

EN0119161



# Ordinance

Version 3.2 released on 8/3/21

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

<b>CITY COUNCIL USE ONLY</b> Date Received: _____ Committee Date: _____ 1 <sup>st</sup> Agenda Date: _____	Tracking #: _____ Committee: _____ Hearing Date: _____ 2 <sup>nd</sup> Agenda Date: _____	<b>CITY CLERK USE ONLY</b> <input type="checkbox"/> Scanned      Date: <u>08.10.2022</u> <input type="checkbox"/> Posted      Item #: <u>2208.01691</u>
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**All department items requiring Council approval must be submitted through the Mayor's Office.**

## Primary Details

<b>Dept. Tracking No.</b> 5-2-22-11	<b>Board Approval</b> Contact Name Chris Kovac  7/12/22	<b>Other Board Name</b> Email ckovac@cityoftulsa.org	<b>City Council Approval</b> <input checked="" type="radio"/> Yes <input type="radio"/> No Phone 918-596-9649
<b>Department</b> Engineering Services	<b>Subject (Description)</b> Request to close a Sanitary Sewer Easement	<b>Ordinance Type</b> Closing an Easement	
<b>Section</b> 18	<b>Township</b> 19	<b>Range</b> 13	<b>Lot</b> _____
<b>Block</b> _____	<b>Address</b> 1948 Utica Square		<b>BA / CT Number</b> _____
<b>Amending Ord. No.</b> _____	<b>TRO Title No.</b> e.g. 43	<b>TRO Subtitle</b> e.g. G	<b>Property/Non-Property</b> _____
<b>Council District</b> 4	<b>Zoning No.</b> _____	<b>PUD No.</b> _____	<b>Planning District</b> _____

## 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: 7/14/22  
 Date: 8-1-22  
 Date: AUG 10 2022  
 Date: \_\_\_\_\_


Policy Statement

Background Information

A request has been made by Nathalie Marra with Eller & Detrich, PC to close a portion of a sanitary sewer easement located west of Yorktown Avenue within the Utica Square Shopping Center, between E. 21<sup>st</sup> St. and E. 22<sup>nd</sup> Pl., as shown on the attached exhibits. The request to close the sanitary sewer easement is for future development within this area. The new development will occupy a portion of the existing sanitary sewer easement and the remainder of said sanitary sewer line will be abandoned and relocated during the new construction process. The existing sanitary sewer line has no service connections and will no longer be needed. The request to close the sanitary sewer easement 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. MSL 

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

(Published in the Tulsa World

\_\_\_\_\_, 2022)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING A PORTION OF A CERTAIN SANITARY 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 certain Sanitary 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 a certain said Sanitary Sewer Easement be closed.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That the above-described Sanitary Sewer Easement, insofar as it covers the following described land:

A TRACT OF LAND CONTAINED WITHIN THE NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHTEEN (18), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER (NW/4) OF THE NORTHEAST QUARTER (NE/4), SAID POINT BEING 1203.30 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00°24'47" WEST, PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 809.92 TO THE "POINT OF BEGINNING", SAID POINT BEING ON THE SOUTH LINE OF RIGHT OF WAY EASEMENT, BOOK 2252, PAGE 219, AND ALSO BEING ON THE WESTERLY LINE OF THE APPARENT LOCATION OF SEWER EASEMENT, BOOK 491, PAGE 147, BOTH EASEMENTS BEING RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK;

THENCE NORTH 18°58'30" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 139.78 FEET; THENCE NORTH 14°46'30" EAST, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 89°35'13" EAST, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER (NE/4), A

DISTANCE OF 20.65 FEET TO A POINT ON THE EASTERLY LINE OF SAID SEWER EASEMENT; THENCE SOUTH 14°46'30" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 35.85 FEET; THENCE SOUTH 18°58'30" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 133.80 FEET TO A POINT ON THE SOUTH LINE OF SAID RIGHT OF WAY EASEMENT; THENCE NORTH 89°35'13" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 21.10 FEET TO THE "POINT OF BEGINNING".

SAID TRACT CONTAINS 3,394 SQUARE FEET OR 0.0779 ACRES.

THE NON-ASTRONOMICAL BEARINGS CONTAINED HEREIN ARE BASED UPON THE NORTH LINE OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHTEEN (18), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST AS BEING SOUTH 89°35'13" EAST.

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 Sanitary Sewer Easement without expense to the City of Tulsa.

Section 3. The closing of a portion of said Sanitary 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

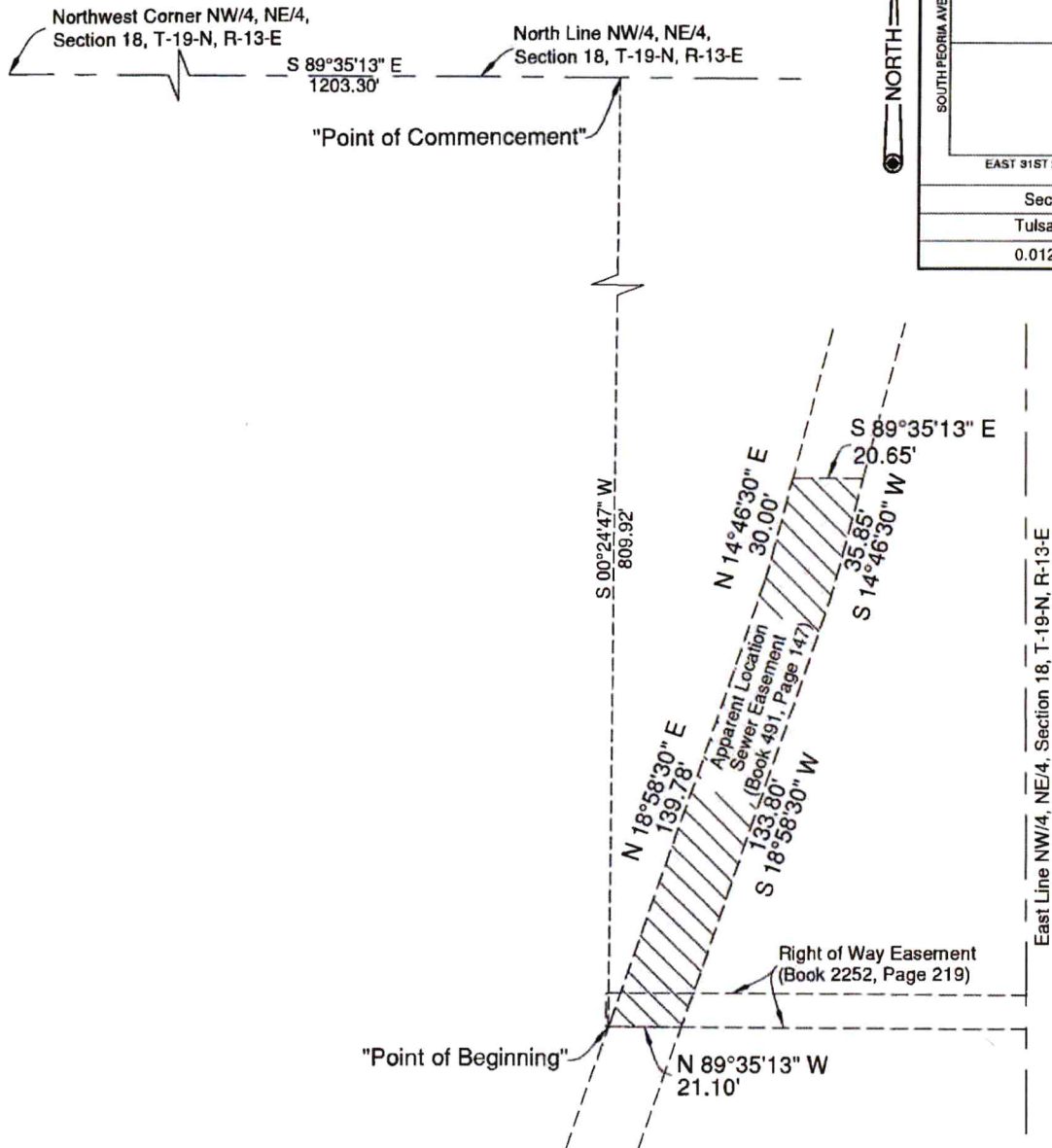
ADB

APPROVED AS TO LEGAL DESCRIPTION:

  
\_\_\_\_\_  
Engineering Services



# Exhibit "A"



Sheet 1 of 2



**Tulsa Engineering & Planning Associates**  
 9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146  
 Phone: 918-252-9621 Fax: 918-340-5999  
 Civil Engineering, Land Surveying, Land Planning  
 Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2023



Job No: 19-095  
 Scale: 1" = 50'  
 Date: 1/25/2022

# Exhibit "A"

## Legal Description

A Tract of land contained within the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Eighteen (18), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Commencing at a point on the north line of said Northwest Quarter (NW/4) of the Northeast Quarter (NE/4), said point being 1203.30 feet east of the northwest corner thereof;

Thence South 00°24'47" West, perpendicular to said north line, a distance of 809.92 to the "Point of Beginning", said point being on the south line of Right of Way Easement, Book 2252, Page 219, and also being on the westerly line of the apparent location of Sewer Easement, Book 491, Page 147, both easements being recorded in the office of the Tulsa County Clerk;

Thence North 18°58'30" East, along said westerly line, a distance of 139.78 feet;

Thence North 14°46'30" East, continuing along said westerly line, a distance of 30.00 feet;

Thence South 89°35'13" East, parallel with the north line of said Northeast Quarter (NE/4), a distance of 20.65 feet to a point on the easterly line of said Sewer Easement;

Thence South 14°46'30" West, along said easterly line, a distance of 35.85 feet;

Thence South 18°58'30" West, continuing along said easterly line, a distance of 133.80 feet to a point on the south line of said Right of Way Easement;

Thence North 89°35'13" West, along said south line, a distance of 21.10 feet to the "Point of Beginning".

Said tract contains 3,394 square feet or 0.0779 acres.

The non-astronomical bearings contained herein are based upon the north line of the Northeast Quarter (NE/4) of Section Eighteen (18), Township Nineteen (19) North, Range Thirteen (13) East as being South 89°35'13" East.

### CERTIFICATE:

I, David W. Murdoch, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that the foregoing legal description closes in accord with existing records and is a true representation of the real property as described and meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Witness my hand and official seal this 26th day of January, 2022  
Tulsa Engineering & Planning Associates, Inc.



David W. Murdoch, P.L.S.  
2022.01.26 15:17:56 -06'00'

David W. Murdoch, P.L.S. No. 1404

E-mail: d.murdoch@tulsaengineering.com  
Telephone: (918) 252-9621



Sheet 2 of 2



Tulsa Engineering & Planning Associates

9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146

Phone: 918-252-9621 Fax: 918-340-5999

Civil Engineering, Land Surveying, Land Planning

Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2023

Job No: 19-095

Scale: N/A

Date: 1/26/2022



**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: 99318-93-18-17410 Zoning: CH

Property Location: 1948 Utica Square, Tulsa, Oklahoma 74114

Legal Description: Subdivision: Unplatted Plat No.:                                 

Lot:                                  Block:                                 

Section: 18 Township: 19 Range: 13

**IF UNPLATTED ATTACH LEGAL DESCRIPTION.**

Applicant Name: Natalie J. Marra

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: nmarra@ellerdetrich.com

Secondary Point of Contact: Nathalie M. Cornett

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

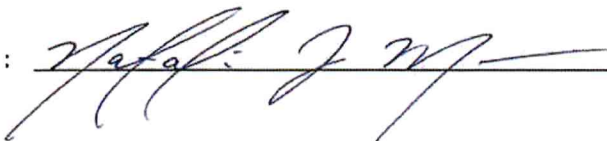
Property Owner(s) of Record: Utica Square Shopping Center, Inc.

Address: 1437 S. Boulder Ave

City: Tulsa State: OK Zip: 74119

Phone:                                  Email:                                 

**Signatures**

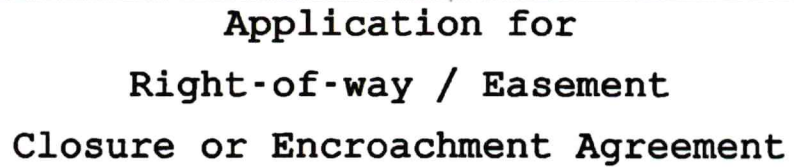
Applicant:  Date: 02/21/22

Property Owner(s):                                  Date:                                 

                                 Date:                                 

                                 Date:





**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).**

Applicant requests the partial closure of a portion of a sanitary sewer easement located within the Utica Square Shopping Center, as more specifically described on Exhibit "A". The existing sanitary sewer line is not in the easement and will be relocated into a new easement area as part of the IDP process in order to accommodate a new building in the Utica Square Shopping Center. The sanitary sewer will be abandoned, there will no longer be a need for the sewer easement for the area to be closed, and there is no need for any public maintenance and expenses associated with that part of the easement. The requested closure will preserve City resources and is in the best interest of the public.



