



# City of Broken Arrow

## Request for Action

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**File #: 17-2638, Version: 1**

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**Broken Arrow City Council  
Meeting of: 09-05-2017**

**To: Mayor and City Council  
From: Office of the City Attorney  
Title:**

**Consideration, discussion, and possible approval of Resolution No. 1043, a Resolution to place in Reserve Status, the section line of Section 35, Township 19 North, Range 14 East, one-eighth mile East of Elm Place, City of Broken Arrow, Tulsa County, Oklahoma more particularly described as a tract of land lying in the Southeast Quarter (SE1/4) of Section Thirty-Five (35), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Meridian, City of Broken Arrow, Tulsa County, Oklahoma and further described as follows: the South 24.75 feet of the West 1248.00 feet of said SE1/4, the above description containing 0.71 acres more or less. Bearings are based on a grid bearing along the South line of the SW1/4 of Section 35, Township 19 North, Range 14 East (N88°42'33"E) based on the Oklahoma State Plane Coordinate System, North Zone, U.S. Survey Feet; and directing staff to file a Petition for Reserve Status with the Tulsa County Commissioners**

**Background:**

The City of Broken Arrow, in association with the property owners are requesting "Reserve Status" for the statutory right of way along the south section line of Section 35, township 19 north, Range 14 East. This statutory right of way was designated by the Creek nation as a section line for the benefit of the public. However, the alignment of the roadway does not presently follow the section line in this area. The section line road (West Albany Street) curves southward after the intersection of Elm place (west of section line) and then curves back north toward 9<sup>th</sup> Street (east of section line).

The City of Broken Arrow and property owners, First Baptist Church of Broken Arrow, and White Earth, L.L.C. are requesting the Reserve Status so the right of way may be used as part of existing and future development.

69 O.S. § 1201 allows a section line that is not opened and maintained for public use to be designated a reserve section line. The owners of land abutting this section line are the City of Broken Arrow, First Baptist Church of Broken Arrow, White Earth, L.L.C. Roland Investments, Ltd., and BA Holding, LLC. The City along with other abutting land owners must petition the Tulsa County Board of Commissioners to place this Section Line in reserve status.

**Cost: Recording fees**

**Prepared By: Beth Anne Childs, City Attorney**

**Reviewed By: Development Services Department**

**Legal Department  
Assistant City Manager-Operations**

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Resolution No. 1043

**Recommendation:**

Approve Resolution No. 1043 and authorize its execution.