



City of Broken Arrow

Request for Action

File #: 20-398, Version: 1

**Broken Arrow City Council
Meeting of: 04-07-2020**

Title:

Consideration, discussion and possible adoption of Corrected Ordinance No. 3605, an ordinance correcting Ordinance No. 3605 closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E) (Creek 51 Business Park) (North); repealing all ordinances to the contrary; and declaring an emergency

Background:

In April, 1994, the City accepted a Deed of Dedication of a strip of land north of 91st Street and west of 225th East Avenue “for the purpose of permitting the City to construct a street, thereon, through, over, under and across said property.” However, no street has ever been constructed within the dedicated right-of-way. Creek 51 Business Park, LLC, is in the process of constructing a business park upon the underlying and surrounding land.

On November 18, 2019, the City Council adopted Ordinances No. 3605 and 3606 closing the right-of-way. On February 14, 2020, Creek 51 Business Park, LLC, filed Wagoner County District Court Case No. CV-2020-0036 seeking to foreclose the right-of-way. It is the City Attorney’s practice to request that a Planning Department engineer review the legal description included in a petition to foreclose right-of-way. It was determined from such a review that the legal descriptions attached to Ordinances No. 3605 and 3606 were incorrect. Creek 51 Business Park, LLC is requesting adoption of Corrected Ordinance No. 3605 and Corrected Ordinance No. 3606 so it can go forward with its court action to foreclose the right-of-way.

Cost: No Cost

Funding Source: No Source

Requested By: Trevor Dennis, City Attorney

Approved By: City Manager’s Office

Attachments: Corrected Ordinance 3605

Recommendation:

Adopt Corrected Ordinance 3605 and approve the emergency clause.