

# Downtown growth presents challenges

The excitement of downtown Tulsa's growth is invigorated with the desires of a new generation of business owners and young professionals who enjoy and demand a vibrant downtown where they can work, dine, shop, celebrate — and yes, even live. An infusion of new capital and an accompanying escalation in real estate development is transforming the downtown canvas.

As downtown development continues to gain momentum, Tulsa will face additional challenges, which will require an examination of our local development laws and ordinances. Many legal questions will be wrangled by developers, the city and the lending intuitions financing these ventures.

Our downtown resurgence offers challenges from the perspective of real estate title examination. Many title issues lying dormant for years



## BUSINESS VIEWPOINT

Gregory Alberty

are now surfacing. Clients will call with the same question, applicable to a myriad of title issues: "How do I fix this?"

Without a fix, the buyer may walk, the bank may not lend and at the end of the analysis the deal goes away. The problem may be the vacation of an alley, a quiet title action or a railroad easement. The problems are there and are being examined by buyers, banks and their lawyers with greater scrutiny.

Tulsans are discovering that the

economic prospective of downtown Tulsa has changed. Real estate owners are now convinced their property is worth more. Buyers want to participate in this downtown dynamic but are not quite sure they are ready or willing to pay the price. As a result of the increase in values and rent, and the general excitement associated with this trend, the city may feel it can close its coffers and watch the developers develop.

Downtown Tulsa is poised to reach a new level of growth, but it could benefit exponentially by the offering of new tax incentives, credits and other economic lures that bridge the gap and justify the new capital. Now is the time for the city to incentivize the developer.

The city will also face a movement of proponents pushing to implement new zoning and land

use controls with the hope of aiding in development, but with the unfortunate outcome of stymieing and over-regulating the development of real estate. From the permitting offices to the administrative boards and agencies — the layering of codes and creation of controls may inhibit the developer.

As downtown Tulsa continues to attract developers locally and out of state, our code enforcement, zoning and land use controls will need to be flexible and developer-friendly. Other communities will offer developers an alternative if Tulsa takes too long, costs too much and if there is an inability to obtain reasonable financing.

This is only a synopsis of the emerging legal issues that the development process will certainly confront in some degree on each deal that emerges. Having watched

with excitement as the city has grown, and having experienced a number of deals that either lived or died, but faced these same issues, I am encouraged that the downtown real estate development trend of the city of Tulsa will continue.

Gregory Alberty is a shareholder in Hall Estill's Tulsa office. He practices in multifamily and commercial real estate law, focusing on the representation of owners and developers in all aspects of land use and the commercial real estate practice.

The views expressed here are those of the author and not necessarily the Tulsa World. To inquire about writing a Business Viewpoint column, email a short outline of the article to Business Editor Rod Walton at [rod.walton@tulsaworld.com](mailto:rod.walton@tulsaworld.com). The column should focus on a business trend; the outlook for the city, state or an industry; or a topic of interest in an area of the writer's expertise. Articles should not promote a business or be overly political in nature.