

Ashton Grove developer files suit against Norman

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Construction at a property at Ashton Grove gated community.
(Maike Sabolich)

NORMAN— The developer of the upscale Ashton Grove development has filed a federal lawsuit against the city of Norman, claiming the city violated constitutional property rights by holding up further development in the upscale gated community.

Filed Sept. 15 in the U.S. District Court for the Western District of Oklahoma, the lawsuit is the latest volley in an ongoing legal battle between Texas developer William Dow Hamm III and the city of Norman.

The posh Ashton Grove subdivision in northwest Norman is home to University of Oklahoma coaches Bob Stoops and Jeff Capel, among other well-heeled Normanites. Four of Cleveland County's top five highest-valued homes are on the same street in Ashton Grove, according to property records. Homes on Covington Way in Ashton Grove have market values ranging from \$1.9 million to \$2.6 million, according to the Cleveland County assessor's office.

Hamm claims in his lawsuit that city officials have discriminated against the developers of Ashton Grove by arbitrarily rejecting new plats for two additions to the Ashton Grove subdivision and an adjacent development called Ashton Grove Villas. A bevy of lawsuits among Ashton Grove homeowners, Hamm and the city of Norman has held up building on the site on the northwest corner of Rock Creek Road and 48th Avenue NW for the past several years.

"The city has treated (the developers of Ashton Grove) differently from other developers," Hamm's most recent lawsuit claims. "As a result of the defendant's actions, plaintiffs' property rights under the Constitution of the United States and State of Oklahoma have been injured and plaintiffs are entitled to all relief afforded by law."

Hamm is asking the court to order the city to approve new plats for the luxury housing additions, as well as unspecified monetary damages for holding up construction on Ashton Grove.

Attorney Babette Patton, who is representing the developer of Ashton Grove in its latest federal lawsuit, and Hamm could not immediately be reached for comment on Monday.

The city has refused to approve new plats for the housing additions because it was ordered by the Oklahoma Court of Civil Appeals to approve a different set of Ashton Grove plats, after Hamm won an earlier round in the ongoing legal fight, said Rick Knighton, assistant city attorney for the city of Norman.

"Over time Mr. Hamm has submitted a bunch of different things and he hasn't really been consistent in what he wanted approved," Knighton said. "We're kind of bound by what the court wants us to do."

In 2008, the Court of Civil Appeals ruled that the city of Norman had acted "arbitrarily and outside its authority" when it initially turned down plats for the Ashton Grove housing additions in 2005. The Norman City Council initially rejected additional plats for the subdivision after hearing from an angry group of Ashton Grove homeowners who were dissatisfied because promised amenities like landscaping, trails, bridges and gazebos had not been constructed, Knighton said.

In 2006, a group of homeowners, including Stoops and his wife, Carol, sued the developers of Ashton Grove, claiming in court filings they had been overcharged thousands of dollars in homeowners association fees for amenities in the gated community that were never constructed. A Cleveland County District Court judge ruled in the homeowners' favor in 2009, and ordered the developers to make millions of dollars of improvements to the grounds of Ashton Grove.

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