

Ordinance

Version 3.2 released on 8/3/21

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



EN0119122

CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Tracking #:		<input type="checkbox"/> Scanned	Date: 06.29.2022
Date Received:		<input type="checkbox"/> Posted	Item #: 2206.01388
Committee:			
Hearing Date:			
1st Agenda Date:			
2nd Agenda Date:			

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

Primary Details

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval
5-3-22-03			<input checked="" type="radio"/> Yes <input type="radio"/> No
Department Engineering Services	Contact Name Chris Kovac	Email ckovac@cityoftulsa.org	Phone 918-596-9649
Subject (Description) Request to close a street		Ordinance Type Closing Public Way	
Section 29	Township 19	Range 12	Lot 4
Block 1,2	Address 5151 W. 51st Street		BA / CT Number
Amending Ord. No.	TRO Title No. e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
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: 06.17.22
Date: 6-23-22
Date: _____
Date: _____
Date: _____

Policy Statement

Background Information

A request has been made by Nathalie Cornett with Eller & Detrich, P.C. to close a portion of the street that is part of West 50th Street South between Lot Four (4), Block One (1) and Lot Four (4), Block Two (2), Austin's Subdivision, as shown on the attached exhibits. The request to close the street is due to being inadvertently excluded from the legal description of the 2018 Resolution of the Tulsa County Commissioners. The public way has been opened within the last five (5) years, therefore a public meeting will be required. 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

Approval of this closure. MLS

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 (add'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

(Published in the Tulsa World

_____, 2022)

ORDINANCE NO. _____

AN ORDINANCE CLOSING A CERTAIN PUBLIC WAY 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 certain Public Way of the City of Tulsa, Oklahoma;

WHEREAS, the request is reasonable, and it will be for the best interest of all parties concerned that said Public Way be closed.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That a Public Way insofar as it covers the following described land:

A TRACT OF LAND THAT IS PART OF WEST 50TH STREET SOUTH, SITUATED BETWEEN LOT FOUR (4), BLOCK ONE (1) AND LOT FOUR (4), BLOCK TWO (2), AUSTIN'S SUBDIVISION, AN ADDITION TO THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION TWENTY-NINE (29); THENCE NORTH 00°50'46" WEST ALONG THE EAST LINE OF SAID SE/ 4 A DISTANCE OF 526.06 FEET; THENCE SOUTH 89°12'52" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY OF WEST 50TH STREET A DISTANCE OF 512.80 FEET TO THE NORTHEAST CORNER OF SAID LOT FOUR (4), BLOCK TWO (2) AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°12'52" WEST 65.00 FEET; THENCE NORTH 00°50'46" WEST 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF WEST 50TH STREET; THENCE NORTH 89°12'52" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT FOUR (4), BLOCK ONE (1); THENCE SOUTH 00°50'46" EAST A DISTANCE OF 50.00 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 Public Way without expense to the City of Tulsa.

Section 3. The closing of said Public Way 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

**RIGHT-OF-WAY CLOSURE
EXHIBIT "A"**

PAGE 2 of 2

65' x 50' RIGHT-OF-WAY CLOSURE LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF WEST 50th STREET SOUTH SITUATED BETWEEN LOT FOUR (4), BLOCK ONE (1) AND LOT FOUR (4), BLOCK TWO (2), AUSTIN'S SUBDIVISION, AN ADDITION TO THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29;

THENCE NORTH 00°50'46" WEST ALONG THE EAST LINE OF SAID SE/4 A DISTANCE OF 526.06 FEET;

THENCE SOUTH 89°12'52" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY OF WEST 50th STREET A DISTANCE OF 512.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, BLOCK 2 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°12'52" WEST 65.00 FEET;

THENCE NORTH 00°50'46" WEST 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF WEST 50th STREET;

THENCE NORTH 89°12'52" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4, BLOCK 1;

THENCE SOUTH 00°50'46" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 3,250.0 SQ. FEET OR 0.07 ACRES.

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

SURVEYOR'S CERTIFICATION

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE RECORD CONDITIONS AT THE TIME OF THE SURVEY. THIS SURVEY IS INTENDED TO ILLUSTRATE THE 65' X 50' RIGHT-OF-WAY CLOSURE AND FEATURES OF THE PROPERTY HAVE BEEN OMITTED FOR CLARITY. THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. DATE OF LAST SITE VISIT: MARCH 24, 2021. BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

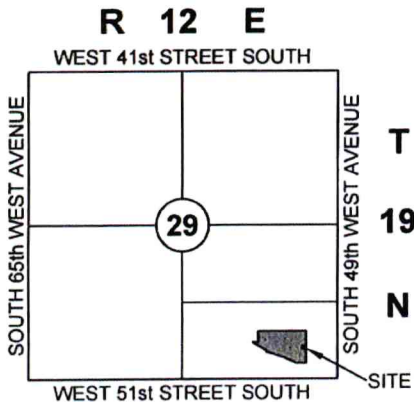
WITNESS MY HAND AND SEAL THIS 15th DAY OF APRIL, 2021.

FRITZ LAND SURVEYING, LLC
2017 W. 91ST STREET, TULSA, OK 74132
PH: 918.231.0575
FRITZLANDSURVEYING@GMAIL.COM
C.A. # 5848 EXPIRES: 6-30-2022
FLS #19361

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ANDY FRITZ, PLS
OK LIC. 1694
CA #5848 EXP. 06.30.2022





Location Map

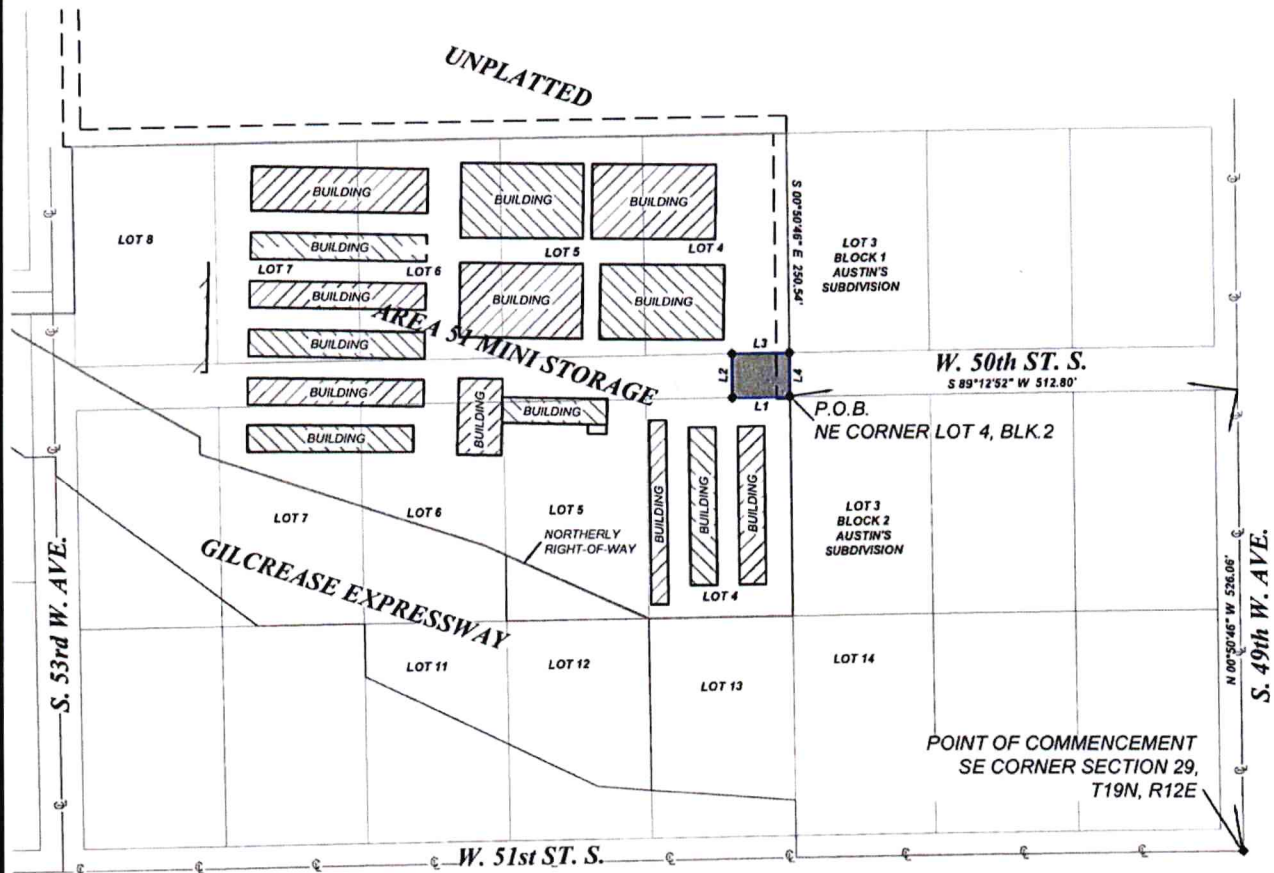
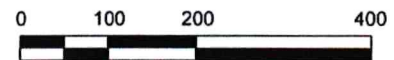
SCALE: 1"=3000'

RIGHT-OF-WAY CLOSURE EXHIBIT "A"

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SCALE: 1" = 200'



FRITZ LAND SURVEYING, LLC
2017 W. 91ST STREET, TULSA, OK 74132
PH: 918.231.0575
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C.A. # 5848 EXPIRES: 6-30-2022
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LEGEND

P.O.B. = POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	S 89°12'52" W	65.00'
L2	N 00°50'46" W	50.00'
L3	N 89°12'52" E	65.00'
L4	S 00°50'46" E	50.00'

SPECIAL CERTIFICATE

The TULSA ABSTRACT & TITLE COMPANY, a duly qualified and bonded abstract Company within and for the County of Tulsa, State of Oklahoma, does hereby certify:

There is shown herein a true and correct list of owners of record:

A 300 foot Radius surrounding a tract of land described as follows:

~ See attached Exhibit "A" for Legal Description ~

As shown by the current years tax rolls as the date of this certificate in the office of the County Treasurer within and for Tulsa County, Oklahoma

AND

That said list also shows the last GRANTEES of record in the Office of the County Clerk within and for Tulsa County, State of Oklahoma.

ADDRESSES given in this report are not certified to.

This certificate certifies to Tulsa County Treasurer 2021 Tax Rolls and last Grantees of record of the Tulsa County Clerk as of **January 7, 2022 at 7:59 A.M.**

IN WITNESS WHEREOF, the TULSA ABSTRACT & TITLE COMPANY has caused these presents to be signed, and its corporate seal to be affixed this **25th day of January, 2022.**

TULSA ABSTRACT & TITLE COMPANY

By


Vice-President

No. 494227



EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land that is part of West 50th Street South, situated between Lot Four (4), Block One (1) and Lot Four (4), Block Two (2), AUSTIN'S SUBDIVISION, an Addition to the Southeast Quarter (SE/4) of Section Twenty-nine (29), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section Twenty-nine (29); Thence North 00°50'46" West along the East line of said SE/4 a distance of 526.06 feet; Thence South 89°12'52" West along the Southerly Right-of-Way of West 50th Street a distance of 512.80 feet to the Northeast corner of said Lot Four (4), Block Two (2) and the POINT OF BEGINNING; Thence continuing South 89°12'52" West 65.00 feet; Thence North 00°50'46" West 50.00 feet to a point on the Northerly Right-of-Way of West 50th Street; Thence North 89°12'52" East along said Northerly Right-of-Way a distance of 65.00 feet to the Southeast corner of said Lot Four (4), Block One (1); Thence South 00°50'46" East a distance of 50.00 feet to the POINT OF BEGINNING.



Names and Addresses

Jimmie L. Belcher and
Janet L. Belcher, Trustees
Jimmie L. & Janet L. Belcher
Revocable Trust
5609 South 81st West Avenue
Tulsa, OK 74107

CDC Investments, LLC
P.O. Box 265
Jenks, OK 74037

Russell D. Cozort and
Calvin D. Cozort
P.O. Box 265
Jenks, OK 74037-0265

Oklahoma Turnpike Authority
P.O. Box 11357
Oklahoma City, OK 73136-0357

Legal Description

Lots 2 & 3,
Block 1,
AUSTIN'S SUB.

Lot 2,
Block 2,
and
Lot 14, Less Beginning SW/C Lot 14, N40.35'
SEly62.84' NEly100' to E/L Lot 14, S34.83'
W162.6' to POB,
and Less Beginning 40.35'N SW/C Lot 14, N9.71'
SE98.44' W34.64' NW62.84' to POB,
Block 2,
and
Lot 15, Less Beginning SW/C Lot 15, N34.83'
E162.6' S34.81' W162.6' to POB,
Block 2,
AUSTIN'S SUB.

Lot 3,
Block 2,
AUSTIN'S SUB.

Part Lot 5,
Beginning SE/C Lot 5, W162.66' N75.54'
SE179.42' to POB,
Block 2
and
Lot 13,
Less Beginning SW/C Lot 13, N54.61' SE163.22'
S40.35' W162.6' to POB,
Block 2,
AUSTIN'S SUB.
and



Part of Blocks 1 & 2,
AUSTIN'S SUB.
and
Part Lot 1,
Block 3,
BRIDGES HEIGHTS,
Beginning 512.80'W & 65.32'N & 163.58'NW SE/C
SE, W61.25' NW294.12' N60.45' W122.60'
NW287.47' N21.79' W35.02' N289.52' E204.47'
curve left 32' SE243.64' S19.42' SE342.32'
SE26.38' to pt W/L Lot 5, S75.41' E162.66'
S195.83' to POB.

A Safe Place Mini Storage, Inc.
5151 West 51st Street
Tulsa, OK 74107

All of Lots 4 & 5,
Block 2,
AUSTIN'S SUB.
and
Part SE,
29-19-12,
Beginning approx. 650.4'W & 69.61'N SE/C SE,
WLY61.64' NW294.12' N60.45' W122.60'
NW287.47' N21.79' W35.02' NW289.52' E298.67'
N94.75' E748.42' S180.42' E to NE/C Lot 4, Block
2, S250.53' W65' N130.42' Wly 748.42' N95' E813'
to POB,
Less Beginning 512.80'W & 65.32'N & 163.58'NW
SE/C SE, W61.25' NW294.12' N60.45' W122.60'
NW287.47' N21.79' W35.02' N289.52' E204.47'
curve left 32' SE243.64' S19.42' SE342.32'
SE26.38 to pt W/L Lot 5, S75.41' E162.66'
S195.83' to POB.

Area 51 Boat & RV Storage, LLC
5151 West 51st Street
Tulsa, OK 74107-7203

N495' SE SE,
29-19-12





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: X EASEMENT: _____ AIR SPACE: _____

County Assessor Parcel Number: 52450-92-29-00130 Zoning: IL

Property Location: 5151 W. 51st Street S.

Legal Description: Subdivision: Attached Plat No.: _____

Lot: _____ Block: _____

Section: 29 Township: 19 Range: 12

IF UNPLATTED ATTACH LEGAL DESCRIPTION.

Applicant Name: Nathalie Cornett

Applicant Company: Eller & Detrich, P.C.

Applicant D.B.A.: _____

Address: 2727 E. 21st St., Ste. 200

City: Tulsa State: OK Zip: 74114

Phone: (918) 747-8900 Email: ncornett@ellerdetrich.com

Secondary Point of Contact: _____

Phone: _____ Email: _____

Property Owner(s) of Record: A Safe Place Mini Storage Inc.

Address: 5151 W. 51st St.

City: Tulsa State: OK Zip: 74107

Phone: _____ Email: _____

Signatures

Applicant: Nathalie Cornett Date: 1.26.22

Property Owner(s): _____ Date: _____

_____ 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).

The Applicant requests the closure of a portion of West 50th Street South. The requested closure is to clean up several previous street vacation actions. The subject property is located west of S. 49th W. Ave. and north of W. 51st St. S. along the new Gilcrease Expressway corridor. The street was previously vacated by Court decree (C-83-2434, CV-12-959) and by a 2018 Resolution of the Tulsa County Commissioners (all of which are attached for reference).

A 50' x 65' portion of W. 50th Street was inadvertently excluded from the legal description of the 2018 Resolution and remains open. Since the time of the 2018 Resolution, the property has been annexed into the City of Tulsa corporate limits which necessitates this application.

