

ORDINANCE NO. 3627

An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving a portion of BAZ-1970 along with BAZ-2020, generally located one-quarter mile east of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street), granting CH and IL zoning classifications be placed upon the tract along with PUD-284, 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-1970 (A-1, RD, CN, and CG to CH), which involved 40.71 acres, was approved by the Broken Arrow City Council on February 7, 2017, subject to the property being platted; and

WHEREAS, rezoning case BAZ-2020 (A-1 to IL), which included 7.18 acres, and PUD-284, which involved 10.15 acres, were approved by the Broken Arrow City Council on January 15, 2019, subject to the property being platted; and

WHEREAS, the property has been platted as Attic Storage of Broken Arrow. The plat for Attic Storage of Broken Arrow, which contains 10.15 acres, was recorded in Tulsa County on August 8, 2019; and

WHEREAS, the property associated with Attic Storage of Broken Arrow is generally located one-quarter mile east of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street); 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:

Legal Description for PUD-284

All of Attic Storage of Broken Arrow, tract of land that is part of the West Half of the Southwest Quarter lying South of the Creek Turnpike Right-of-Way in Section Thirty Four (34), Township Eighteen (18) North, Range Fourteen (14) East, City of Broken Arrow, Tulsa County, State of Oklahoma.

Legal Description for CH

A tract of land that is part of the West Half of the Southwest Quarter (W/2 SW/4) lying Southerly of the Creek Turnpike Right-of-Way in Section Thirty-four (34), 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, said tract of land being described as follows:

COMMENCING at the Southwest corner of said Section Thirty-four (34); Thence North 88°41'16" East along the Southerly line of said Section Thirty-four (34) for 956.72 feet; Thence North 01°18'44" West for 50.00 feet to a point on the Northerly Right-of-Way line of East 121st Street South (West Tucson Street) and the POINT OF BEGINNING of said tract of land; Thence North 02°11'22" West for 305.38 feet; Thence North 02°51'04" East for 74.73 feet; Thence North 12°13'43" East for 165.65 feet; Thence North 02°27'01" West for 178.06 feet; Thence North 09°40'18" East for 174.44 feet; Thence North 02°23'20" West for 164.52 feet; Thence North 22°39'32" East for 477.11 feet to a point on the Southerly Right-of-Way line of the Creek Turnpike; Thence North 84°30'33" East along said Southerly Right-of-Way line for 104.08 feet to a point, said point being North 01°18'49" West a distance of 0.39 feet from the Northwest corner and the Westerly line of WARREN THEATRE BROKEN ARROW, a Subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; Thence South 01°18'49" East along the Northerly extension of said Westerly line, along said Westerly line, and a Southerly extension thereof, for 1498.23 feet to a point on said Northerly Right-of-Way line of East 121st Street South (West Tucson Street); Thence South 88°41'16" West along said Northerly Right-of-Way line, being 50.00 feet Northerly of the Southerly line of said Section Thirty-four (34), for 363.82 feet to the POINT OF BEGINNING of said tract of land.

LESS AND EXCEPT:

A TRACT OF LAND THAT IS PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (W/2 SW/4) LYING SOUTHERLY OF THE CREEK TURNPIKE RIGHT-OF-WAY IN SECTION THIRTY-FOUR (34), 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, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTY-FOUR (34); THENCE NORTH 88°41'16" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 34 FOR 956.72 FEET; THENCE NORTH 01°18'44" WEST FOR 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 121ST STREET SOUTH (WEST TUCSON STREET); THENCE NORTH 02°11'22" WEST FOR 305.38 FEET; THENCE NORTH 02°51'04" EAST FOR 48.99 FEET TO THE POINT OF BEGINNING

THENCE, N 02° 51' 04" E FOR A DISTANCE OF 25.74 FEET TO A POINT ON A LINE.

THENCE, N 12° 13' 43" E FOR A DISTANCE OF 165.65 FEET TO A POINT ON A LINE.

THENCE, N 02° 27' 01" W FOR A DISTANCE OF 178.06 FEET TO A POINT ON A LINE.
THENCE, N 09° 40' 18" E FOR A DISTANCE OF 174.44 FEET TO A POINT ON A LINE.
THENCE, N 02° 23' 20" W FOR A DISTANCE OF 164.52 FEET TO A POINT ON A LINE.
THENCE, N 22° 39' 32" E FOR A DISTANCE OF 477.11 FEET TO A POINT ON THE
SOUTHERLY RIGHT-OF-WAY LINE OF THE CREEK TURNPIKE; THENCE NORTH
84°30'33" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 104.08 FEET TO A
POINT, SAID POINT BEING NORTH 01°18'49" WEST A DISTANCE OF 0.39 FEET FROM
THE NORTHWEST CORNER AND THE WESTERLY LINE OF WARREN THEATRE
BROKEN ARROW, A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY,
STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE
SOUTH 01°18'49" EAST ALONG THE NORTHERLY EXTENSION OF SAID WESTERLY
LINE, ALONG SAID WESTERLY LINE, AND A SOUTHERLY EXTENSION THEREOF, FOR
1144.01 FEET TO A POINT ON A LINE. THENCE, S 88° 41' 11" W FOR A DISTANCE OF
364.93 FEET TO THE POINT OF BEGINNING.

Legal Description for IL

A TRACT OF LAND THAT IS PART OF THE WEST HALF OF THE SOUTHWEST QUARTER
(W/2 SW/4) LYING SOUTHERLY OF THE CREEK TURNPIKE RIGHT-OF-WAY IN SECTION
THIRTY-FOUR (34), 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, SAID TRACT OF LAND
BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTY-FOUR (34);
THENCE NORTH 88°41'16" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 34
FOR 956.72 FEET; THENCE NORTH 01°18'44" WEST FOR 50.00 FEET TO A POINT ON THE
NORTHERLY RIGHT-OF-WAY LINE OF EAST 121ST STREET SOUTH (WEST TUCSON
STREET); THENCE NORTH 02°11'22" WEST FOR 305.38 FEET; THENCE NORTH 02°51'04"
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POINT, SAID POINT BEING NORTH 01°18'49" WEST A DISTANCE OF 0.39 FEET FROM

THE NORTHWEST CORNER AND THE WESTERLY LINE OF WARREN THEATRE

BROKEN ARROW, A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY,

STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE

SOUTH 01°18'49" EAST ALONG THE NORTHERLY EXTENSION OF SAID WESTERLY

LINE, ALONG SAID WESTERLY LINE, AND A SOUTHERLY EXTENSION THEREOF, FOR

1144.01 FEET TO A POINT ON A LINE. THENCE, S 88° 41' 11" W FOR A DISTANCE OF

364.93 FEET TO THE POINT OF BEGINNING.

be and the same is hereby changed from the zoning A-1 (Agricultural) to CH (Commercial Heavy)

and IL (Industrial Light), along with PUD-284.

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 _____, 2020.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:



ASSISTANT CITY ATTORNEY