



City of Broken Arrow

Request for Action

File #: 19-358, Version: 1

**Broken Arrow City Council
Meeting of: 03-19-2019**

Title:

Consideration, discussion and possible adoption of Ordinance No. 3092-CORRECTED, an Ordinance partially closing a utility easement located on Lot 3, Block 1, Stonebridge Park an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof; providing for reservation of rights within the closed easement; specifically correcting the legal description; repealing all ordinances to the contrary; and declaring an emergency

Background:

On February 2, 2010, Ordinance No. 3092 was adopted closing the South one foot of the North 15 feet of a utility easement located on Lot 1, Block 3, of the Stonebridge Park Subdivision. The owners of that lot, Matthew Brooks and Kristin Mills, filed suit in Tulsa County District Court on February 25, 2019, seeking to vacate that one foot portion of the utility easement. However, they have discovered that the legal description contained in Ordinance 3092 was in error. In fact, the portion they need to have vacated is properly described as the South one foot of the South 15 feet of the easement.

The Legal Department has reached out to the attorney for the owners and agreed to request that the Council correct the scrivener's error so the owners can proceed with their legal action to foreclose/vacate the necessary one foot section of the easement. This scrivener's error will be corrected with the adoption of Ordinance No. 3092 - CORRECTED.

Cost: No Cost

Funding Source: No Source

Requested By: Trevor Dennis, City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Ordinance 3092-CORRECTED

Recommendation:

Adopt Ordinance 3092-CORRECTED and authorize its execution.