



IN THE DISTRICT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

**DISTRICT COURT
FILED**

JAN 20 2016

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA: TULSA COUNTY

COLLISION WORKS PROPERTIES, LLC,)
An Oklahoma Limited Liability Company,)

Plaintiff,)

v.)

CITY OF BROKEN ARROW, OKLAHOMA,)
A municipal corporation; BOARD OF COUNTY)
COMMISSIONERS OF TULSA COUNTY,)
PUBLIC SERVICE COMPANY OF OKLAHOMA,)

OKLAHOMA NATURAL GAS COMPANY,)
a division of ONE Gas, Inc., A T & T CORP.,)

WINDSTREAM COMMUNICATIONS, LLC,)
A Delaware Limited Liability Company,)

COXCOM, LLC d/b/a COX)
COMMUNICATIONS, and STATE OF)

OKLAHOMA *ex rel.* OKLAHOMA)
DEPARTMENT OF TRANSPORTATION,)

Defendants.)

CV-2016-00056
Case No. _____

MARY F. FITZGERALD
SALLY HOWE SMITH
COURT CLERK
2016 JAN 20 PM 4:02

PETITION TO VACATE A PLATTED TRACT

[Okla. Stat., Title 11, § 42-102]

COMES NOW the Plaintiff, and for its cause of action herein, alleges and states as follows:

1. Plaintiff, Collision Works Properties, LLC, is a limited liability company organized under the laws of the State of Oklahoma whose address is 3224 Southeast 29th Street, Del City, Oklahoma 73115.

2. Plaintiff is the fee simple title owner of the following described real property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, to wit:

A tract of land that is "STEELE-MORREL CENTER", an Addition to the City of Broken Arrow, filed as Plat #3645, and a Part of Block Two (2) of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION", an Addition to the City of Broken Arrow, filed as Plat #2352, and a Part of the Northeast Quarter of the Northwest Quarter (NE/4 NW/4) of Section Twelve (12), Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows:

BEGINNING at a point on the West line of Lot One (1), Block Two (2), of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION: that is S 00°03'09" W a distance of 161.26 feet from the Northwest corner of said Lot One (1), Block Two (2); Thence along the Oklahoma Department of Transportation Right of Way, N 06°53'11" E a distance of 147.31 feet; Thence continuing along said Right of Way, S 89°56'54" E a distance of 187.41 feet; Thence continuing along said Right of Way, N 00°02'53" E a distance of 7.87 feet to a point on the North line of Block One (1) of "STEELE-MORREL CENTER"; Thence with a curve to the right having a radius of 2804.79 feet, an arc length of 117.15 feet, a central angle of 02°23'35", a chord bearing of S 84°39'54" E, and a chord length of 117.14 feet to the Northwest Corner of Lot One (1), Block Three (3) of "SENTINEL INDUSTRIAL PARK", an Addition to the City of Broken Arrow, filed as Plat #3949; Thence along the West line of said Block Three (3) of "SENTINEL INDUSTRIAL PARK", S 00°03'09" W a distance of 498.43 feet to the Southwest corner of Lot Four (4), Block Three (3) of "SENTINEL INDUSTRIAL PARK"; Thence along the Northerly line of Lot Five (5), Block Three (3) and continuing along the Southerly line of Block One (1) of "STEELE-MORREL CENTER", S 89°30'17" W a distance of 156.60 feet to the Southwest Corner of Lot One (1), Block One (1), "STEELE-MORREL CENTER"; Thence along the Westerly line of Lot One (1), Block One (1), "STEELE-MORREL CENTER", N 00°03'09" E a distance of 268.60 feet to a point on the Southerly line of Lot One (1), Block Two (2) of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION"; Thence N 83°34'21" W a distance of 173.30 feet to the Southwest corner of Lot One (1), Block Two (2) of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION"; Thence with a curve to the left having a radius of 330.00 feet, an arc length of 69.24 feet, a central angle of 12°01'19", a chord bearing of N 06°03'49" E, and a chord length of 69.11 feet to the POINT OF BEGINNING.

3. Plaintiff's property described in the preceding paragraph includes all of the land platted for municipal purposes as "STEELE-MORREL CENTER" a Resub. of Part of Lot 1, Block 2, ARROW VILLAGE ADDITION, an Addition to the City of Broken Arrow, Tulsa County, Oklahoma, and part of the NE/4 of the NW/4 of Section 12, T-18-N, R-14-E, and

dedicated by that Certificate of Dedication thereof, dated August 30, 1976, and recorded in the office of the Tulsa County Clerk as Plat #3645.

4. Plaintiff's property described above also includes a part of the land platted for municipal purposes as Lot One (1), Block Two (2) of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION," an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and dedicated by Deed of Dedication dated March 9, 1961, and recorded in the office of the Tulsa County Clerk on March 10, 1961 as Plat #2352.

5. That part of said Lot One (1), Block Two (2) owned by Plaintiff is more particularly described as follows:

BEGINNING at the Northwest corner of said Lot One (1), Block Two (2), Thence in an Easterly direction along the North line of said Lot 1 a distance of approximately 315.62 feet to the Northeast corner of Lot 2, Block 1 of "STEELE-MORREL CENTER", an Addition to the City of Broken Arrow, Tulsa, County, Oklahoma; Thence S 00°03'09" W along the East line of said Lot 2, Block 1, "STEELE-MORREL CENTER"; Thence N 83°34'21" W along the South line of said Lot 1, Block 2, "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION" to a point that is the Southwest corner of said Lot 1, Block 2; Thence Northerly along the West line of said Lot 1, Block 2, being a curve to the left a distance of 69.24 feet and thence N 00°03'09" E a distance of approximately 161.26 feet to the Northwest corner of said Lot 1, Block 2, and the POINT OF BEGINNING; LESS AND EXCEPT that part thereof subject to the Right of Way of the Oklahoma Department of Transportation, recorded in Book 5460 at Page 1043.

6. The Plaintiff's property described in Paragraph 2 above has been or will be replatted and Dedicated as COLLISION WORKS ADDITION, an Addition to the City of Broken Arrow, State of Oklahoma, and insofar as they affect the Plaintiff's property, neither "STEELE-MORREL CENTER" nor "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION" serve any useful purpose.

7. For the foregoing reason, Plaintiff desires to vacate the plat of "STEELE-MORREL CENTER" in its entirety, and Plaintiff desires to vacate that part of the plat of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION" that affects Plaintiff's property described above.

8. The Defendants, Public Service Company of Oklahoma, Oklahoma Natural Gas Company, a division of ONE Gas, Inc., A T & T Corporation, Windstream Communications, LLC, and COXCOM, L.L.C. d/b/a Cox Communications are utility, public service corporations, transmission companies, or franchise holders of the City of Broken Arrow, Oklahoma, having the right to maintain, repair, reconstruct, operate and remove utilities and facilities in public ways and easements.

9. The Defendant, State of Oklahoma *ex rel.* Oklahoma Department of Transportation may claim some right, title or interest by virtue of a certain right of way easement shown on the plat of Steele-Morrel Center.

10. A Certificate of a bonded abstractor doing business in Tulsa County, Oklahoma, listing the names and mailing addresses of all persons owning real property within 300 feet of the land described in Paragraph 2 required to be notified in this action as set forth in Okla. Stat., Title 11 § 42-103, is attached hereto marked "EXHIBIT A".

11. In the Plaintiff's knowledge, there are no persons, firms or corporations, not otherwise required to be notified, claiming an interest or right in the plats to be vacated except as named herein.

12. Plaintiff will give notice, as required by law, of this Petition and hearing thereon, by service of summons on the City of Broken Arrow, Oklahoma, the Board of County Commissioners of Tulsa County, and public service corporations, transmission and utility


companies and franchise holders having rights in the platted tract or portion thereof; by mailing a copy of the Petition and Notice of Hearing to Vacate a Platted Tract to all owners of record, as shown by the current year's tax rolls in the office of the Tulsa County Treasurer, of property within 300 feet in any direction from the platted tract sought to be vacated and foreclosed; and to any person, firm, or corporation, not otherwise required to be notified, that is known by Plaintiff to claim an interest or right in the platted tract.

13. Further, Plaintiff shall give notice of said Petition and hearing by publication thereof in the *Tulsa Daily Commerce & Legal News*, a newspaper of general circulation in Tulsa County, State of Oklahoma, where the real property is located.

14. The Plaintiff is entitled to have the plat of "STEELE-MORREL CENTER" and that part of the plat of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION" that affects Plaintiff's property vacated and to have title to all of the easements and streets dedicated thereby revert to it as the owner in fee simple of the real property upon which said easements and streets are located, but reserving to the State of Oklahoma *ex rel.* Oklahoma Department of Transportation any rights acquired by it through the Right of Way recorded in Book 5460 at Page 1043.


WHEREFORE, Plaintiff prays that upon hearing and notice as provided by statute, this Court grant judgment to the Plaintiff vacating the plat of "STEELE-MORREL CENTER" in its entirety, and vacating so much of the plat of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION" as affects Plaintiff's property and vacating all of the easements and streets dedicated thereby, and that the Plaintiff be determined to be the owner of a complete fee simple title in and to the land formerly burdened by such plats.

ELLER AND DETRICH, P.C.
A Professional Corporation

By: 
Jerry M. Snider, O.B.A. # 8436
Nathalie M. Schaefer, O.B.A. #32501
2727 East 21st Street
Suite 200, Midway Building
Tulsa, Oklahoma 74114-3533
(918) 747-8900
ATTORNEYS FOR PLAINTIFF

STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

Jerry M. Snider, of lawful age, being first duly sworn on oath states: That he is the attorney for the Plaintiff above named; that he has read the above and foregoing Petition; understands the meaning thereof, and the facts and statements therein contained are true and correct to the best of his knowledge and belief.



Jerry M. Snider

Subscribed and sworn to before me this 20th day of January, 2016.


NOTARY PUBLIC

My commission expires:
8/16/19

Commission No. 99011425



THE FOLLOWING REPORT CONTAINS A LIST OF THE NAMES AND MAILING ADDRESSES OF ALL LAST GRANTEEES OF RECORD, AS SHOWN BY THE CURRENT YEAR'S (2015) TAX ROLLS IN THE OFFICE OF THE TULSA COUNTY TREASURER, OF PROPERTY ABUTTING, OR WHOSE PROPERTY IS WITHIN THREE HUNDRED (300) FEET IN ANY DIRECTION FROM THE FOLLOWING DESCRIBED REAL PROPERTY:

A tract of land that is "STEELE-MORREL CENTER", an Addition to the City of Broken Arrow, filed as Plat #3645, and a Part of Block Two (2), of BLOCKS 1, 2 & 3, ARROW VILLAGE ADDITION, an Addition to the City of Broken Arrow, filed as Plat #2352, and a Part of the Northeast Quarter of the Northwest Quarter (NE/4 NW/4) of Section Twelve (12), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, said tract being more particularly described as follows, to-wit:

SEE ATTACHED FOR COMPLETE LEGAL DESCRIPTION

This report covers a period of time to
December 23, 2015 at 7:00 o'clock A.M.

Exhibit A

A tract of land that is "STEELE-MORREL CENTER", an Addition to the City of Broken Arrow, filed as Plat #3645, and a Part of Block Two (2) of "BLOCKS 1, 2, & 3, ARROW VILLAGE ADDITION", an Addition to the City of Broken Arrow, filed as Plat #2352, and a Part of the Northeast Quarter of the Northwest Quarter (NE/4 NW/4) of Section Twelve (12), Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows:

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NAMES

HOUSTON, JIMMY & CHRISTINE
CO-TRUSTEES JIMMY HOUSTON
TRUST
BOX 129
COOKSON OK 74427-0129

STATE OF OKLAHOMA
C/O DEPT OF TRANSPORTATION
200 N E 21ST ST
OKLAHOMA CITY OK 73105-3204

TANKERSLY, BONITA DETHROW &
MICHAEL DAVID & MARK
WESLEY DETHROW
7505 S 5TH ST
BROKEN ARROW OK 74011

ROBBINS, LYNNE TRUST, THE
C/O LYNNE ROBBINS TTEE
700 W E ST #2204
SAN DIEGO CA 92101

HARTFORD VILLAS LP
1730 E REPUBLIC RD STE F
SPRINGFIELD MO 65804

BROWN, PATRICK & CHRISTINA
605 N 14TH ST
BROKEN ARROW OK 74012

THOMPSON INVESTMENT GROUP
6436 S HUDSON
TULSA OK 74133

RODGERS, TERRY E
1224 E HARTFORD ST
BROKEN ARROW OK 74012

LEGALS

PRT LT 1 BLK 1 & ALL LT 2 BLK 1
STEELE-MORREL CTR RSUB & PRT
LT 1 BLK 2 ARROW VILLAGE
ADDN B1-3 & PRT LT 5 BLK 3
SENTINEL INDUSTRIAL PARK &
PRT NE NW SEC 12 18 14

PRT LT 1 BLK 1 STEELE-MORREL
CTR RSUB & PRT LT 1 BLK 2
ARROW VILLAGE ADDN B1-3 &
PRT LT 1 BLK 1 ARROW VILLAGE
SHOPPING CENTER RSUB & LT 1
BLK 1 EXPRESSWAY SEVENTY-
ONE & PRT SE SW SEC 1 18 14
PRT LT 1 BLK 1
ARROW VILLAGE SHOPPING
CENTER RSUB

PRT LT 1 BLK 1
ARROW VILLAGE SHOPPING
CENTER RSUB

LT 1 BLK 1
HARTFORD VILLAS LT 1 BLK 1

LT 1 BLK 1
CAROUSEL CONCOURSE II

LT 2 BLK 1
CAROUSEL CONCOURSE II

LT 1 BLK 2
CAROUSEL CONCOURSE II

REALTY INVOME CORPORATION
C/O LEARNING CARE GROUP
ATTN: ACCOUNTING DEPT
21333 HAGGERTY RD STE 300
NOVI MI 48375

LT 1 BLK 3
SENTINEL INDUSTRIAL PARK
RSUB

PATTISON TRUST
C/O RAYMOND & KARYN
PATTISON
701 N 15TH ST
BROKEN ARROW OK 74012

LTS 2 & 3 BLK 3
SENTINEL INDUSTRIAL PARK
RSUB

OKLAHOMA WAREHOUSE
SOLUTIONS LLC
9310 WAGON WHEEL RD
SPRINGDALE AR 74762

LT 4 & N100 LT 5 BLK 3
SENTINEL INDUSTRIAL PARK
RSUB

REEDER, DAVID R & SUSAN L
1928 W PITTSBURG CT
BROKEN ARROW OK 74012

PRT NE NW
SEC 12 18 14

CITY OF BROKEN ARROW
PO BOX 610
BROKEN ARROW OK 74013

PRT NE NW
SEC 12 18 14

SCHNEIDER, LOUIS
3525 ROSE AVE
LONG BEACH CA 90807

PRT NE NW
SEC 12 18 14

POP HOLDINGS LP
3318 FOREST LANE STE 200
DALLAS TX 75234

LT 9 BLK 1
KENOSHA CROSSING

SPECIAL CERTIFICATE

The GUARANTY ABSTRACT COMPANY (Incorporated), a duly qualified and bonded abstract company within and for the County of Tulsa, State of Oklahoma, does hereby certify:

There is shown herein a list of the names and mailing address of all Last Grantees of Record as shown by the current year's (2015) tax rolls in the office of the Tulsa County Treasurer of property abutting, or whose property is within three hundred (300) feet in any direction from the property described on Page 1 of this report.

AND

The said report also contains a list of the names of All the "Last Grantees of Record", as shown by the deed records in the office of the Tulsa County Clerk, of property abutting, or whose property is within three hundred (300) feet in any direction from the above described real property.

This certificate covers sheets No. 1 to 4 inclusive and covers a period of time to January 4, 2016 at 7:00 o'clock A.M.

Addresses shown for information purposes only
NOT CERTIFIED TO

Liability for inaccuracy in the information contained in this report or the omission of any information under categories listed herein is limited to the cost of the report. This report is not intended for use as title information for a mortgage or other lien foreclosure.

In Witness Whereof, the GUARANTY ABSTRACT COMPANY (Incorporated) has caused these presents to be signed and its corporate seal to be affixed by its proper officer at its office in Tulsa, Tulsa County, Oklahoma, this 19th day of January, 2016.

No. 933933

Guaranty Abstract Company

By: *Margaret E. Klessep*

#0670

A-Secretary

This is a Special Certificate Only