IMPROVEMENT DISTRICTS - OKLAHOMA

Toch, LLC v. City of Tulsa

Supreme Court of Oklahoma - September 29, 2020 - P.3d - 2020 WL 5796168 - 2020 OK 81

Hotel owner filed petition requesting declaration that city ordinance creating tourism improvement district was invalid.

The District Court granted summary judgment for hotel owner, and city filed petition in error.

The Supreme Court held that city did not exceed authority granted in tourism improvement district statute, which allows municipality to limit district to properties containing “a hotel or motel having 50 or more rooms” when it limited district to hotels with 110 or more rooms.

Hotel owner and operator met statutory prerequisite for bringing action to challenge creation of tourism improvement district, where owner brought the action on behalf of the parties that objected to the creation of the district, and while owner did not appear and object at hearing on the creation of the district, at least one party appeared at the hearing and filed a written objection on behalf of hotel.

Tourism improvement district statute allowing municipality to limit district “to only those properties within such geographical area on which a hotel or motel having 50 or more rooms available for occupancy” protects hotels with less than 50 rooms, but does not force municipalities to include all hotels with more than 50 rooms.

City did not exceed authority granted in tourism improvement district statute, which allows municipality to limit district to properties containing “a hotel or motel having 50 or more rooms” when it limited district to hotels with 110 or more rooms.