



City of Broken Arrow

Request for Action

File #: 17-2298, Version: 1

**Broken Arrow City Council
Meeting of: 06-15-2017**

**To: Mayor and City Council Members
From: Development Services Department
Title:**

**Approval of amended covenants for recorded plat, PT15-103,
Riverstone Estates, 103 lots, 27.28 acres, RS-3, one-third mile east of
Olive Avenue, south of Tucson Street**

Background:

Applicant has submitted a request to amend the covenants of Riverstone Estates. The plat for Riverstone Estates (plat number 6726) was recorded in Tulsa County on March 10, 2017.

When the covenants were recorded, Section I.B.1 of the covenants stated:

“UNDERGROUND SERVICE LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE, AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE UTILITY EASEMENT IF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE STREET RIGHT-OF-WAYS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.”

With this amendment, applicant is requesting to amend the plat and covenants of Riverstone Estates to include language to allow overhead poles for electric and communication services along Tucson Street. Section I.B.1, stated above, is requested to be deleted in its entirety and replaced with the following:

“OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED WITHIN THE UTILITY EASEMENT ALONG THE NORTH SUBDIVISION PERIMETER AND THE RIGHT-OF-WAY FOR WEST TUCSON STREET. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE STREET RIGHT-OF-WAYS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.”

Section V.C of the covenants of Riverstone Estates requires amendment to Sections I, II, and V of the covenants to be approved by the Broken Arrow Planning Commission, with the approval of the City of Broken Arrow.

This request was heard by the Planning Commission in their meeting held May 25, 2017 and was recommended for approval (3-0 vote). No one spoke against this request.

Cost: \$0

Prepared By: Amanda Yamaguchi, Staff Planner

Reviewed By: Development Services Department
Assistant City Manager, Operations
Legal Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: 1-Planning Commission Fact Sheet from May 25, 2017
2-Proposed Amendment of the Plat and Deed of Dedication & Restrictive
Covenants of Riverstone Estates
3-Riverstone Estates Plat and Deed of Dedication & Restrictive Covenants recorded
March 10, 2017.

Recommendation:

Approve amended covenants associated with Riverstone Estates, as recommended by Planning Commission and Staff.

LRC:ALY