

EN0119593

# Ordinance

Version 3.2 released on 8/3/21

Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.


**CITY COUNCIL USE ONLY**

Date Received: \_\_\_\_\_  
 Committee Date: \_\_\_\_\_  
 1<sup>st</sup> Agenda Date: \_\_\_\_\_

Tracking #: \_\_\_\_\_

Committee: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

2<sup>nd</sup> Agenda Date: \_\_\_\_\_
**CITY CLERK USE ONLY**
☐ Scanned

Date: 02.08.2023

☐ Posted

Item #: 2302.00246

**All department items requiring Council approval must be submitted through the Mayor's Office.**

**Primary Details**

Dept. Tracking No.

5-2-22-88

Board Approval

Other Board Name

City Council Approval

☒ Yes ☐ No

Department

Engineering Services

Contact Name

Lamar Banks

Email

lbanks@cityoftulsa.org

Phone

918-596-9593

Subject (Description)

Request to close a portion of a utility easement

Ordinance Type

Closing an Easement

Section

15

Township

18

Range

13

Lot

9

Block

3

Address

6216 E. 89th Street

BA / CT Number

Amending Ord. No.

TRO Title No.

TRO Subtitle

Property/Non-Property

e.g. 43

e.g. G

Council District

8

Zoning No.

PUD No.

Planning District

**Budget**

Funding Source(s)

**TOTAL:**

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

**Approvals**

Department: \_\_\_\_\_

Legal: \_\_\_\_\_

Board: \_\_\_\_\_

Mayor: \_\_\_\_\_

Other: \_\_\_\_\_

Date: 01.18.23

Date: 1-26-23

Date: FEB 08 2023

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Policy Statement

### Background Information

A request has been made by Justin Thankachan with Powers Design Build, LLC to close a portion of the platted five (5) foot utility easement along the Easterly line of Lot Nine (9), Block Three (3), Colefax Hill, as shown on the attached exhibits. The easement contains no utilities. The request to close a portion of the utility easement to allow for the construction of a new home. The request has been reviewed by City staff, representatives of various commissions, authorities and private utility companies with no objections.

*Provide background information on the requested action.*

### Summation of the Requested Action

Recommend approval of this closure. MSL

*Summarize the pertinent details of the requested action.*

### Emergency Clause?

☐ Yes

☒ No

### Reason for Emergency Clause

*Explain why you are requesting that the City Council approve this action with an emergency clause.*

## Processing Information for City Clerk's Office

### Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

### Additional Routing and Processing Details

(Published in the Tulsa World)  
\_\_\_\_\_, 2023)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING A PORTION OF A CERTAIN UTILITY EASEMENT OF THE CITY OF TULSA, OKLAHOMA, AFFECTING TRACTS OF LAND IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA;

WHEREAS, application has been made for the closing of a portion of a certain Utility Easement of the City of Tulsa, Oklahoma;

WHEREAS, the request is reasonable, and it will be in the best interest of all parties concerned that said portion of the Utility Easement be closed.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That the portion of the Utility Easement, insofar as it covers the following described property:

A PORTION OF THE PLATTED FIVE (5) FOOT UTILITY EASEMENT ALONG THE EASTERLY LINE OF LOT NINE (9), BLOCK THREE (3), COLEFAX HILL, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT NINE (9), THENCE S01°19'17"E, ALONG THE EASTERLY LINE OF SAID LOT NINE (9), A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S01°19'17"E ALONG THE SAID EASTERLY LINE A DISTANCE OF 111.50 FEET TO A POINT; THENCE S88°40'43"W A DISTANCE OF 5.00 FEET TO A POINT; THENCE N01°19'17"W, PARALLEL TO THE EASTERLY LINE OF SAID LOT NINE (9) A DISTANCE OF 111.50 FEET TO A POINT; THENCE N88°40'43"E A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING 557.50 SQUARE FEET, MORE OR LESS.

BEARINGS ARE GRID NORTH BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD83.

be and the same is hereby closed.

Section 2. That the City of Tulsa retains the absolute right to reopen the closed portion of the Utility Easement without expense to the City of Tulsa.

Section 3. The closing of said portion of the Utility Easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation or transmission company facilities existing therein, nor shall such closing affect private ways existing by operation of law.

ADOPTED by the Council: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

G.T. Bynum, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_, Date  
at \_\_\_\_\_ Time

\_\_\_\_\_  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney

ADB

APPROVED AS TO LEGAL DESCRIPTION:

  
\_\_\_\_\_  
Engineering Services



EXHIBIT A  
PARTIAL EASEMENT CLOSURE  
Tulsa County, Oklahoma

A portion of the platted five (5) foot utility easement along the Easterly line of Lot Nine (9), Block Three (3), Colefax Hill, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit:


Commencing at the Northeast Corner of said Lot Nine (9), thence S01°19'17"E, along the Easterly line of said Lot Nine (9), a distance of 10.00 feet to the Point of Beginning; thence continuing S01°19'17"E along the said Easterly line a distance of 111.50 feet to a point; thence S88°40'43"W a distance of 5.00 feet to a point; thence N01°19'17"W, parallel to the Easterly line of said Lot Nine (9) a distance of 111.50 feet to a point; thence N88°40'43"E a distance of 5.00 feet to the Point of Beginning, containing 557.50 square feet, more or less.

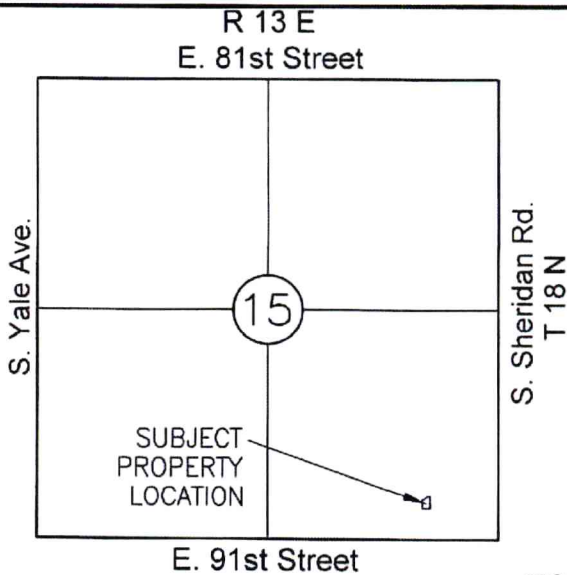
Bearings are Grid North based on the Oklahoma State Plane Coordinate System South Zone NAD83 (2011).

Real Property Certification

I, E. Dane Trout, certify that the attached legal description closes in accord with existing records, and is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

12-21-22  
Date

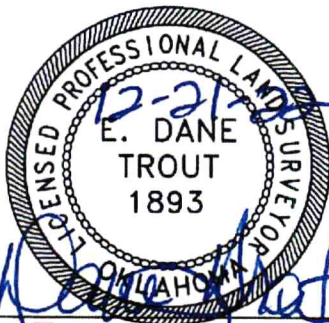
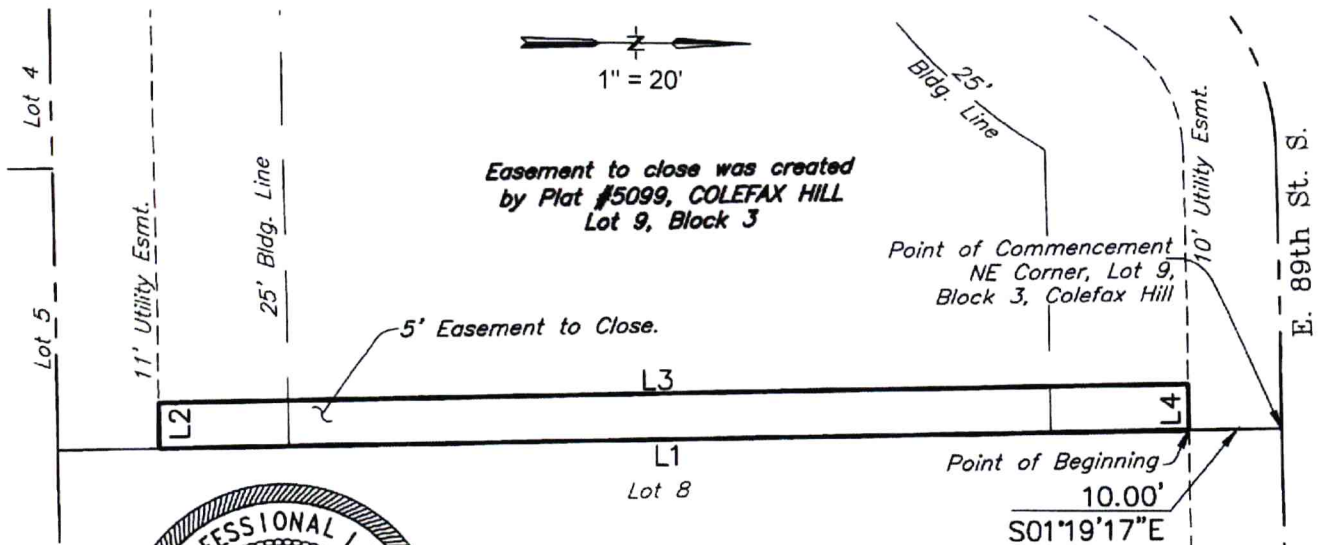
  
E. Dane Trout  
Oklahoma P.L.S. #1893  
Oklahoma CA No. 7312  
Expires 06-30-2023



JOB NO.: 6216 E. 89th Street S.  
COUNTY: Tulsa  
LEGAL DESCRIPTION: A part of  
the plated five foot utility  
easement, Lot 9, Block 3, Colefax  
Hill, City of Tulsa, Tulsa County,  
State of Oklahoma

SEC 15 T 18 N R 13 E

|                               | TOTAL PROPERTY |             |
|-------------------------------|----------------|-------------|
| BEFORE GROSS                  | 0.00 SF        | 0.000 ACRES |
| EXISTING R/W                  | 0.00 SF        | 0.000 ACRES |
| PERMANENT R/W                 | 0.00 SF        | 0.000 ACRES |
| REM IN QTR                    | 0.00 SF        | 0.000 ACRES |
| PERMANENT EASEMENT<br>CLOSURE | 557.50 SF      | 0.013 ACRES |



E. Dane Trout  
Oklahoma P.L.S. #1893

| LINE TABLE |             |         |    |             |         |
|------------|-------------|---------|----|-------------|---------|
| L1         | S01°19'17"E | 111.50' | L3 | N01°19'17"W | 111.50' |
| L2         | S88°40'43"W | 5.00'   | L4 | N88°40'43"E | 5.00'   |

TROUT LAND SURVEYING, LLC

918.734.3423 • 7020 S. Yale Avenue, Tulsa, Oklahoma  
CA 7312 (LS) 6/30/2023



Application for  
Right-of-way / Easement  
Closure or Encroachment Agreement

APPLICATION IS HEREBY MADE TO THE CITY OF TULSA TO CONSIDER THE FOLLOWING:

CHOOSE (1) CLOSURE: ☒ ENCROACHMENT: ☐

CHOOSE (1) RIGHT-OF-WAY: ☐ EASEMENT: ☒ AIR SPACE: ☐

County Assessor Parcel Number: \_\_\_\_\_ Zoning: \_\_\_\_\_

Property Location: 6216 E 49TH ST TULSA

Legal Description: Subdivision: COLEFAH HILL Plat No.: \_\_\_\_\_

Lot: 9 Block: 3

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

IF UNPLATTED ATTACH LEGAL DESCRIPTION.

Applicant Name: JUSTIN TANAKACHAN C/O BILL POWERS

Applicant Company: POWERS DESIGN BUILD, LLC

Applicant D.B.A.: \_\_\_\_\_

Address: 4410 S YORK AVE

City: TULSA State: OK Zip: 74137

Phone: 918 645-6509 Email: BILL@BILLPOWERS.ORG

Secondary Point of Contact: CARL GIBSON

Phone: 404-313-2750 Email: MEALUGTHINGS@GMAIL.COM

Property Owner(s) of Record: JUSTIN TANAKACHAN

Address: 6216 E 49TH ST

City: TULSA State: OK Zip: 74137

Phone: 918 936-5694 Email: IONIGHTSHADE@GMAIL.COM

Signatures

Applicant: [Signature] Date: 11-10-22

Property Owner(s): [Signature] Date: 11/11/2022

Date: \_\_\_\_\_

Date: \_\_\_\_\_





Application for  
Right-of-way / Easement  
Closure or Encroachment Agreement

Explanation of necessity for closing right-of-way or easement or for encroaching into the right-of-way or easement.

REQUIRED - Legal Description with a Plat of Survey for all closings. For Encroachments a digital sketch delineating the described request, showing all data pertinent to the property (refer to application instructions).

THERE ARE UTILITY EASEMENTS ON BOTH SIDYARDS OF THIS. OWNER NEEDS THE USE OF ONE. THE EAST SIDE IS AN UNUSED, APPARENTLY VACANT EASEMENT.

"There are utility easements on both sideyards of this. Owner needs the use of one. The east side is an unused, apparently vacant easement."



