

ORDINANCE NO. 3496

Consideration, discussion, and possible adoption of Ordinance No. 3496, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1975 and PUD 214A, generally located on the northwest corner of Omaha Street and Evans Road, one-quarter mile west of the Creek Turnpike, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

WHEREAS, the State of Oklahoma has granted cities, as governmental entities, the duty and power to enact zoning ordinances for the protection of persons and property residing within the City limits, and for securing the benefits of orderly development as a whole; and

WHEREAS, a series of governmental administrative hearings have been conducted at which time it was determined on March 6, 2012, that 36.51 acres of the land in question would be proper for Commercial Heavy and Industrial Heavy Districts along with PUD 214, subject to the property being platted; and

WHEREAS, on June 16, 2016, the City Council approved PUD 214A, a major amendment to PUD 214, subject to the property being platted; and

WHEREAS, the plat, Latshaw Addition, was recorded in Wagoner County on January 24, 2017; and

WHEREAS, the property is generally located on the northwest corner of Omaha Street and Evans Road, one-quarter mile west of the Creek Turnpike.

WHEREAS, the proposed zoning is compatible with the comprehensive plan and surrounding uses; and

WHEREAS, the granting of the application will not have an adverse effect on the other property in the area or in the community; and

WHEREAS, for these reasons, the City Council finds this request should be granted.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION I. The zoning classification of the following described real estate situated in Wagoner County, State of Oklahoma, being more particularly described as follows:

LEGAL DESCRIPTION FOR BAZ 1875

A-1 to CH

A tract of land located in the Southeast-Quarter (SE ¼) of the Southeast-Quarter (SE ¼) of Section Twenty-Nine (29), Township Nineteen (19) North, Range Fifteen (15) East of the Indian Base and

Meridian, Wagoner county, State of Oklahoma, according to the United States Government survey thereof, more particularly described as:

Commencing at the Southeast Corner of said Section 29:

Thence N00°12'31"W along the east line of said Section a distance of 65.58 feet:

Thence N89°47'29" W a distance of 90.00 feet to a point on the proposed right of way, to the Point of Beginning:

Thence N89°50'36"W a distance of 259.58 feet along the proposed north right of way of Omaha Street:

Thence S60°09'24"W and distance of 10.00 feet along the proposed north right of way of Omaha Street:

Thence N89°50'36"W a distance of 147.68 feet along the proposed north right of way of Omaha Street:

Thence N00°12'31"W and distance of 289.55 feet:

Thence S89°50'36"E a distance of 440.95 feet to a point on the proposed right of way Evans Road:

Thence S00°12'31"E, along said right of way a distance of 259.55 feet:

Thence S44°58'27"W a distance of 35.24 feet to the Point of Beginning said tract containing 125,919.04 s.f or 2.8907 acres, more or less.

A-1 to IH

A tract of land located in the Southeast-Quarter (SE ¼) of the Southeast-Quarter (SE ¼) of Section Twenty-Nine (29), Township Nineteen (19) North, Range Fifteen (15) East of the Indian Base and Meridian, Wagoner county, State of Oklahoma, according to the United States Government survey thereof, more particularly described as:

Commencing at the Southeast Corner of said Section 29:

Thence N00°12'31"W along the east line of said Section a distance of 65.58 feet:

Thence N89°47'29" W a distance of 90.00 feet to a point on the proposed right of way:

Thence N89°50'36"W a distance of 259.58 feet along the proposed north right of way of Omaha Street:

Thence S60°09'24"W and distance of 10.00 feet along the proposed north right of way of Omaha Street:

Thence N89°50'36"W a distance of 147.68 feet along the proposed north right of way of Omaha Street, to the Point of Beginning:

Thence N89°50'36"W a distance of 816.12 feet along the proposed north right of way of Omaha Street:

Thence N00°09'08"W a distance of 1263.55 feet:

Thence S89°49'05"E a distance of 1260.83 feet to a point on the proposed right of way of Evans Road:

Thence S00°12'31"E, along said right of way, a distance of 964.73 feet:

Thence S29°42'01"W, along said right of way, a distance of 10.03 feet:

Thence N89°50'36" W a distance of 440.95 feet:

Thence S00°12'31"E a distance of 289.55 feet, to the point of Beginning, said tract containing 1,464,392.54 s.f. or 33.6178 acres, more or less.

LEGAL DESCRIPTION FOR PUD 214A

All of Latshaw Addition, a part of the SE/4 of the SE/4 of Section Twenty-Nine (29), Township Nineteen (19) North, Range Fifteen (15) East, of the Indian Base and Meridian, City of Broken Arrow, Wagoner County, State of Oklahoma, Book 2336, Page 366.

be and the same is hereby changed from the zoning classification of A-1 to CH and IH along with

PUD 214A.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this _____ day of _____, 2017.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY