

ORDINANCE NO. 3494-CORRECTED

Approval of and authorization to adopt Ordinance No. 3494-CORRECTED, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 236, granting PUD 236 zoning classification be placed upon the tracts, generally located on the southeast corner of the Broken Arrow Expressway and Elm Place, repealing all ordinances or parts of ordinances in conflict herewith; 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 PUD 236 was approved by the Broken Arrow City Council on June 1, 2015, subject to part of the property being platted; and

WHEREAS, the plat, Ferguson Addition, was recorded in Tulsa County on February 3, 2017; and

WHEREAS, the property is generally located on the southeast corner of the Broken Arrow Expressway and Elm Place, 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 Tulsa County, State of Oklahoma, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot One (1), Block One (1), **VIEW POINT**, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said point being the intersection of East Right-of-Way line of Elm Place and the Southerly Right-of-Way line of the Broken Arrow Expressway (Oklahoma Highway 51); Thence S 67 deg. 00'00" E along the Southerly Right-of-Way line of the Broken Arrow Expressway 493.60 feet; Thence S 75 deg. 32'00" E along said Right-of-Way line 26.79 feet; Thence S 0 deg. 05'15" E a distance of 284.95 feet; Thence S 89 deg. 54'45" W a distance of 249.00 feet to a point; Thence S 0 deg. 5'15" E a distance of 146.00 feet to a point; Thence N 89 deg. 54'45" E a distance of 100.00 feet; Thence S 0 deg. 05'15" E a distance of 218.41 feet to a point on the North Right-of-Way line of West Oakland Place; Thence S 89 deg. 42'05" W along said Right-of-Way line a distance of 31.00 feet to the Southwest corner of Lot 1, Block 1, said point being the Southeast corner of Lot 2, Block 1; Thence N 0 deg. 05'15" W along the East line of Lot 2, Block 1, a distance of 164.53 feet to the Northeast corner of Lot 2, Block 1; Thence S 89 deg. 54'45" W along the North line of Lot 2, Block 1, a distance of 100.00 feet; Thence N 0 deg. 05'15" W a distance of 200.00 feet to a point; Thence S 89 deg. 54'45" W a distance of 200.00 feet to a point on the East Right-of-Way line of North Elm Place, and the Westerly line of Lot 1, Block 1, **VIEW POINT**; Thence N 0 deg. 05'15" W along said Right-of-Way line a distance of 174.36 feet; Thence N 26 deg. 28'54" E a distance of 55.90 feet; Thence N 7 deg. 12'48" W a distance of 201.56 feet; Thence N 0 deg. 15'15" W a distance of 60.88 feet to the POINT OF BEGINNING.

LESS AND EXCEPT: Beginning at the Northwest corner of said Lot 1, Block 1, **VIEW POINT**; Thence S 00 deg. 05'15" E a distance of 60.88 feet to a point; Thence S 7 deg. 12'48" E a distance of 82.53 feet to a point; Thence N 0 deg. 05'15" W a distance of 138.54 feet to a point; Thence N 67 deg. 00'00" W a distance of 10.87 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT: A strip, piece or parcel of land lying in Lot One (1), Block One (1), **VIEW POINT**, a Subdivision of part of the SW/4 NW/4 and the NW/4 SW/4 of Section 2, T-18-N, R-14-E, in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 1; Thence Southeasterly along the North line of said Lot 1 and the present Southwesterly Right-of-Way line of the Broken Arrow Expressway a distance of 94.82 feet; Thence S 48 deg. 53'36" W a distance of 107.17 feet to a point on the West line of said Lot 1; Thence Northerly along said West line a total distance of 106.33 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT: BEGINNING at the more Westerly Southwest corner of said Lot 1; Thence Northerly along the West line of said Lot 1 a distance of 174.36 feet; Thence Northeasterly along said West line a distance of 55.90 feet; Thence S 14 deg. 01'52" W a distance of 57.13 feet; Thence S 01 deg. 11'23" E a distance of 169.27 feet to a point on the South line of said Lot 1; Thence West along said South line a distance of 10.00 feet to the POINT OF BEGINNING.

AND

A tract of land that is part of Lot One (1), Block One (1), **VIEW POINT**, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, said Addition being a Subdivision of a part of the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) and a part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, according to the United States Government Survey thereof, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit:

BEGINNING at a point on the Southerly line of said Lot One (1), Block One (1), **VIEW POINT ADDITION**, said point being 180.00 feet Easterly of the Southeast corner of Lot Two (2), Block One (1), **VIEW POINT ADDITION**, Thence N 00 deg. 05'15" W for 648.82 feet to a point on the Northerly line of said Lot One (1); Thence S 75 deg. 32'00" E along said Northerly line for 206.63 feet; Thence S 00 deg. 05'15" E for 596.16 feet to a point on the Southerly line of said Lot One (1); Thence S 89 deg. 42'05" W along said Southerly line for 200.00 feet to the POINT OF BEGINNING of said tract of land.

AND

A tract of land that is part of Lot One (1), Block One (1), **VIEW POINT**, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, said Addition being a Subdivision of a part of the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) and a part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, according to the United States Government Survey thereof, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit:

BEGINNING at a point on the Southerly line of said Lot One (1), Block One (1), **VIEW POINT ADDITION**, said point being 380.00 feet Easterly of the Southeast corner of Lot 2, Block 1, **VIEW POINT ADDITION**; Thence N 00 deg. 05'15" W 596.69 feet (previously described as 596.16 feet) to a point on the Northerly line of said Lot 1; Thence S 75 deg. 32'00" E along said Northerly line for 230.62 feet to the Northeast corner of Lot One (1); Thence S 00 deg. 17'55" E along the East line of said Lot 1 for 542.88 feet to the Southeast corner of said Lot 1; Thence N 81 deg. 47'33" W for 0.00 feet; Thence along a curve to the left with a central angle of 8 deg. 30'22" and a radius of 544.18 feet, a distance of 80.79 feet; Thence S 89 deg. 42'05" W for 146.53 feet to the POINT OF BEGINNING. Continued...

A part of Lot One (1), Block One (1), **VIEW POINT**, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3907, being more particularly described as follows, to-wit:

COMMENCING at the Northwest corner of said Lot 1, Block 1, **VIEW POINT**, and running Thence S 67 deg. 00'00" E a distance of 493.60 feet to a point; Thence S 75 deg. 32'00" E a distance of 26.79 feet to a point; Thence S 00 deg. 05'15" E a distance of 284.95 feet to the Point of Beginning; Thence S 89 deg. 54'45" W a distance of 249.00 feet to a point; Thence S 00 deg. 05'15" E a distance of 146.00 feet to a point; Thence N 89 deg. 54'45" E a distance of 100.00 feet to a point; Thence S 00 deg. 05'15" E a distance of 218.41 feet to a point in the North Right-of-Way line of West Oakland Place; Thence N 89 deg. 42'05" E along said Right-of-Way line a distance of 149.00 feet to a point; Thence leaving said Right-of-Way line of N 00 deg. 05'15" W a distance of 363.86 feet to the POINT OF BEGINNING.

AND

Lot Two (2), Block One (1), **VIEW POINT**, an Addition to the City of Broken Arrow, in Section 2, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, according to the recorded Plat thereof,

LESS AND EXCEPT: A strip, piece or parcel of land lying in Lot Two (2), Block One (1), **VIEW POINT**, a Subdivision of a part of the SW/4 NW/4 and the NW/4 SW/4 of Section 2, T-18-N, R-14-E, in Tulsa County, Oklahoma, according to the recorded Plat thereof, and more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 2; Thence Northerly along the West line of said Lot 2 a distance of 15.00 feet; Thence S 46 deg. 11'23" E a distance of 21.21 feet to a point on the South line of said Lot 2; Thence Westerly along said South line a distance of 15.00 feet to the POINT OF BEGINNING.

AND

A tract of land lying in the **Northwest Quarter (NW/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East** of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit:

BEGINNING at a point 135.64 feet North and 50.00 feet East of the Southwest corner of said Northwest Quarter (NW/4); Thence S 89 deg. 54'45" E a distance of 200.00 feet to a point; Thence N 00 deg. 05'15" E parallel to the West line of said Section 2, a distance of 200.00 feet to a point; Thence N 89 deg. 54'45" W a distance of 200.00 feet to a point 50.00 feet East of the West line of said Section 2; Thence S 00 deg. 05'15" W, parallel to the West line of said Section 2 a distance of 200.00 feet to the POINT OF BEGINNING.

LESS AND EXCEPT: A strip, piece or parcel of land lying in part of the Southwest Quarter of the Northwest Quarter (SW/4 NW/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows:

COMMENCING at a point on the present East Right-of-Way line of South 161st East Avenue a distance of 131.61 feet North of and 47.28 feet East of the Southwest corner of said SW/4 NW/4; Thence Northerly along said Right-of-Way line a distance of 179.23 feet to the Point of Beginning; Thence continuing Northerly along said Right-of-Way line a distance of 20.77 feet; Thence East a distance of 10.00 feet; Thence S 01 deg. 11'23" E a distance of 20.73 feet; Thence S 88 deg. 48'37" W a distance of 10.00 feet to the POINT OF BEGINNING.

be and the same is hereby approved as PUD 236.

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 6th day of February, 2018.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY