

EN011946

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: _____
 1st Agenda Date: _____

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____
CITY CLERK USE ONLY
☐ Scanned

Date: 03.22.2023

☐ Posted

Item #: 2303.00475

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

Primary Details

Dept. Tracking No.

5-2-22-92

Board Approval

Other Board Name

City Council Approval

☒ Yes ☐ No

Department

Engineering Services

Contact Name

Chris Kovac 2/17/23

Email

ckovac@cityoftulsa.org

Phone

918-596-9649

Subject (Description)

Request to close a Utility Easement

Ordinance Type

Closing an Easement

Section

11

Township

18

Range

12

Lot

33

Block

3

Address

7847 S. Houston Court

BA / CT Number

Amending Ord. No.

TRO Title No.

TRO Subtitle

Property/Non-Property

e.g. 43

e.g. G

Council District

2

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.AbstTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 02.24.23

Date: 3-7-23

Date: _____

Date: MAR 22 2023

Date: _____

Policy Statement

Background Information

A request has been made by the homeowner Perry Fields to close a portion of a utility easement lying in Lot Thirty-Three (33), Block Three (3), Stonebrooke Estates, as shown on the attached exhibits. The platted utility easement was provided as part of a subdivision plat for utility use. The utility easement contains an 8" active sanitary sewer line. The sanitary sewer line has been field located and the current location allows room if repairs are needed. The request to close a portion of the platted utility easement is to clear title. 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. MSI

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 they cover the following described property:

A PORTION OF THE PLATTED 17.5 FOOT UTILITY EASEMENT LOCATED IN LOT THIRTY-THREE (33), BLOCK THREE (3), STONEBROOKE ESTATES, A SUBDIVISION IN 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 EAST CORNER OF SAID LOT THIRTY-THREE (33), THENCE S56°20'59"W, ALONG THE EAST LINE OF SAID LOT THIRTY-THREE (33) A DISTANCE OF 17.50 TO A POINT; THENCE N33°39'01"W A DISTANCE OF 32.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N33°39'01"W A DISTANCE OF 13.25 FEET TO A POINT; THENCE S49°21'06"E A DISTANCE OF 12.74 FEET TO A POINT; THENCE S40°18'30"W A DISTANCE OF 3.59 FEET TO THE POINT OF BEGINNING, CONTAINING 22.84 SQUARE FEET, MORE OR LESS.

BEARINGS ARE GRID NORTH BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD83 (2011).

be and the same are hereby closed.

ADB/ecs

ADB

5-6-22-92
03/07/23

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:

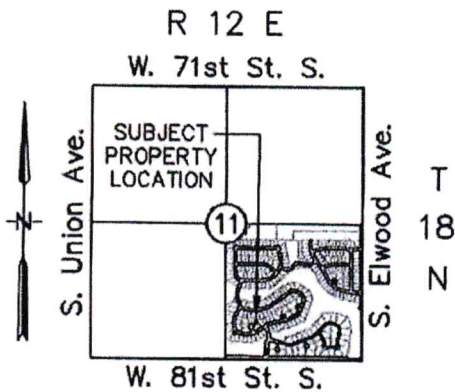
City Attorney

ADB

APPROVED AS TO LEGAL DESCRIPTION:



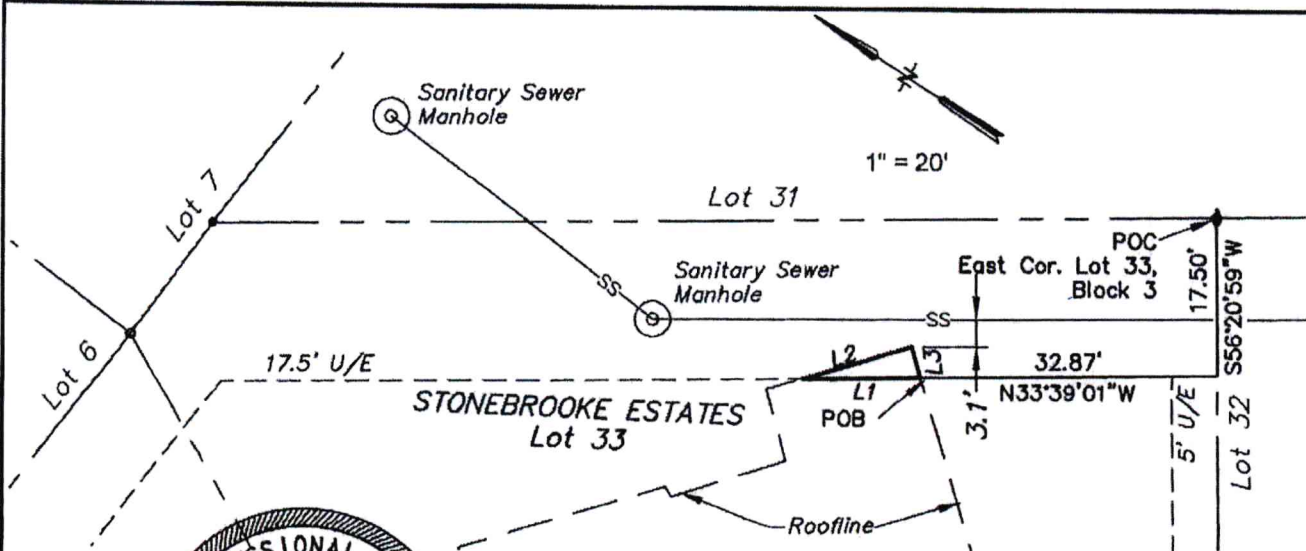
Engineering Services



JOB NO.: 7847 S. Houston Ct.
COUNTY: Tulsa
LEGAL DESCRIPTION: A part of
the platted utility easement
Lot 33, Block 3, Stonebrooke
Estates, City of Tulsa, Tulsa County,
State of Oklahoma

SEC 11 T 18 N R 12 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 CLOSURE	22.84 SF	0.001 ACRES



LINE TABLE		
L1	N33°39'01"W	13.25'
L2	S49°21'06"E	12.74'
L3	S40°18'30"W	3.59'

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

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

EXHIBIT A
PARTIAL EASEMENT CLOSURE
Tulsa County, Oklahoma

A portion of the platted 17.5 foot utility easement located in Lot Thirty-three (33), Block Three (3), Stonebrooke Estates, a subdivision in 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 East Corner of said Lot Thirty-three (33), thence S56°20'59"W, along the East line of said Lot Thirty-three (33) a distance of 17.50 to a point; thence N33°39'01"W a distance of 32.87 feet to the Point of Beginning; thence continuing N33°39'01"W a distance of 13.25 feet to a point; thence S49°21'06"E a distance of 12.74 feet to a point; thence S40°18'30"W a distance of 3.59 feet to the Point of Beginning, containing 22.84 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.

Date

11-21-22



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



CITY OF
Tulsa
A New Kind of Energy.

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: X ENCROACHMENT: _____

CHOOSE (1) RIGHT-OF-WAY: _____ EASEMENT: X AIR SPACE: _____

County Assessor Parcel Number: 73422-82-11-52090 Zoning: RS3

Property Location: 7847 S HOUSTON COURT, TULSA, OK 74132

Legal Description: Subdivision: STONEBROOKE ESTATES Plat No.: 73422

Lot: 33 Block: 3

Section: 11 Township: 18 N Range: 12E

IF UNPLATTED ATTACH LEGAL DESCRIPTION.

Applicant Name: PERRY M. FIELDS, III

Applicant Company: _____

Applicant D.B.A.: _____

Address: 7847 S HOUSTON COURT, TULSA, OK 74132

City: TULSA State: OK Zip: 74132

Phone: 405-626-6119 Email: perryfields62@gmail.com

Secondary Point of Contact: CORY KING-FIELDS

Phone: 405-818-7786 Email: cory.king@ou.alumni.edu

Property Owner(s) of Record: PERRY M. FIELDS, III AND

CORY ELIZABETH KING

Address: 7847 S. HOUSTON COURT

City: TULSA State: OK Zip: 74132

Phone: 405-626-6119 Email: perryfields62@gmail.com

Signatures

Applicant: Perry M. Fields III Date: 11/28/2022

Property Owner(s): Perry M. Fields III Date: 11/28/2022
Cory King Date: 11/28/2022

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).

We are applying for a partial closure of the 17.5 ft. utility easement, which is situated along the northeast side of Lot 33 (see plat). At the time of closing on the sale of the property, we were made aware that the cement patio was encroaching 7.9' into the easement. We had the property surveyed to attempt to remedy the situation. However, once surveyed, it became obvious that a portion of the roofline and one wooden structural column were also encroaching 3.1 ft. into the easement (see partial closure documents p. 3). In order to protect the structural integrity of the roofline and the supporting wooden structural column, we are applying for a partial closure of the U/E. The legal description for the 22.84 sq. ft. or .001 acre area recommended for partial closure is shown in the partial closure documents (see pages 2 - 3). It is our understanding that should this partial closure be granted, it will protect the City of Tulsa's ability to access the existing sanitary sewer line including adequate offset for trench support should the line ever need to be excavated for repair purposes, as well as, protect the existing roofline and structural support on the home as located on Lot 33 (see plat).

