

created two lots. The 10.78 acres had frontage onto 9th Street, but the remaining 9.72 acres did not have any frontage onto a public street. A mutual access easement was granted that allowed the 9.72 acre parcel to have access onto 9th Street. While this property was in the City Limits of Broken Arrow, a lot split application that created the two lots was not submitted to the City of Broken Arrow. According to the Broken Arrow Zoning Ordinance, all lots must front onto a public street.

Lovelle Properties, LLC is now interested in conveying 1.39 acres along their south property line with a 0.84 parcel that has frontage along New Orleans Street. In September 2017, Staff was contacted by the title company to determine if the City of Broken Arrow had approved a lot split on this property. Staff advised that no lot split had been submitted, and since the property being split did not have frontage onto a public street, the Planning Commission could not approve of such a lot split that made a nonconforming lot, even more nonconforming.

Staff then met with the applicant and was informed that Lovelle Properties, LLC had acquired a 5.46 acre parcel along 9th Street that abutted the 9.72 acre parcel that did not have frontage onto a public street. Staff advised the applicant that if he combined these two lots, he could then request a lot split to split 1.39 acre parcel. As a result, applicant has submitted BAL-2027CB to combine the 5.46 acre parcel with the 9.72 acre parcel.

The property associated with BAL-2027CB has not been platted. Right-of-way and utility easements along the portion of the 5.46 acre parcel have not been provided in accordance with the Subdivision Regulations.

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot consolidation.

Attachments: **Case map**
 Aerial with proposed lot consolidation
 Lot combination exhibits
 Aerial showing ultimate lot configuration

Recommendation:

Staff recommends BAL-2027CB be approved, subject to the following:

1. Right-of-way and utility easements shall be dedicated along 9th Street in accordance with the Subdivision Regulations (50-feet of right-of-way along with a 17.5-foot utility easement).
2. The warranty deed for the consolidated parcel shall be brought to the Plan Development Division to be stamped prior to being recorded in Tulsa County. The warranty deed shall reflect right-of-way being dedicated along 9th Street.
3. Both tracts shall be permanently tied together, and it shall be acknowledged and stated in the warranty deed that the property cannot be divided without receiving lot split approval from the Planning Commission.
4. Typographical error in legal description for Lot 2 shall be correctly reflected in legal description for warranty deed.

Reviewed By: **Larry R. Curtis**

Approved By: **Michael W. Skates**

LRC: BDM