Ordinance

Version 3.5 released on 2/29/24

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

PW0120925

CITY COUNCIL USE ONLY		CITY CLERK USE ONLY
Date Received:	Tracking #:	☐ Scanned Date: 10.23.2024
Committee Date:	Committee:	☐ Posted Item #: 2410.02839
1st Agenda Date:	Hearing Date:	
	2nd Agenda Date:	

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

Primary Details

Dept. Tracking No. 5-2-24-79	**Board Approval**	**Other Board Name**	**City Council Approval** ● Yes ○ No
Department Public Works	**Contact Name** Tony Glynn 10/3/2024	**Email** TGLYNN@cityoftulsa.org	**Phone** 918-596-9245
Subject (Description) Request closing a utility easement		**Ordinance Type** Closing an Easement	
Section 26	**Township** 19	**Range** 14	**Lot** 9
Block 10	**Address** 4347 S 170th Ave E		**BA / CT Number**
Amending Ord. No.	**TRO Title No.** *e.g. 43*	**TRO Subtitle** *e.g. G*	**Property/Non-Property**
Council District 6	**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:		**Date:**	10/3/2024
Legal:	Caroline Shaw	**Date:**	10/11/24
Board:		**Date:**	
Mayor:		**Date:**	OCT 23 2024
Other:		**Date:**	

A24-5561

Policy Statement

Background Information

A request has been made by Ashton Bollard of Parker, Bryning, & Richardson, on behalf of Southern Homes LLC, to partially close a utility easement as shown on the attached exhibits. The easement was dedicated by Book 4994 and Page 712. The easement has been requested to be closed to clear the title as the house is constructed in the easement. The request to close the easement has been reviewed by City staff, representatives of various authorities, boards, and/or commissions, and private utilities with no objections.

Provide background information on the requested action.

Summation of the Requested Action

Recommend approval for this closure. PDZ: MSL: MSL 10/3/24

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 (addt'l signature copies attached)

☑ **Must be filed with other governmental entity**

☐ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details

Original to be picked up by Courtney Jones 596-9549

(Published in the Tulsa World)
_____, 2024)

ORDINANCE NO. _____

AN ORDINANCE CLOSING A PORTION OF A CERTAIN UTILITY 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 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 TRACT OF LAND BEING A PART OF LOT NINE (9), BLOCK TEN (10), SUNSET HILLS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6534, SAID TRACT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 59°16'01" EAST ALONG THE SOUTH LINE OF SAID LOT 9 FOR 17.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 30°43'59" WEST FOR 72.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 9; THENCE NORTH 59°16'01" EAST ALONG THE NORTH LINE OF SAID LOT 9 FOR 2.50 FEET; THENCE SOUTH 30°43'59" EAST FOR 72.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 9; THENCE SOUTH 59°16'01" WEST ALONG THE SOUTH LINE OF SAID LOT 9 FOR 2.50 FEET TO THE POINT OF BEGINNING.

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

/ecs

5-2-24-70
10-08-2024

CBW

APPROVED:

_____

City Attorney CGW

APPROVED AS TO LEGAL DESCRIPTION:

_____

~~Engineering~~ Services

PUBLIC WORKS

WHITE SURVEYING COMPANY

9936 East 55th Place • Tulsa, Oklahoma 74146 • (918) 663-6924 fax (918) 664-8366
mailing address: P.O. Box 471675 Tulsa, Oklahoma 74147-1675

EASEMENT VACATION

A tract of land being a part of Lot Nine (9), Block Ten (10), Sunset Hills, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 6534, said tract being described as follows: Commencing at the Southwest corner of said Lot 9; Thence North 59°16'01" East along the South line of said Lot 9 for 17.50 feet to the Point of Beginning; Thence North 30°43'59" West for 72.00 feet to a point on the North line of said Lot 9; Thence North 59°16'01" East along the North line of said Lot 9 for 2.50 feet; Thence South 30°43'59" East for 72.00 feet to a point on the South line of said Lot 9; Thence South 59°16'01" West along the South line of said Lot 9 for 2.50 feet to the Point of Beginning.

REAL PROPERTY CERTIFICATION

I, John L. Libby, Jr. of White Surveying Company, a Registered Professional Land Surveyor in the State of Oklahoma, certify that the attached legal description is based upon the Oklahoma State Plane Coordinate System, closes in accord with existing records, that the attached drawing is a true representation of the real property as described and meets the minimum technical standards for land surveying of the state of Oklahoma.

8/6/2024
Date

REGISTERED PROFESSIONAL LAND SURVEYOR
JOHN L. LIBBY JR.
L.S.1806
OKLAHOMA

John L. Libby, Jr.
RPLS No. 1806
White Surveying Company
C.A. No. 1098

SHEET 1 OF 2

S:\06534\B010\L009\114673\Research\114673 Esmt Vacation.doc

CLOSURE REPORT

Course: N30° 43' 59"W Length: 72.00'

Course: N59° 16' 01"E Length: 2.50'

Course: S30° 43' 59"E Length: 72.00'

Course: S59° 16' 01"W Length: 2.50'

Perimeter: 149.00' Area: 180.00 Sq. Ft.
Error Closure: 0.0000 Course: N00° 00' 00"E
Error North: 0.00000 East: 0.00000

Precision 1: 149000000.00

WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-5924

MORTGAGE INSPECTION REPORT

NOT A LAND OR BOUNDARY SURVEY

1"=30'

INVOICE NO.: COMMTIT 24-114528
MORTGAGOR: HUSSAIN, HABIBA

CLIENT: COMMUNITY TITLE SERVICES LLC
CEFCU, ITS SUCCESSORS AND/OR ASSIGNS
AS THEIR INTERESTS MAY APPEAR.
STEWART TITLE GUARANTY COMPANY
602842A

LEGEND

- FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- R/W RIGHT-OF-WAY
- U/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B/L BUILDING LINE
- O.B.L. OUTBUILDING LINE

BEFORE YOU DIG, CALL OKIE 1-800-522-6543

THE FOLLOWING RECORDED DOCUMENTS INCLUDE THIS PROPERTY:
8. TERMS, CONDITIONS, PROVISIONS, COVENANTS, RESTRICTIONS, EASEMENTS AND BUILDING LINES RECORDED IN PLAT NO. 6534, WITH FIRST AMENDMENT TO THE DEED OF DEDICATION AND RESTRICTIVE COVENANTS RECORDED AS DOCUMENT NO. 2021090894, AND AMENDMENT TO COVENANTS RECORDED AS DOCUMENT NO. 2023105983.
9. DECLARATION OF ASSOCIATION COVENANTS AND RESTRICTIONS SUNSET HILLS HOMEOWNERS' ASSOCIATION, INC. RECORDED AS DOCUMENT NO. 2014106294, WITH FIRST AMENDMENT RECORDED AS DOCUMENT NO. 2021091172.

THE FOLLOWING RECORDED DOCUMENTS DO NOT AFFECT THIS PROPERTY:
11. RIGHT OF WAY AGREEMENT RECORDED IN BOOK 831 PAGE 517, WITH CONFIRMATORY CONVEYANCE AND ASSIGNMENT RECORDED AS DOCUMENT NO. 2018013482, AND ASSIGNMENT AND ASSUMPTION AGREEMENT RECORDED AS DOCUMENT NO. 2019063443.
12. RIGHT OF WAY AGREEMENT RECORDED IN BOOK 901 PAGE 618, WITH PARTIAL RELEASE OF RIGHT OF WAY RECORDED AS DOCUMENT NO. 2007115973.
13. WATER EASEMENT RECORDED IN BOOK 4994 PAGE 712.

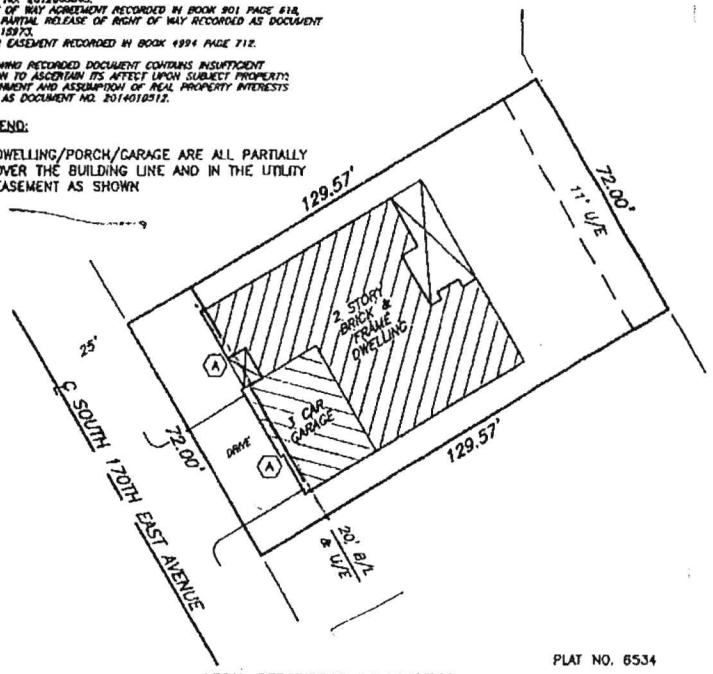
THE FOLLOWING RECORDED DOCUMENT CONTAINS INSUFFICIENT INFORMATION TO ASCERTAIN ITS AFFECT UPON SUBJECT PROPERTY:
12. ASSIGNMENT AND ASSUMPTION OF REAL PROPERTY INTERESTS RECORDED AS DOCUMENT NO. 2014010512.

THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, COVENANTS, RESTRICTIONS, EASEMENTS, LIMITATIONS AND SETBACK LINES CONTAINED IN THE RECORDED PLAT AND DEED OF DEDICATION OF SUNSET HILLS.

BY GRAPHIC PLOTTING ONLY THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 40143C0385H, AS LAST REVISED 09/30/2016.

LEGEND:

(A) – DWELLING/PORCH/GARAGE ARE ALL PARTIALLY OVER THE BUILDING LINE AND IN THE UTILITY EASEMENT AS SHOWN



PLAT NO. 6534

LEGAL DESCRIPTION AS PROVIDED:

LOT NINE (9), BLOCK TEN (10), SUNSET HILLS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6534, AND KNOWN AS 4347 SOUTH 170TH EAST AVENUE.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1088, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION REPORT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION REPORT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION REPORT WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY; THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENTS; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION REPORT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION REPORT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY ASSUMED OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.

WITNESS MY HAND AND SEAL THIS DATE: 7/18/24

Copyright 2023 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oklahoma.

ZAB – S:\06334\B01D\L009\114528W24.dwg 07/18/24

WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924

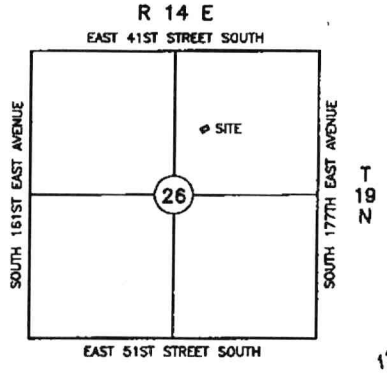
EASEMENT VACATION

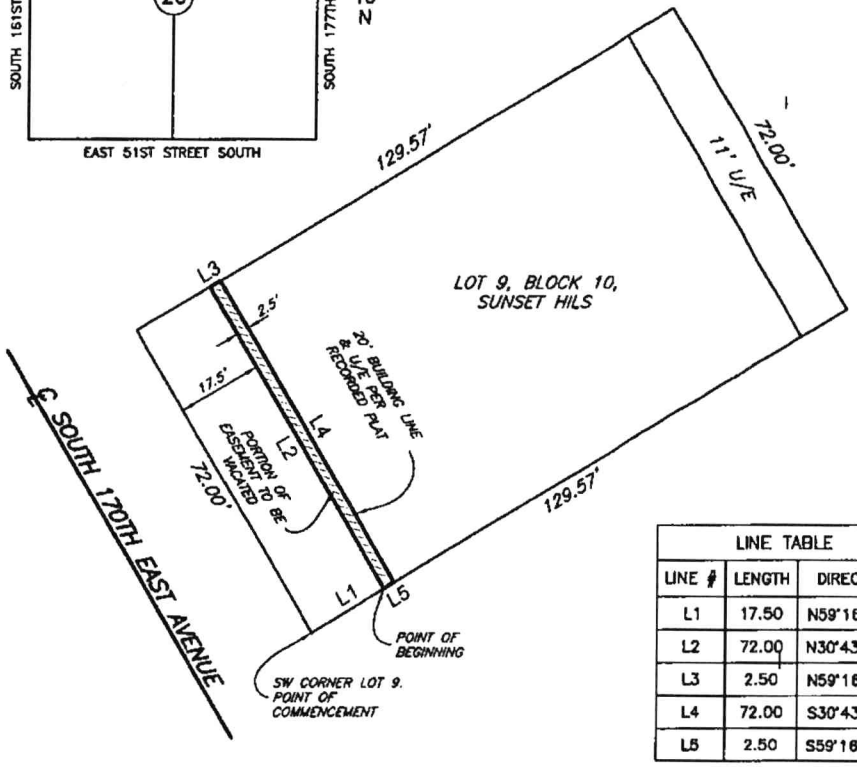
LOT 9, BLOCK 10,
SUNSET HILLS, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA

THE BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT OF SUNSET HILLS, AND THE WEST LINE OF LOT 9, BLOCK 10, BEING NORTH 30°43'59" WEST.

FIELD WORK COMPLETED JULY 18, 2024.

1"=30'





LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	17.50	N59°16'01"E
L2	72.00	N30°43'59"W
L3	2.50	N59°16'01"E
L4	72.00	S30°43'59"E
L5	2.50	S59°16'01"W

WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098

REGISTERED PROFESSIONAL LAND SURVEYOR
JOHN L. LIBBY JR.
L.S.1806
OKLAHOMA

BY: _____ DATE: 8/6/2024
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1806

SHEET 2 OF 2

Application Number: 5-2-24-79

CITY OF TULSA

APPLICATION FOR RIGHT-OF-WAY/EASEMENT CLOSURE OR ENCROACHMENT AGREEMENT

Application is hereby made to the City of Tulsa to consider the following:

Choose one: ☑ Closure ☐ Encroachment

Choose one: ☐ Right-of-Way ☑ Easement ☐ Air Space

County Assessor Parcel Number: 87723-94-26-72170 Zoning: RS-4 Residential Single-Family PUD-793

Property Location: 4347 South 170th Avenue East Tulsa, OK

Legal Description:

Subdivision: SUNSET HILLS Plat No.: 6534

Lot: 9 Block: 10

Section: 26 Township: 19N Range: 14E

If unplatted, attach legal description.

Applicant Name: Ashton Ballard

Applicant Company: Parker, Bryning, & Richardson

Applicant D.B.A.:

Address: 8522 E. 61st st City: Tulsa State: OK Zip: 74133

Phone: 918-392-3639 Email: ashton@rparkerlaw.com

Secondary Point of Contact: Sara K. Bryning

Phone: Email: sara@rparkerlaw.com

Property Owner(s) of Record: Southern Homes LLC

Ralph H. Sandmeyer, III, Manager of Southern Homes, LLC

Address: 2301 N 9th St. Suite A City: Broken Arrow State: OK Zip: 74012

Phone: 918-703-1044 Email: ralph@southernhomesok.com

Signatures:

Applicant: Date: 8/26/24

Property Owner(s): Date: 8/2/21

Ralph H. Sandmeyer, III, Manager of Southern Homes, LLC Date:

Date:

Application Number: 5-2-24-79

APPLICATION FOR RIGHT-OF-WAY/EASEMENT CLOSURE OR ENCROACHMENT AGREEMENT

CITY OF TULSA

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).

Type required explanation here.

Water Easement granted in favor of The City of Tulsa, executed January 5, 1987 and recorded January 9, 1987 in Book 4994 at Page 712 in the records of the Tulsa County Clerk. Said easement encroaches as shown on attached survey, and is a cloud on the title. A partial vacation of easment (closure of a portion of said easement) is requested as shown on the attached survey and mortgage inspection report by White Surveying Company.

The legal description of the portion to be vacated is as follows:

A tract of land being a part of Lot Nine (9), Block Ten (10), Sunset Hills, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 6534, said tract being described as follows: Commencing at the Southwest corner of said Lot 9; Thence North 59°16'01" East along the South line of said Lot 9 for 17.50 feet to the Point of Beginning; Thence North 30°43'59" West for 72.00 feet to a point on the North line of said Lot 9; Thence North 59°16'01" East along the North line of said Lot 9 for 2.50 feet; Thence South 30°43'59" East for 72.00 feet to a point on the South line of said Lot 9; Thence South 59°16'01" West along the South line of said Lot 9 for 2.50 feet to the Point of Beginning.

North property facing South

South property facing North