

EN 0119792

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: 05.24.2023
☐ Posted Item #: 2305.01045

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

Dept. Tracking No. 5-2-23-33	Board Approval	Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Engineering Services	Contact Name Chris Kovac <u>4/25/23</u>	Email ckovac@cityoftulsa.org	Phone 918-596-9649
Subject (Description) Request to close a Sanitary Sewer Easement	Ordinance Type Closing an Easement		
Section 36	Township 20	Range 12	Lot 8,9
Block 13	Address 616 E. Latimer Court	BA / CT Number	
Amending Ord. No.	TRO Title No. e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
Council District 1	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: 04.27.23
Date: 5-16-2023
Date: _____
Date: MAY 24 2023
Date: _____

Policy Statement

Background Information

A request has been made by Sara K. Bryning with Parker, Bryning and Richardson to close a portion of a sanitary sewer easement located at 616 E. Latimer Court, Lots Eight (8) and Nine (9) of Block Thirteen (13) Greenwood Addition, as shown on the attached exhibits. The request to close a portion of the sanitary sewer easement is due to a house encroachment. The sanitary sewer easement does not contain any existing sewer lines. The request to close the sanitary sewer easement has been reviewed by city staff, representatives of various authorities, boards, and/or commissions, 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 *MSL 4/26/23*

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 SEWER EASEMENT OF THE CITY OF TULSA, OKLAHOMA, AFFECTING A TRACT OF LAND IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

WHEREAS, application has been made for closing a portion of a certain Sewer 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 a portion of said Sewer Easement be closed.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That the portion of a certain Sewer Easement, insofar as it covers the following described land:

A TRACT OF LAND BEING PART OF LOTS EIGHT AND NINE (8-9) BLOCK THIRTEEN (13), GREENWOOD ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 15 FEET OF SAID LOT 8; THENCE SOUTH ALONG THE EAST LINE OF SAID WEST 15 FEET A DISTANCE OF 22.94 FEET TO THE POINT OF BEGINNING; THENCE S32°49'13"W A DISTANCE OF 43.18 FEET; THENCE S57°10'47"E A DISTANCE OF 20.00 FEET; THENCE N32°49'13"E A DISTANCE OF 12.17 FEET TO A POINT ON THE EAST LINE OF SAID WEST 15 FEET; THENCE NORTH ALONG THE EAST LINE OF SAID 15 FEET A DISTANCE OF 36.89 FEET TO THE POINT OF BEGINNING.

be and the same are hereby closed.

Section 2. That the City of Tulsa retains the absolute right to reopen the above-described portion of a certain Sewer Easement without expense to the City of Tulsa.

Section 3. The closing of the portion of said Sewer 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:

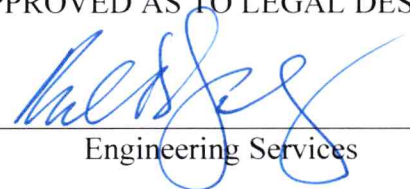
City Clerk

APPROVED:

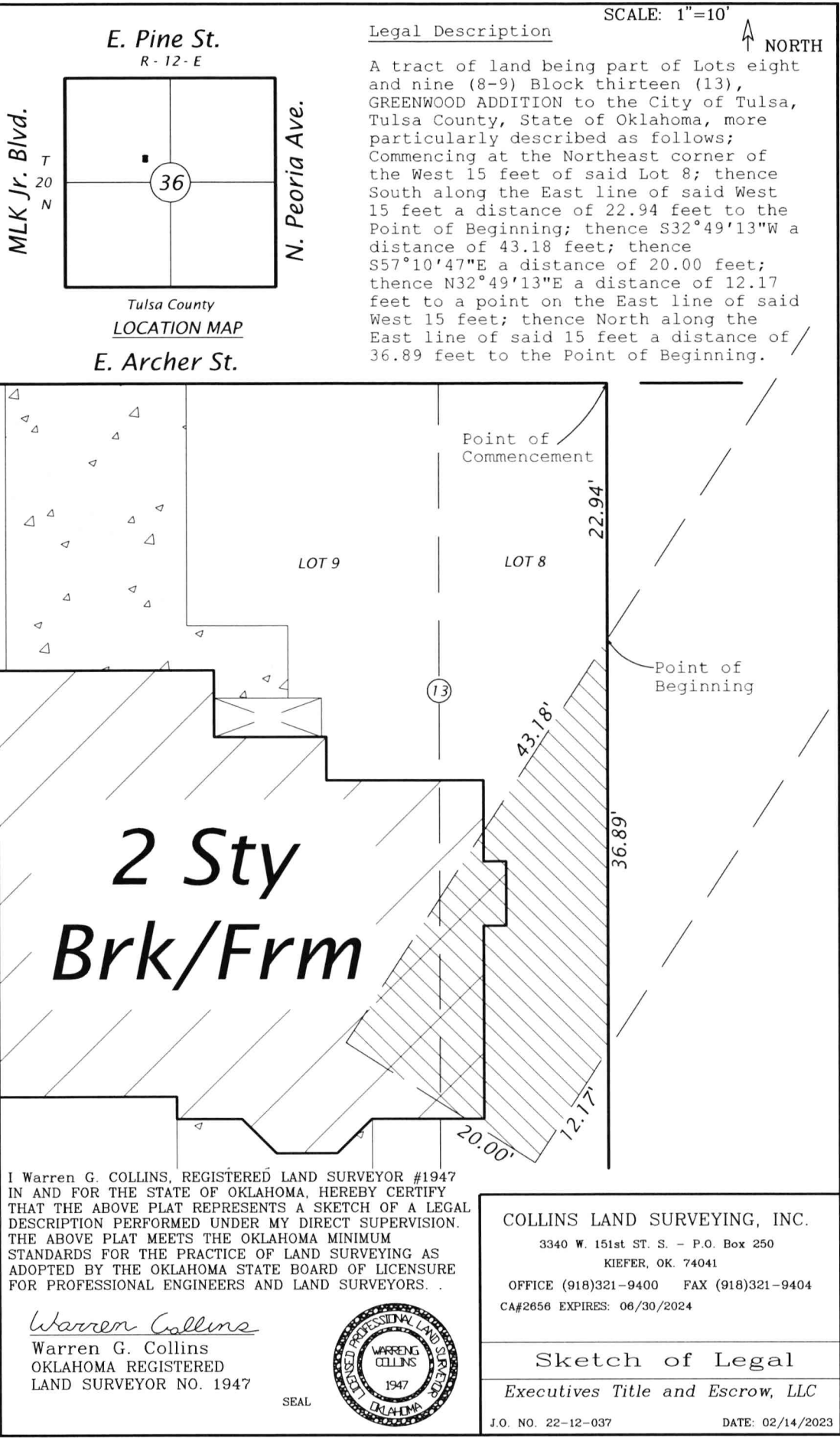
City Attorney

ADB

APPROVED AS TO LEGAL DESCRIPTION:



Engineering Services



COLLINS LAND SURVEYING, INC.
3340 West 151st Street South
P.O. Box 250
Kiefer, Ok 74041
Ph. 918-321-9400 Fax 321-9404

REF. NO. 22-12-037

LEGAL DESCRIPTION

A tract of land being part of Lots eight and nine (8-9) Block thirteen (13), GREENWOOD ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows; Commencing at the Northeast corner of the West 15 feet of said Lot 8; thence South along the East line of said West 15 feet a distance of 22.94 feet to the Point of Beginning; thence S32°49'13"W a distance of 43.18 feet; thence S57°10'47"E a distance of 20.00 feet; thence N32°49'13"E a distance of 12.17 feet to a point on the East line of said West 15 feet; thence North along the East line of said 15 feet a distance of 36.89 feet to the Point of Beginning.

I, Warren G. Collins, a Registered Professional Land Surveyor
In the State of Oklahoma, certify that the attached description
Is a true representation of the property as described.

Warren Collins 5/9/2023
Warren G. Collins Date
P.L.S. No. 1947



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: _____ Zoning: _____

Property Location: 616 East Latimer Court

Legal Description: Subdivision: Greenwood Addition Plat No.: _____

Lot: Lot Nine (9) and the West Fifteen (15) feet of Lot Eight (8) Block: 13

Section: _____ Township: _____ Range: _____

IF UNPLATTED ATTACH LEGAL DESCRIPTION.

Applicant Name: Sara K. Bryning

Applicant Company: Parker, Bryning and Richardson

Applicant D.B.A.: _____

Address: 8522 E. 61st St

City: Tulsa State: OK Zip: 74133

Phone: 918-518-5313 Email: sara@rparkerlaw.com

Secondary Point of Contact: Kelly Morrison

Phone: 918-392-3638 Email: kelly@rparkerlaw.com

Property Owner(s) of Record: Lakeisha Re'Naye Nash and Andre King

Address: 616 E. Latimer Court

City: Tulsa State: OK Zip: 74106

Phone: _____ Email: _____

Signatures

Applicant: [Signature] Date: 3/8/23

Property Owner(s): Lakeisha Re'Naye Nash Date: 3/8/23

Andre King Date: 3/8/23

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).

Sewer Easement granted in favor of the City of Tulsa filed August 18, 1924 in Book 495 at Page 103 encroaches as shown on attached survey. In 1926 the Sanitary Sewer Improvement District was created and built using a different alignment. The entire subdivision is served by the Sanitary Sewer Improvement District, so the Sewer Easement recorded in 1924 will likely never be used.

SEWER EASEMENT No. 495

103

265490 G.M.F.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, the owner of the legal and equitable title to the following described real estate, situated in the City of Tulsa, Tulsa County, State of Oklahoma, for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by the City of Tulsa, Oklahoma, and other good and valuable considerations, receipt of which are hereby acknowledged, do hereby grant, convey and convey unto the said City of Tulsa, Oklahoma, a perpetual easement, through, over, under and across the following described property, situated in said City, to-wit:

A strip of ground, not to exceed ten (10) feet in width on either side of the center line of said sewer line, as shown by the blue prints on file in the City Engineer's office of the City of Tulsa, the center line of said Twenty (20) foot strip, being more particularly described as follows, to-wit:

Beginning at a point on the West line of Lot 8, Block 13, Greenwood Addition, said point 64.65 feet south of the Northwest corner of said lot; thence running in a North-easterly direction a distance of 76.93 feet to a point on the North line of said lot, said point being 8.3 feet West of the Northeast corner of said lot.

for the purpose of permitting the City of Tulsa to construct a sewer line thereto, through, over, under and across said property, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and of affording the City of Tulsa, its officers, agents, employees, and all persons under contract with it, the right to enter upon said premises and strip of land for the purposes of surveying, excavating for, laying, constructing, operating, repairing, relaying and maintaining said sewer line and for the further purpose of enabling the City of Tulsa, to do any and all necessary and convenient things, incident to such construction, operation, repairing, and maintaining of such sewer line.

TO HAVE AND TO HOLD such easement and right of way unto the City of Tulsa, its successors or assigns, forever.

Dated, this 26 day of July, A. D., 1924.

G. A. Mayo

Unofficial Copy

STATE OF OKLAHOMA, COUNTY OF TULSA ss.

Before me, the undersigned, a Notary Public within and for said County and State, on this 26 day of July, 1924, personally appeared G. A. Mayo, is well known to be the identical person who executed the within and foregoing instrument in writing and acknowledged to me that he executed the same, his free and voluntary act and deed for the use and purposes therein set forth.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission expires Aug. 10, 1925. (Seal) J. Caskie Scott, Notary Public.

Approved as to form

I. J. Underwood,

City Attorney

Above as to substance

Charles Schultz,

City Engineer

This instrument was filed for record on the 16 day of Aug., 1924 at 10:00 O'clock

A. M., and duly recorded in Book 495 page 103 of the records of this office.

By Brady Brown, Deputy (Seal) G. G. Weaver, County Clerk

