



City of Broken Arrow

Request for Action

File #: 17-2897, Version: 1

**Broken Arrow City Council
Meeting of: 11-21-2017**

To: Mayor and City Council Members
From: Development Services Department
Title: Acceptance of a Mutual Access and Utility Easement on a portion of unplatted property south of Houston Street, one-quarter mile west of 23rd Street

Background:

In January 2017, Twin Cities Ready Mix, Inc. purchased 19.33 acres south of Houston Street. The entire frontage of this property, which abuts 23rd Street, is located in the 100-year floodplain of Broken Arrow Creek.

Because of the drainage issues along 23rd Street, the previous property owner in 2012 had obtained a 50-foot wide mutual access and utility easement that crossed the abutting property to the north and allowed their property to be connected Houston Street. The current property owner, Twin Cities Ready Mix, Inc., evaluated this easement and determined that it was not wide enough to accommodate the vehicles for the concrete plant they are proposing to build. As a result, they obtained an additional 30-foot wide mutual access and utility easement, which makes the total easement 80-feet in width. This easement is located south of Houston Street, one-quarter mile west of 23rd Street.

On November 9, 2017, the property owner inadvertently recorded the mutual access easement and utility easement in Tulsa County without the approval of the City Council and signatures of the City Manager and City Clerk. Staff has visited with Tulsa County, and they are in agreement that the document can be rerecorded upon approval of the City Council and appropriate signatures added.

City Staff has reviewed and recommends acceptance of the Mutual Access and Utility Easement.

Cost: Recording Fees

Prepared By: Brent Murphy, AICP

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

Approved By: Michael L. Spurgeon, City Manager

**Attachments: Mutual Access and Utility Easement
Aerial**

Recommendation:

Accept the mutual access and utility easement.