



City of Broken Arrow

Request for Action

File #: 17-2543, Version: 1

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

**To: Mayor and Council Members
From: Legal Department**

Title:
Consideration, discussion, and possible approval of Resolution No. 1048, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the Matter of the Application of Aspen Corner, LLC, for a Decree Vacating a portion of the plat of Southtowne Estates, an addition to the City of Broken Arrow, State of Oklahoma, Tulsa County District Court Case No. CV-2017-00864, authorizing the vacation of recorded plat number 5599, Lot 1, Block 8, in Southtowne Estates, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma

Background:

On July 14, 2017, Aspen Corner, LLC, Oklahoma Limited Liability Company filed an Application seeking an Order from the Tulsa County District Court to Vacate Plat No. 5599. Aspen Corner, LLC, is the owner of Lot 1, Block 8, in Southtowne Estates, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma. Currently, Block 8 is separated from the remainder of Southtowne Estates by a flowing creek bed and flood zone. As such, Block 8 property does not have access to any of the streets in Southtowne Estate dedicated in the Plat. Aspen Corner seeks to vacate the plat as it applies to their block 8 property so to vacate the Southtowne Estate's lot lines 17.5-foot utility easements, limits of no access, and setbacks. The City of Broken Arrow does have a 25-foot utility easement where a sanitary sewer line that is located is reserved and maintained and will not be effected by this application. The 17.5-foot utility easement on Block 8 is not currently in use, and vacation of the Block 8 property from the plat will not injuriously effect the rights of owners of any other portion of Southtowne Estates or the public. Aspen Corner, LLC., will re-plat the property as part of a new residential subdivision.

Cost: None
Prepared By: Trevor A. Dennis, Deputy City Attorney
Reviewed By: Development Services Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1048

Recommendation: Approve Resolution No. 1048