



City of Broken Arrow

Request for Action

File #: 19-749, Version: 1

**Broken Arrow City Council
Meeting of: 06-17-2019**

Title:

Acceptance of a Deed of Dedication from Stonetown Johanna Woods, LLC on a portion of unplatted property approximately one-half mile east of 23rd Street (193rd E. Avenue/County Line Road), south of Omaha Street (51st Street), shown as Exhibit A, Wagoner County, State of Oklahoma (Section 31, T19N, R15E)

Background:

The Johanna Woods plat was recorded in Wagoner County on March 27, 1984. Several reserve areas were created on the plat that were set aside for recreational purposes including a five-foot-wide (5') strip of land on the east side of the plat named Reserve "D." The Johanna Woods Amended Plat was later recorded in Wagoner County on February 4, 1987. With the amended plat, Reserve "D" was designated for a sanitary sewer lift station and as a sanitary sewer easement, yet ownership and maintenance was to remain with the property owner of Johanna Woods.

PUD (Planned Unit Development)-30 was approved by the City Council on October 4, 1982, for Johanna Woods, a 75.14-acre residential mobile home development with 242 lots. On July 5, 1983, the City Council approved PUD-30A to allow mobile homes to be owner or renter occupied. On July 11, 1985, the City Council approved an amendment to PUD-30, now known as PUD-30A-1, for proposed changes to stagger the front building lines. On November 2, 1992, the City Council approved PUD-30B, a PUD Amendment to allow sales of mobiles on the site, subject to the condition that sales be limited to one home per lot, that no more than six lots be for sale simultaneously, and for sales to cease once existing lots are occupied.

On October 21, 2002, the City Council approved BACP-40, a request to change the comprehensive plan designation on a 2.95-acre property east of Johanna Woods from Level 2 to Level 3. Approval of BACP-40 was subject to platting the property to PUD-30 standards, dedicating Reserve "D" to the City of Broken Arrow as a right-of-way, and installing an eight-foot-high opaque screening fence along the north boundary.

On November 18, 2002, the City Council approved BAZ-1575 to rezone the property from A-1 to RMH, subject to installing a sidewalk on N. 30th Street, creating a landscape reserve area on the north 60 feet of the property, and to the aforementioned conditions. When BAZ 1575 was submitted, the exhibit showed a 4.47-acre lot while the legal description only included 2.95 acres because of a typographical error that stated the lot width as 117 feet rather than 177 feet. A scrivener's error was filed to correct the error, and Wagoner County Abstract Company determined that there was no change in the property owners as shown on the original search. The property was not platted; thus, the rezoning was not vested.

On June 18, 2018, the City Council approved PUD-30C and BAZ (Rezoning)-2001 to rezone 5.02 acres east of Johanna Woods from A-1 (Agricultural) to RMH (Residential Mobile Home)/PUD-30C and to reduce the minimum lot width from 50 feet to 40 feet. On May 21, 2019, the City Council approved a conditional final plat for Johanna Woods II (PT-03-125A) subject to the applicant fulfilling the checklist requirements prior to the plat being recorded. Comment No. 1 on the checklist requires the recorded document number for the dedication of a five-foot-wide (5') portion of Reserve "D" (along the east side of N. 30th Street of the Johanna Woods plat) to be placed on the face of the plat.

The property changed ownership in 2018, and Stonetown Johanna Woods, LLC is dedicating a five-foot-wide (5') right-of-way (ROW) for purposes of fulfilling conditions of approval for BACP (Comprehensive Plan Amendment)-40, BAZ (Rezoning)-1575, and the Conditional Final Plat for Johanna Woods II (PT03-125A). The property is located one-half mile east of 23rd Street, south of Omaha Street (51st Street). The right-of-way is shown as Exhibit A.

Staff has reviewed the documents and recommends acceptance of the right-of-way dedication.

Cost: \$0

Funding Source: None

Requested By: Larry R. Curtis, Acting Community Development Director

Approved By: City Manager's Office

Attachments: Deed of Dedication Corporation
Exhibit A

Recommendation:

Accept the Deed of Dedication from Stonetown Johanna Woods, LLC.