



City of Broken Arrow

Request for Action

File #: 18-886, **Version:** 1

**Broken Arrow Planning Commission
08-09-2018**

To: Chairman and Commission Members
From: Development Services Department
Title: Approval of BAL-2033, REIP - Pond, 0.6702 acres, unplatted, PUD-94/CG, one-half mile east of Aspen Avenue, one-quarter mile north of Albany Street

Background:

Applicant: Joe Francis, Kivell, Rayment and Francis, P.C.
Owner: City of Broken Arrow
Developer: NA
Surveyor: Tulsa Engineering & Planning Associates, Inc.
Location: One-half mile east of Aspen Avenue, one-quarter mile north of Albany Street
Size of Tract 0.6702 total acres
Number of Lots: 1
Present Zoning: PUD-94/CG (Commercial General)
Comp Plan: Public Recreation

Lot split and lot consolidation request BAL 2033 involves a 0.6702-acre portion of a 12.45-acre parcel located one-half mile east of Aspen Avenue, one-quarter mile north of Albany Street. The vacant, unplatted property is zoned PUD-94/CG. Applicant is proposing to split the 0.6702-acre portion of City of Broken Arrow owned property and combining it with the property to the east owned by REIP LLC.

On January 17, 2017, the City Council determined it necessary to acquire a drainage easement to construct a storm water drainage and diversion facility on property owned by REIP LLC (located east of the property that is being considered in BAL-2033) for which the City filed a case in Tulsa County District Court. Pursuant to the settlement agreement outlined in the Journal Entry of Judgment (authorized per Resolution 1066, dated November 7, 2017), the City of Broken Arrow agreed to pay a monetary settlement and to convey 0.67 acres of land as full compensation and settlement for the easement. These 0.67 acres is the subject of this lot split and lot consolidation request.

The property primarily consists of a pond site and is located on the interior boundary of the two parcels. Therefore, there is no change in frontage for either parcel. Both parcels are zoned PUD-94/CG. BAL-2033 is in conformity with the Comprehensive Plan and the Zoning Ordinance.

According to the FEMA maps, none of the property is located within a 100-year floodplain area.

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot split and lot consolidation.

Attachments: Case map
Aerial
Survey
Lot split exhibit

Recommendation:

Staff recommends BAL-2033 be approved, subject to the following:

1. A Quit Claim Deed or other Deed or Instrument shall be executed to accomplish the transfer of the property that is the subject of BAL-2033. Warranty deeds with adjusted legal descriptions for all parcels involved shall be brought to the Plan Development Division to be stamped prior to being recorded in Tulsa County.

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates

JMW