

Ordinance

Version 3.2 released on 8/3/21
Use for all Ordinances including: TRO, Budget, Zoning,
Declarations, Trust Indentures, etc.



ENO 119120

CITY COUNCIL USE ONLY	Tracking #:	CITY CLERK USE ONLY
Date Received:	Committee:	<input type="checkbox"/> Scanned Date: 06.29.2022
Committee Date:	Hearing Date:	<input type="checkbox"/> Posted Item #: 2206.01389
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. 5-3-22-29	Board Approval	Other Board Name	City Council Approval <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 Public Way		Ordinance Type Closing Public Way	
Section 29	Township 19	Range 13	Lot 1
Block 3	Address 4405 S. Columbia Ave.		BA / CT Number
Amending Ord. No.	TRO Title No. e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
Council District 9	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:		Date:	6/14/22
Legal:		Date:	6-23-22
Board:		Date:	
Mayor:		Date:	
Other:		Date:	

Policy Statement

Background Information

A request has been made by Michael A. Joyce, with The Michael Joyce Law Firm, PLLC to close the South Fifty (50) foot portion of the right of way of Lot One (1), Block Three (3), Clark Estates as shown on the attached exhibits. The request to close the right of way is to clear title and allow future expansion of the home. There has been no use of the right of way for more than five (5) years, therefore a public meeting will be not be required. The request to close a portion of the right of way has been reviewed by City staff and representatives of various commissions, authorities and private utilities with no objections.

Provide background information on the requested action.

Summation of the Requested Action

Approval of this closure. MSL

MSL 6/13/20

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 the above-described Public Way, insofar as it covers the following described land:

A TRACT OF LAND BEING A PART OF LOT ONE (1), BLOCK THREE (3), CLARK ESTATES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1; THENCE NORTH 01°23'23" WEST ALONG THE WEST LINE OF LOT 1 FOR 50.00 FEET; THENCE NORTH 88°28'15" EAST FOR 195.00 FEET TO A POINT ON THE EAST LINE OF LOT 1; THENCE SOUTH 01°23'23" EAST FOR 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE SOUTH 88°28'15" WEST FOR 195.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 9,750 SQUARE FEET.

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

AB/ecs

ADB

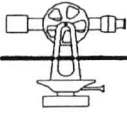
APPROVED:

City Attorney

ADB

APPROVED AS TO LEGAL DESCRIPTION:

Public Works Department



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

RIGHT-OF-WAY CLOSURE

A tract of land being a part of Lot One (1), Block Three (3), Clark Estates, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said tract being described as follows: Beginning at the Southwest corner of Lot 1; Thence North $01^{\circ}23'23''$ West along the West line of Lot 1 for 50.00 feet; Thence North $88^{\circ}28'15''$ East for 195.00 feet to a point on the East line of Lot 1; Thence South $01^{\circ}23'23''$ East for 50.00 feet to the Southeast corner of Lot 1; Thence South $88^{\circ}28'15''$ West for 195.00 feet to the Point of Beginning. Said tract containing 9,750 square feet.

REAL PROPERTY CERTIFICATION

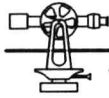
I, Randy K. Shoefstall of White Surveying Company, a Registered Professional Land Surveyor in the State of Oklahoma, certify that the attached legal description is based upon the Oklahoma State Plane Coordinate System and the West line of Block 3 being North $01^{\circ}23'23''$ West, closes in accord 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.

5/4/2022

Date



Randy K. Shoefstall
RPLS No. 1676
White Surveying Company
C.A. No. 1098



WHITE SURVEYING COMPANY

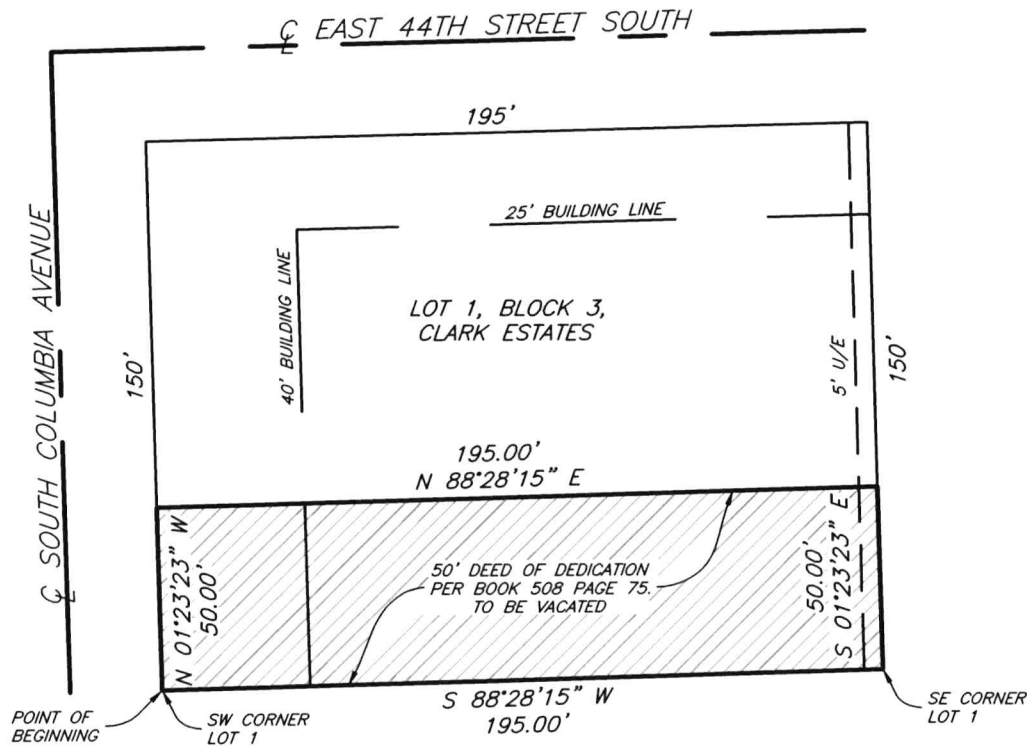
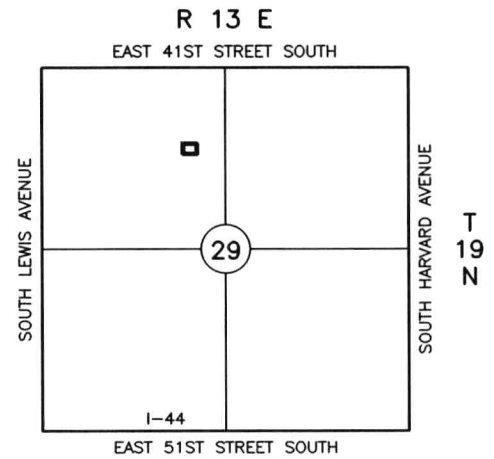
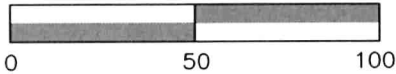
• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924

RIGHT-OF-WAY CLOSURE

PART OF LOT 1, BLOCK 3,
CLARK ESTATES,
CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA



1"=50'



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098

BY: Randy K. Shoefstall DATE: 5/18/22
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676

SHEET 2 OF 2 REVISED 5/4/22



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 (road) EASEMENT: _____ AIR SPACE: _____

County Assessor Parcel Number: 08600-93-29-01300 Zoning: RS-1

Property Location: 4405 S. Columbia Ave, Tulsa, OK 74105

Legal Description: Subdivision: CLARK ESTATES Plat No.: 1510

Lot: One (1) Block: Three (3)

Section: 29 Township: 19 Range: 13

IF UNPLATTED ATTACH LEGAL DESCRIPTION.

Applicant Name: Michael A. Joyce, Attorney

Applicant Company: The Michael Joyce Law Firm, PLLC

Applicant D.B.A.: _____

Address: P.O. Box 52248

City: Tulsa State: OK Zip: 74152-0248

Phone: 918-742-7411 Email: mjoyce@joycelawok.com

Secondary Point of Contact: _____

Phone: _____ Email: _____


Property Owner(s) of Record: Colleen Calvani and Jacob Calvani

Address: 4405 S. Columbia Ave.

City: Tulsa State: OK Zip: 74105

Phone: (918) 583-9901 Email: jcalvani@dflaw.com

Signatures

Applicant:  Date: 2/4/2022

Property Owner(s):  Date: 2/6/22

Date: 2/6/22

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 subject road was created by Deed of Dedication dated April 16, 1925 and filed of record April 17, 1925 - copy attached.

The dedication for the road did not provide for any use other than road purposes. To the knowledge of the Applicant and the Property Owner, no road improvements were ever constructed in the dedicated area and there has been no use of the subject road for more than five (5) years. The Property Owner has the exclusive use and enjoyment of the property covered by the subject road, subject only to the additional easements to the City of Tulsa as created by separate recorded instruments and located in the areas reflected on the attached Mortgage Inspection Report/Survey. The Applicant and the Property Owner are NOT seeking to close the other and smaller easements at the SE corner of the subject property and which are also shown on the attached Mortgage Inspection Report/Survey (Prepared by White Surveying Company).

The property burdened by the subject road was subsequently platted and included as part of Lot 1, Block 3, Clark Estates.

The Plat (copy attached) of the subject property omits any reference to the subject road, with the same (insofar as concerning Lot 1, Block 3) constituting the South 50' of the platted lot having a street address of 4405 S. Columbia Ave, Tulsa, OK.

That portion of the public road for which closure is being sought (South 50' of Lot 1, Block 3, Clark Estates) is located wholly within the platted lot and boundaries of the subject property which is owned by the Property Owner.

Legal Description for Closure: South 50' of Lot One (1), Block Three (3), Clark Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

See attached Mortgage Inspection Report (Survey) prepared by White Surveying Company.

NOTES:

1. Plat No. 1510 of Clark Estates does not reflect the earlier dedication of the subject 50' Public Road.
2. That portion of the road to be closed is located wholly within the platted property/lot owned by the Property Owner and that land is used exclusively by the Property Owner.
3. To the best knowledge of the Applicant and the Property Owner, no road improvements were ever constructed at or upon that portion of the public road for which closure is sought.

