

# 2025

## 25-796 - Converting Private Streets to Public Streets 8-12-2025



Legistar

City of Broken Arrow

8/12/2025

**Authority and Purpose.**

This policy grants the broad authority to acquire real property for public ways, including through acceptance of right-of-way conversions from owners of property that abuts private streets.

This policy provides a mechanism for landowners, who want to convert their private streets to public streets, to petition the city council to accept rights-of-way that transfer legal and financial duties to the city, converting the street's status from private to public. Nothing in this policy requires or otherwise mandates all private streets to become public streets.

Nothing in this policy affects the city's rights to exercise eminent domain. This policy is not intended to cover city acquisition of private property through takings, purchases, or settlement agreements.

**Staff Review.**

Upon receipt of the petition, the Community Development and Engineering and Construction department staff will conduct an initial review of the proposed street conversion and prepare written findings and recommendations for council of the criteria set forth. The council should but is not required to defer to the expertise of the Community Development and Engineering and Construction directors.

**Requirements for Initial Council Review and Consideration – No Compensation Offered.**

A. The council has deemed it within the public interest to consider certain private streets for adoption into the city's transportation network system. However, in doing so, it also recognizes the legal and financial costs and responsibilities to the city that are paid for by the general public. In an effort to balance those interests, the city council will consider converting private streets into the city's transportation network system only if all four criteria below have been met:

1. A written petition signed by a strong majority of 75 percent of the abutting landowners, including all persons with partial ownership interest, must be submitted to the city clerk.
2. The private street must add value to the city transportation network system and help achieve the city's comprehensive plan policies and goals for transportation.
3. Necessary infrastructure improvements required to meet standards deemed acceptable by the City of Broken Arrow will be assessed through the assessment district.
4. The width of the proposed right-of-way must be consistent with city street standards at the time of proposal and be adequate for anticipated buildout or expansion purposes.

B. If any of the above criteria are not met, council may choose not to consider the petition any further and may summarily dismiss the matter.

C. If council determines that the criteria in subsection A of this section have been met, council will direct staff to conduct further review of the proposal and provide council with its analysis and recommendations for consideration, and schedule a public hearing, consistent with the requirements set forth in the remainder of this policy.

D. The city will not compensate any abutting landowner in any amount for conversion of a private street or right-of-way occurring pursuant to this chapter.

**No Duty for Council to Accept – Timelines for Review.**

A. The city council is not obligated to accept right-of-way conversions on any private street even if the petition for conversion meets the criteria set forth in this policy.

B. Because every street proposal will be different, there are no established timelines in which staff or council must act; however, staff will put forth reasonable efforts to complete its analyses within a reasonable time.

**Rights-of-Way and Easements Required.**

As part of the street's conversion from private to public, the city will require easements in the form of full-service public use easements, including, without limitation, easements for power, gas, telecommunications, internet, and other services. Existing utilities must be located and marked before acceptance.

**Owner Title and Authority.**

Each landowner must provide sufficient documentation from a title company showing clear title and authority to convey the property affected by the conversion from private to public.

**Stormwater Control.**

Street and right-of-way stormwater drainage systems must be confirmed as adequate and in compliance with state and federal law by as-built drawings, engineering reports, and by other reasonable means as defined by the Engineering and Construction Director. The private owners' proper servicing of stormwater systems within the right-of-way will be considered an integral part of the street and right-of-way conversion, and a true record of all such maintenance must be provided to the city as part of the conversion request. No stormwater systems on private property will be connected to stormwater systems within the public right-of-way.

**Additional Requirements.**

The city council, on advice from department directors, may impose the following additional conditions on a case-by-case basis before accepting conversion of a private street to a public street:

A. That any private utilities within the proposed right-of-way apply for and are granted permits from the city to be licensed to operate within the city right-of-way.

B. That a survey may be required for conveyance of the right-of-way.

C. That the neighborhood consent to the formation of an assessment district for the purpose of installing city standard street improvements, including asphalt, concrete, curb, gutters, sidewalks, landscaping, irrigation, streetlighting, and stormwater.

D. That all owners signing the consent to the assessment district are binding their heirs, assigns, and successors to being precluded from having their signatures counted as part of a protest to divest the city's jurisdiction to proceed with an assessment district.

**Public Hearing Required.**

A duly noticed public hearing is required to be held before the city council makes its decision on whether to pursue conversion of a private street to a public street.

**Approval.**

After the public hearing, council may approve the conversion of the private street into the city's public street network system and direct staff to take steps necessary to accomplish the conversion, which include all of the following and any additional considerations imposed by council:

A. Covenants, restrictions, and bylaws. Any applicable homeowner association documents such as covenants, conditions, restrictions, and bylaws must be modified and refiled at owners' sole expense to remove any specific reference to private streets. The city must review and approve the modified documents before they are recorded with the county auditor.

B. Plat alteration. Owners seeking to convert private streets to public streets must apply for and receive approval for a plat alteration authorizing the conversion and pay any associated fees at their sole expense.

C. Access. Any gate or other diversion device that restricts access to the street must be removed at the owners' sole expense before or immediately after the street's conversion from private to public.

D. Written authorization from any mortgage-holder on the property to be conveyed must be provided to the city as part of the conversion process.

E. Any liens and encumbrances must be removed from all properties with an ownership interest in the private street before the city will accept the conversion.

**Acceptance.**

Once all the required documentation for approval has been received and reviewed by staff as complete, staff will place the conversion deeds on the council's consent agenda for council acceptance. Staff will record accepted deeds with the corresponding county office.