



City of Broken Arrow

Fact Sheet

File #: 16-1374, **Version:** 1

Broken Arrow Planning Commission

11-17-2016

To: Chairman and Commission Members
From: Development Services Department

Title: Consideration and possible action regarding request to modify the covenants associated with 61st Street Industrial Park, IL, one-quarter mile west of Aspen Avenue, south of Albany Street

Background:

Applicant: Kelsey T. Pierce, Barber & Bartz
Owner: AG Equipment Company
Developer: AG Equipment Company
Attorney: Kelsey T. Pierce
Location: One-quarter mile west of Aspen Avenue, south of Albany Street
Size of Tract: NA
Number of Lots: NA
Present Zoning: IL

Applicant has submitted a request to amend the covenants for 61st Street Industrial Park. The plat for 61st Street Industrial Park (plat number 5597) was recorded in Tulsa County on March 5, 2002, as Document Number 02029345. According to the applicant, additional building and use restrictions applicable to the lots were established by an instrument entitled "Declaration of Protective Covenants and Restrictions" for 61st Street Industrial Park, dated December 9, 2002, and recorded on March 19, 2003, as Document No. 03038322 in the records of the County Clerk of Tulsa County, Oklahoma. The Protective Covenants and Restrictions allowed the use of overhead electric, cable, and telephone lines within the utility easements depicted on the plat.

AG Equipment, as owner of Lots 1 and 2, Block 1, 61st Street Industrial Park and more than 60% of the record owners of lots in 61st Street Industrial Park, desires to amend Subsection B (1) of Section I of the First Declaration as follows:

"OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE UTILITY EASEMENT DEPICTED ON THE ACCOMPANYING PLAT, EXCEPT FOR THE WEST SIDE OF LOTS ONE (1) AND TWO (2), BLOCK ONE (1), WHERE THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES SHALL BE PROVIDED BY UNDERGROUND LINES."

According to the applicant, to amend the covenants requires the approval of the Broken Arrow Planning Commission and City Council.

Attachments: Proposed Amendment of Deed of Dedication and Restrictive Covenants
61st Street Industrial Park plat and covenants
Protective Covenants and Restrictions recorded March 19, 2003

Recommendation: Staff recommends the request to amend the Subsection B (1) of Section I of the covenants for 61st Street Industrial Park be approved as requested.

Reviewed and Approved By: Michael Skates

MWS: BDM