

## **ORDINANCE NO. 3562**

**An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1968, generally located on the northeast corner of Kenosha Street and 23rd Street, granting a CN zoning classification be placed upon part of the tract along with PUD-254, and the partial abrogation of SP-257, 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**, rezoning case BAZ-1968 (CG/SP-257 to CN) on 0.60 acres and PUD-254 on 1.75 acres, were approved by the Broken Arrow City Council on February 7, 2017, subject to the property being replatted; and

**WHEREAS**, SP-257, a specific use permit for a church on the property associated with BAZ-1968, was abrogated; and

**WHEREAS**, the property has been replatted as QuikTrip No. 0033. The plat for QuikTrip No. 0033, which contains 1.75 acres, was recorded in Wagoner County on March 20, 2018; and

**WHEREAS**, the property is generally located on the northeast corner of Kenosha Street and 23rd Street, Broken Arrow, Oklahoma; and

**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 CN zoning associated with BAZ-1968 (0.598 acres)

A TRACT OF LAND THAT IS PART OF LOT TWO (2), BLOCK ONE (1), TIGER PLAZA, AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION SIX (6), TOWNSHIP EIGHTEEN (18) NORTH,

RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE NORTH 01°19'23" WEST ALONG THE WESTERLY LINE OF SECTION 6 FOR 312.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°19'23" WEST ALONG SAID WESTERLY LINE FOR 86.00 FEET; THENCE NORTH 88°51'54" EAST ALONG THE WESTERLY EXTENSION OF A PLATTED LINE OF SAID LOT 2, AND ALONG SAID PLATTED LINE, AND A EASTERLY EXTENSION THEREOF FOR 303.00 FEET; THENCE SOUTH 01°19'23" EAST ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF LOT 1, BLOCK 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FOR 86.00 FEET TO A PLATTED CORNER OF SAID LOT 2, BLOCK 1, TIGER PLAZA, THE SAME CORNER ALSO BEING THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA; THENCE SOUTH 88°51'54" WEST ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, AND ALONG A PLATTED LINE OF SAID LOT 2, BLOCK 1, TIGER PLAZA, AND A WESTERLY EXTENSION THEREOF FOR 303.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 26,058 SQUARE FEET OR 0.598 ACRES, MORE OR LESS.

Legal description for PUD 254 (1.75 acres)

All of QuikTrip No. 0033, a resubdivision of all of Lot One (1), Block One (1), amended plat of Wagoner County Line Plaza, and part of Lot Two (2), Block One (1), Tiger Plaza, additions to the City of Broken Arrow, Wagoner County, State of Oklahoma, and part of the SW/4 of Section Six (6), Township Eighteen (18) North, Range Fifteen (15) East of the I.B. & M, City of Broken Arrow, Wagoner County, State of Oklahoma, document number 2018-3199.

be and the same is hereby changed from the zoning CG (Commercial General) to CN (Commercial Neighborhood), and PUD-254.

In addition, the following portion of SP-257 is hereby abrogated:

Legal description for the partial abrogation of SP-257

A TRACT OF LAND THAT IS PART OF LOT TWO (2), BLOCK ONE (1), TIGER PLAZA, AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION SIX (6), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY,

STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF,  
SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE NORTH 01°19'23" WEST ALONG THE WESTERLY LINE OF SECTION 6 FOR 312.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°19'23" WEST ALONG SAID WESTERLY LINE FOR 86.00 FEET; THENCE NORTH 88°51'54" EAST ALONG THE WESTERLY EXTENSION OF A PLATTED LINE OF SAID LOT 2, AND ALONG SAID PLATTED LINE, AND A EASTERLY EXTENSION THEREOF FOR 303.00 FEET; THENCE SOUTH 01°19'23" EAST ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF LOT 1, BLOCK 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FOR 86.00 FEET TO A PLATTED CORNER OF SAID LOT 2, BLOCK 1, TIGER PLAZA, THE SAME CORNER ALSO BEING THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA; THENCE SOUTH 88°51'54" WEST ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, AND ALONG A PLATTED LINE OF SAID LOT 2, BLOCK 1, TIGER PLAZA, AND A WESTERLY EXTENSION THEREOF FOR 303.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 26,058 SQUARE FEET OR 0.598 ACRES, MORE OR LESS.

**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 16<sup>TH</sup>  
day of APRIL, 2019.

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MAYOR

ATTEST:

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(Seal) CITY CLERK

APPROVED:

  
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ASSISTANT CITY ATTORNEY