



City of Broken Arrow

Request for Action

File #: 17-2513, Version: 1

**Broken Arrow City Council
Meeting of: 08-15-2017**

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

Consideration, discussion, and possible adoption of Ordinance No. 3497, an ordinance closing a utility easement on property located in the Northeast Quarter (NE/4) of Section Twenty Two (22), Township Eighteen (18), North Range Fourteen (14) East, Arrow Park Addition Amended, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south and west of the southwest corner of Washington Street and Elm Place; repealing all ordinances to the contrary; and declaring an emergency

Background:

The applicant, has submitted an application requesting the closure of a portion of a 10-foot utility easement as described in Exhibit "A" for the home located at 917 W. Boston Street. The plat for Arrow Park Addition Amended was recorded in Tulsa County on October 1, 1972. The existing home was built in 1973 and the entire east side of the home encroaches into the 10-foot utility easement.

Ordinance No. 3488 was originally approved by the City Council on July 18, 2017. The ordinance was written with an emergency clause which was not approved on July 18, 2017 due to an insufficient number of Council Members in attendance. Subsequently, Ordinance No. 3488- Corrected and the emergency clause was approved at the next Council meeting on August 1, 2017.

After approval on August 1, 2017, it was discovered by the title company at closing, that the legal description provided by the surveyor contained an error with the lot and block. This is a request to approve Ordinance No. 3497 with the correct lot and block as shown in Exhibit A. No document has been recorded in Tulsa County for the previously approved Ordinance No. 3488 or Ordinance No. 3488- Corrected.

AEP/PSO, Windstream, ONG, COX, and the City of Broken Arrow have provided consent to close the portion of the easement over which the house encroaches.

Staff recommends the Council Adopt Ordinance No. 3497 and approve the Emergency Clause.

Cost: \$0
Prepared By: Amanda Yamaguchi, Staff Planner
Reviewed By: Department of Engineering and Construction
Utility Department
Assistant City Manager - Operations
Legal Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: Ordinance No. 3497
Exhibit "A" Easement Closure
Recorded Plat

Recommendation: Adopt Ordinance No. 3497 and approve the Emergency Clause.