



# City of Broken Arrow

## Request for Action

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**File #: 17-2791, Version: 1**

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**Broken Arrow City Council  
Meeting of: 10-17-2017**

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

**Consideration, discussion, and possible action on the proposed deannexation of 36.02 acres located generally at 10900 South 209<sup>th</sup> East Avenue, Broken Arrow, Oklahoma, more particularly described as a part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma in accordance with Oklahoma State Statute**

**Background:**

The City of Broken Arrow received a formal notice of filing petition from Samuel Ray Stokely as, Trustee of *The Samuel Ray Stokely Revocable Trust Dated July 9, 2010*, for deannexation (detachment) of his property located on the northwest corner of Florence and 209<sup>th</sup> East Avenue, more commonly known as, 10900 South 209<sup>th</sup> East Avenue on July 14, 2017. This property consists of 36.02 acres and is was annexed into the City of Broken Arrow on April 17, 2000 with the adoption of Ordinance No. 2269.

Samuel Ray Stokely has stated, “We are very fortunate that my grandfather was full blood Cherokee and as a result our family has tribal benefits. These benefits are provided on different levels based on where you live. More funding is available for people is in the county rather than the city. Therefore my three children would have the ability to receive assistance for education, nutrition, and most important healthcare.”

Pursuant to Title 11, Section 21-110, the following must be followed:

- A. Territory may be detached from the corporate limits of a municipality by the governing body when:
1. An ordinance of the governing body so directs; or
  2. A petition requesting detachment, signed by at least three-fourths (  $\frac{3}{4}$  ) of the registered voters and by the owners of at least three-fourths (  $\frac{3}{4}$  ), in value, of the property to be detached, is filed with the governing body.

Only land which is within the limits of the municipality and upon its border and not laid out in lots and blocks, or land which had been annexed to a municipality, may be detached by petition.

- B. Petitioners for detachment of municipal territory shall comply with the following procedures:
1. A true and complete unsigned copy of the petition requesting detachment shall be filed with the clerk of the municipality before it is circulated and signed by at least three-fourths (  $\frac{3}{4}$  ) of the registered voters and by the owners of at least three-fourths (  $\frac{3}{4}$  ), in value, of the property to be detached, as required by subsection A of this section;
  2. Signed copies of the petition requesting detachment shall be filed with the clerk of the municipality within ninety (90) days after the initial filing of the unsigned copy with the clerk; and
  3. Notice of the filing of the signed petition requesting detachment with the clerk of the

municipality shall be given in the same manner provided for petitions requesting annexation.

Failure to comply with the notice requirement or the other procedures set forth in this subsection shall render the petition for detachment insufficient and no action thereon shall be required by the clerk or governing body of the municipality.

C. When signed copies of the petition requesting detachment are timely filed with the clerk of the municipality, the clerk shall determine the sufficiency of the signatures appearing on the petition. The clerk shall then publish, in at least one newspaper of general circulation in the municipality, a notice of the filing and the apparent sufficiency or insufficiency of the petition. Within ten (10) days following the publication, the governing body of the municipality shall hold a public hearing on the petition requesting detachment and take such action thereon as the governing body deems appropriate, which may include approval, denial, or deferral.

D. Appeal to the district court concerning any action by the clerk or governing body of the municipality on a petition requesting detachment shall be in the same manner provided for petitions requesting annexation.

#### City Clerk Findings:

The City Clerk of Broken Arrow, Oklahoma has found the signature on the request/petition sufficient;

Mr. Stokely is a registered voter in Tulsa County and is the Grantor and one of the two Co-Trustees of *The Samuel Ray Stokely Revocable Trust Dated July 9, 2010* who has all powers, authorities, discretions granted by common law, statute, and under any rule of court, with respect to the management of this Trust, thus fulfilling all statutory requirements of a petition for deannexation/detachment.

Public notice for a request for deannexation from the City of Broken Arrow was published in the Wagoner County American-Tribune on August 2<sup>nd</sup> and 9<sup>th</sup>, 2017 and filed with the Broken Arrow City Clerk's Office on August 14, 2017, by Samuel R. Stokely.

Pursuant to Title 11, Section 21-110 et.seq, on Wednesday, October 11, 2017, the Legal Notice of Public Hearing for the proposed deannexation/detachment was published in the Wagoner County American-Tribune and in the Tulsa Business and Legal News, notifying of the Public Hearing date of Tuesday, October 17, 2017, in accordance with Oklahoma State Statute.

#### City Staff Analysis:

The property is currently zoned A-1 (Agricultural). The property is abutted by the Creek Turnpike to the West, 37.76 acres of agricultural land to the North, 37<sup>th</sup> Street to the East, and Florence Street to the South.

The City of Broken Arrow Comprehensive Plan shows area to be in Level 2 (Urban Residential). Land Use Intensity Level 2 represents the predominant character of development in Broken Arrow. This designation is principally used for areas of typical residential subdivision development and is the base level recommended for the urbanized area of Broken Arrow. In addition to single-family detached homes, two-family units and neighborhood office parks may be in accordance with the Comprehensive Plan.

Since the annexation of the property in 2000, the property has had access to many city services including the following:

1. Residential Trash Collection
2. Police Protection

3. Fire Protection
4. Street Maintenance
5. Animal Control
6. Land Use Control
7. Building Controls

The Samuel Ray Stokely Revocable Trust Dated July 9, 2010 availed itself to land use control for a lot split procedure on May 28<sup>th</sup> 2015, splitting the original 74.78 acres tracts into one (1) 37.76 acre tract of land and one (1) 36.02 acre tract of land.

Minor cost and savings may be associated with deannexation of land proposed. Once deannexed, the City of Broken Arrow may see a minor reduction in infrastructure maintenance costs of some streets and rights-of-ways, but may experience increased costs for coordination of road projects on those right-of-ways that would be split between jurisdictions. The City may experience minor cost savings of providing police and fire services to the 36.02 acres site. Although this area currently is rural in nature and full urban services are not anticipated in the immediate future, the City would forego any property tax or sales tax generated by future development of this area if deannexed. The City will incur minor costs associated with update our systems to reflect the revised corporate limits.

The deannexation, if approved, would also remove the fence-line boundary for this area of the City. With the removal of fence-line there is possibility the property could be annexed into the neighboring City of Coweta.

Tribal benefits are not regulated by the City of Broken Arrow or Wagoner County.

**Cost:** \$0

**Prepared By:** Larry R. Curtis, Plan Development Manager

**Lisa Blackford, City Clerk**

**Reviewed By:** Development Services

**Assistant City Manager-Administration**

**Legal Department**

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

**Attachments:** Notice of Public Hearing by City Clerk

**Filing of Petition for Deannexation**

**Case Map**

**Comprehensive Plan Future Land Use Map**

**Coweta City & Fence-Line Map**

**Recommendation:** To deny deannexation/detachment of the 36.02 acres located generally at 10900 South 209th East Avenue, Broken Arrow, Oklahoma.