

February 1, 2017

Michael Skates
Development Services Director
220 S. First Street
Broken Arrow, OK 74012

RE: Request for Exemption of Excess Sewer Capacity Fees for 11.48 Acres of Conservation Easement

Dear Michael,

In regards to our property located at 1214 Houston St, where the new FedEx Ground facility is being constructed, plat named "JDC Houston Street Addition". We do hereby request exemption from the Excess Sewer Capacity Fee for the 11.48 acres deemed as a Conservation Easement.

Sec. 24-705 – Excess capacity sewer charge

*"For each acre or portion thereof of a development, the developer or builder shall pay an amount set forth in the Manual of Fees adopted by the Broken Arrow City Council, at the time of platting.
Land that is not developable because it is contained in the 100-year floodplain or land that is developed as a golf course shall be exempt from this charge."*

It is our understanding that the aforementioned 11.48 acres would be exempt from the Excess Sewer Capacity Fee because there is a small creek with a 100-year flood boundary crossing through the Conservation Easement, which is being permanently granted to the U.S. Army Corps of Engineers as an easement which cannot be developed. Since the land is not developable, we understood that the whole Conservation Easement would therefore be considered exempt in accordance with the Broken Arrow Ordinance Sec. 24-705.

We certainly thank you for all your work on this matter!

Best regards,



Matt Cook
Project Manager