

ORDINANCE NO. 24,023

AN ORDINANCE CLOSING A STREET AND DECLARING AN EMERGENCY. FK

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

Section 1. The following public way and/or easement in The City of Oklahoma City, Oklahoma, shall be and the same is hereby closed to the public use, to wit:

The east 660' feet of said easement of 30' feet on the North side of a line on the South side of the Northeast Quarter of Section 21, Township 13 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest corner, thence 2,640 feet east along the South line of said Quarter section to the Southeast corner of said Northeast Quarter.

Section 2. That all rights of The City or any public or quasi-public corporation with reference to any public or quasi-public works or utilities are hereby expressly reserved and the above closing shall in no way impair the right to erect, construct, or repair poles, pipes, wires, conduits, or sewers and the purpose of such construction or repair of a perpetual easement under and over the above described public way or easement is hereby expressly reserved and, when in the opinion of the Council it shall be necessary, the same may be re-opened without expense to the City; provided, that in the event any excavation or fill is made therein all public utilities and equipment incident thereto shall be raised or otherwise protected so that no seepage into such public utilities shall occur by reason of the use made of the above closed public way or easement and that no impairment of the use of public utilities shall be caused by reason of such use. Any damage caused to such public utilities as aforesaid shall be borne by the person, firm, or corporation making use of the above closed public way or easement.

~~Section 3. (EMERGENCY) WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.~~

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma, on this 5th day of January, 2010.

PASSED by the Council of The City of Oklahoma City, Oklahoma, on this 9th day of February, 2010.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma, on this 9th day of February, 2010.

ATTEST:

Anaconda Berry
CITY CLERK



Phil Cantu

MAYOR
CITY OF OKLAHOMA CITY

REVIEWED for form and legality.

Paul Brunner

ASSISTANT MUNICIPAL COUNSELOR



MEMORANDUM

The City of OKLAHOMA CITY

Council Agenda
Item No.VIII.B.3.
2/9/2010

TO: Mayor and City Council

FROM: James D. Couch, City Manager

Ordinance on final hearing (emergency) recommended for approval (CE-775) closing a portion of NE 115th Street, extending approximately 660 feet west from North Air Depot Boulevard. Ward 7.

Applicant Steven Jech (Owner)

Purpose To close and gate this portion of the street.

Background On December 10, 2009, the Planning Commission recommended approval for this request, determining that with the relocation of any affected utilities or satisfactory rights to access the utilities through an easement that will be determined at the time of vacation in District Court, closing this street should not adversely affect the public.

Protest None.

Previous Action The Ordinance closing the above described street was introduced January 5, 2010, set for final hearing February 9, 2010, and appropriate notice was published and mailed.

Revenue An application fee of \$1475 was deposited in the General Fund.

Review Development Services Department

JC:aw

Attachments

**City Council Action
Financial Impact Report**

Title of Item: Street closing

Originating Department: Development Services Department

Description of Impact:

CE-775 Ordinance closing a portion of NE 115th Street, extending approximately 660 feet west from North Air Depot Boulevard. Ward 7.

The purpose of this request is to close and gate this portion of the street.

The applicant was required to pay a \$1475 application fee.

All affected property owners and/or businesses have been notified of this closing and no protest has been received.

The applicant owns all property abutting the proposed closing.

Summary of Impact

a. **Cost to City Organization (include indirect costs):** None

b. **Cost to Citizens:** None.

c. **Cost to Business Community:** None.

d. **Revenue Produced:** \$1475 deposited into the General Fund.

Source of Funds

Fund Name:

Agency Name:

Department Head Signature:

Date:

Date Submitted to OMB: 12-22-09

OMB Review Completed by:

Date: 12-22-09

MINUTES

Oklahoma City Planning Commission
December 10, 2009

12. (CE-775) Application by Steven J. and Julia Ann Jech, to close a portion of NE 115th Street, extending approximately 660 feet west from N. Air Depot Boulevard. Ward 7.

The applicant was present. There were no protestors present.

Commissioner Bright moved to approve Item 12, determining that this item is in conformance with the OKC Plan. Commissioner Williams seconded the motion. Ayes: Hensley, Powers, Allen, Ehlers, Bright, Williams, and Gales. Absent: George and Yoeckel. **ITEM 12 RECOMMENDED FOR APPROVAL.**

**STAFF REPORT
Planning Commission
December 10, 2009**

(CE-775) Application by Steven J. and Julia Ann Jech, to close a portion of NE 115th Street, extending approximately 660 feet west from N. Air Depot Boulevard. Ward 7.

I. GENERAL INFORMATION

A. CONTACT PERSON

Owner: Steven J. Jech (405) 471-1101 steven-j@sbcglobal.net

B. HISTORY

This is a new application.

C. GENERAL LOCATION AND LAND USE

This request seeks to close a portion of the 30-foot right-of-way easement (NE 115th Street) The subject street extending west from N. Air Depot Boulevard to Ecker Dr. AA zoned, five acre residential lots abut the site to the north and west. River Oaks Addition occupies the property to the south.

D. PURPOSE OF THE REQUEST

It is the desire of the applicant to close and gate this portion of the street. NE 115th Street is a narrow street that has deteriorated and become impassable. Closing the street will reduce illegal dumping and add to the safety and security of the area.

II. COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

The Engineering Department states the proposed easement closing should exclude a 50-foot right-of-way west of the Section line along North Air Depot Boulevard. Solid Waste Management Division, The Utilities Department, have no objections to this request. No comments were received from Oklahoma Gas and Electric Company or AT&T.

III. DEVELOPMENT SERVICES DEPARTMENT REVIEW

A. STAFF ANALYSIS

With the exception of the applicant's driveway, all abutting properties take access from Ecker Drive to the west and NE 113th Street to the south (both are private roads).

No other home owners will be denied access to their property if NE 115th Street is closed

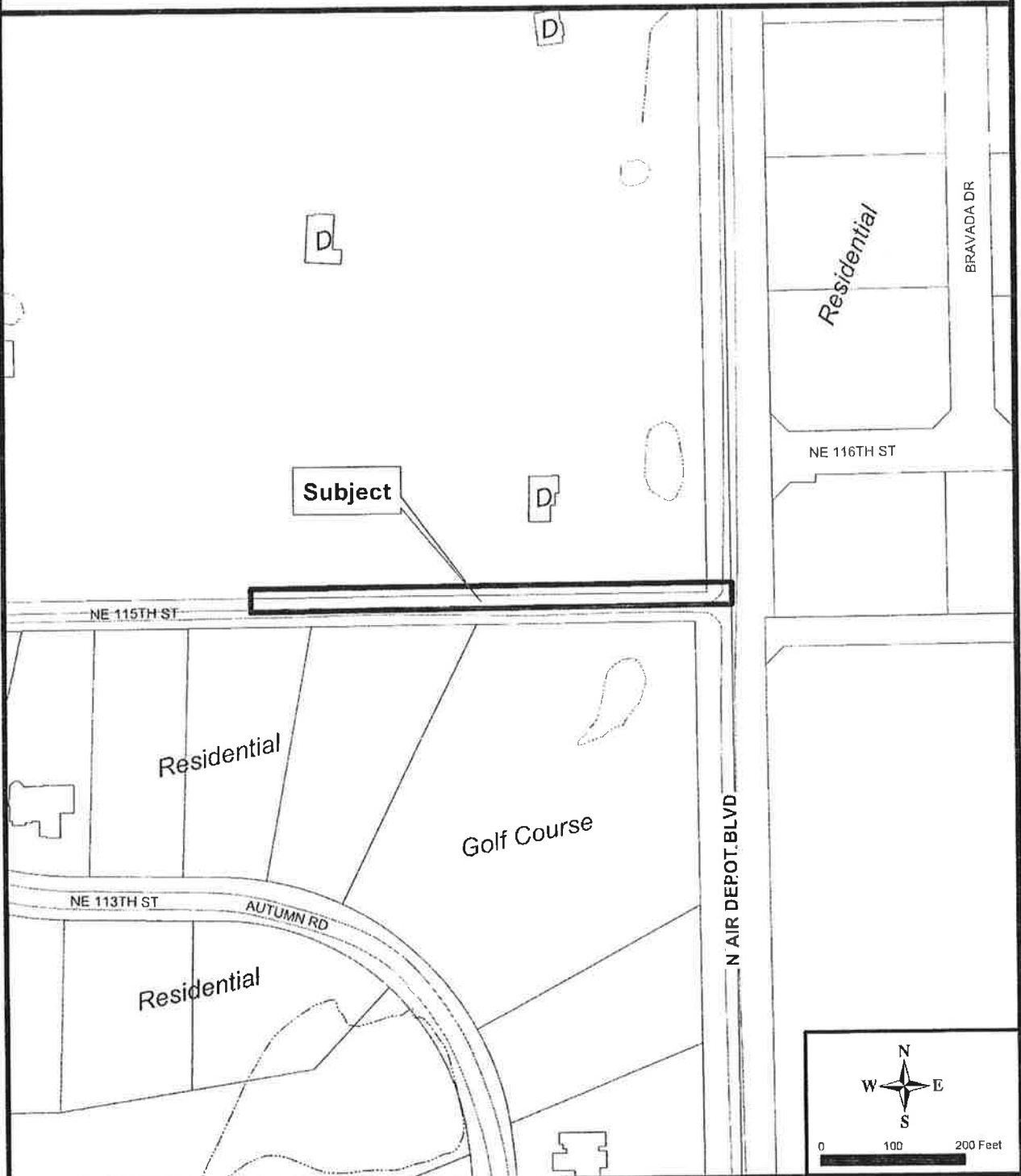
STAFF REPORT
Planning Commission
December 10, 2009
CE-775 Page 2

VI. STAFF RECOMMENDATION

Approval of this application

ld

CE-775



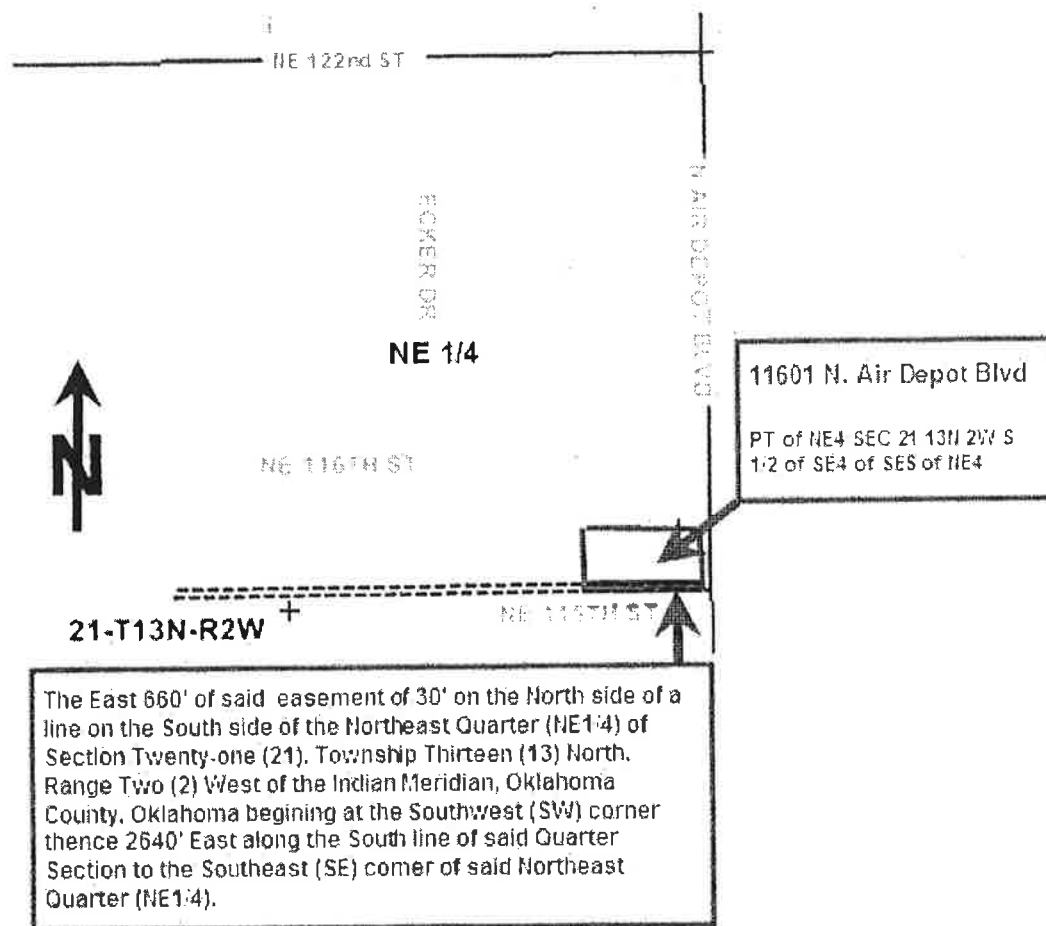
The City of
OKLAHOMA CITY

PROPERTY PHYSICAL ADDRESS:

11601 N. Air Depot Blvd
Edmond, OK 73013

LEGAL DESCRIPTION OF THE PUBLIC WAY/EASEMENT:

"An easement of 30' on the North side of a line on the South side of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-one (21), Township Thirteen (13) North, Range Two (2) West of Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest (SW) corner thence 2640' East along the South line of said Quarter Section to Southeast (SE) corner of said Northeast Quarter (NE $\frac{1}{4}$)".



Reason for Request to VACATE EASEMENT

The subject easement is described as a perpetual easement granted to Oklahoma County for the purpose of constructing a road and recorded as Document #80257, in Book #2842, on page #592 by the Oklahoma County Clerk on December 31, 1962. (See attach photo copy of the recorded document).

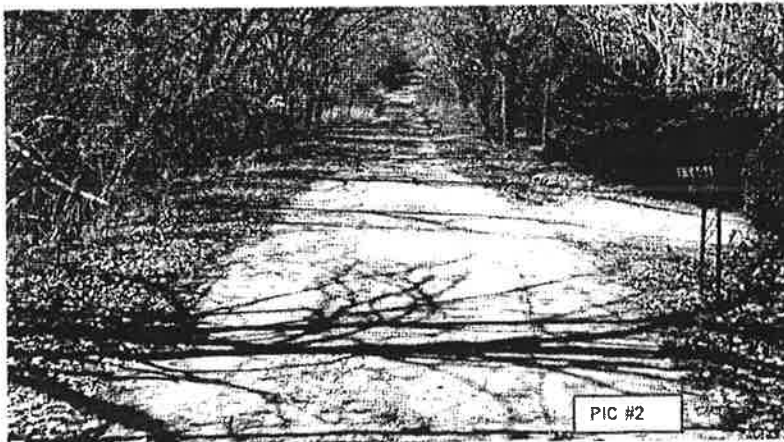
The County subsequently constructed a one lane street on the east 1320 feet of the easement. No street improvements were ever constructed on the west 1,320 feet. (See PIC #12) The property owner of the SE¼ never granted the additional 30 foot easement which would have allowed for the construction of a full two lane street. By itself this 30' easement is neither large enough for a full street nor for adequate drainage ditches.

We are petitioning the City to vacate the East 660 feet of the easement. This is the portion of the easement fronting our property. There are several reasons for the request.

1. The partial street on the "improved" portion of a street easement has deteriorated to the point that it is impassable (reference the attached picture 1-18 and specifically pics #7, 8, 9, & 10).
2. Public services including the OKC Fire Department, OKC police Department and Oak Dale Public Schools have not used this street in well over 5 years.
3. This section of 115th street is susceptible illegal trash dumping. (See Trash Pics 1-5). Note that we periodically cleaned up the trash that has been dumped on this "street".
4. Public safety is an issue on at least two points. One, serious damage could be caused to citizens vehicles attempting to drive on this road. The second, people are parking on this deserted road late at night creating a concern for our personal safety.
5. Not only is the road surface almost completely gone the drainage ditches have silted full and do not provide drainage for the street. Instead the storm water drainage is actually forced on to the road bed. This condition is accelerating the erosion of the road surface.
6. The inadequate drainage is allowing storm water to come over the road, washing out our driveway and flooding our front yard. (see PIC #3)



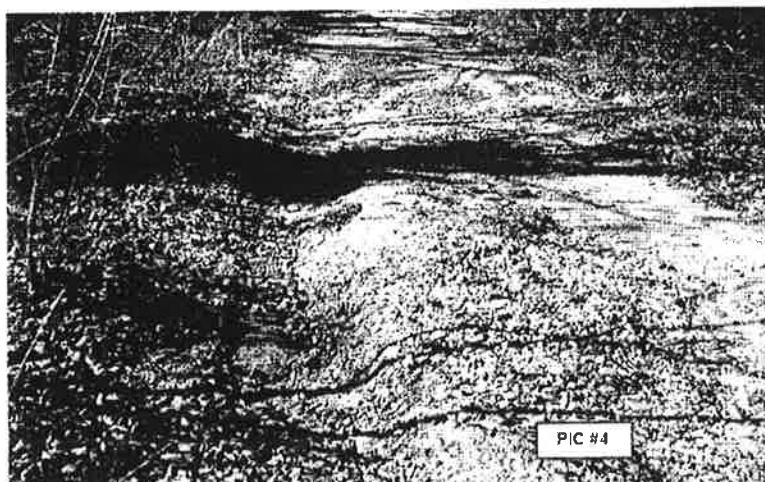
Looking west on 115th St from the intersection of N Air Depot



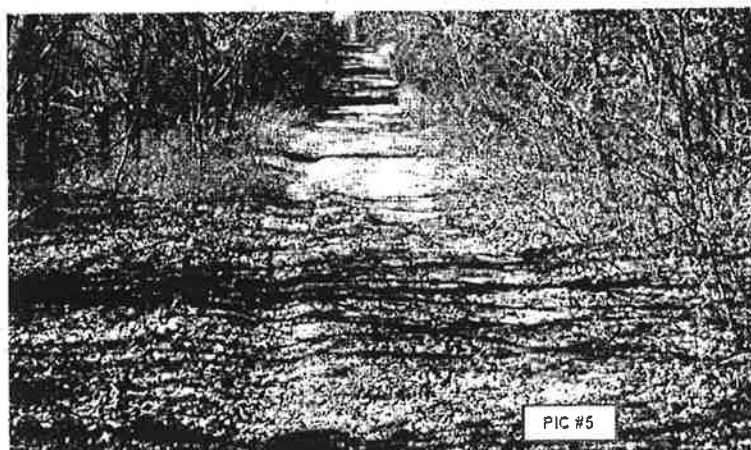
Drive way to 11601 N Air Depot



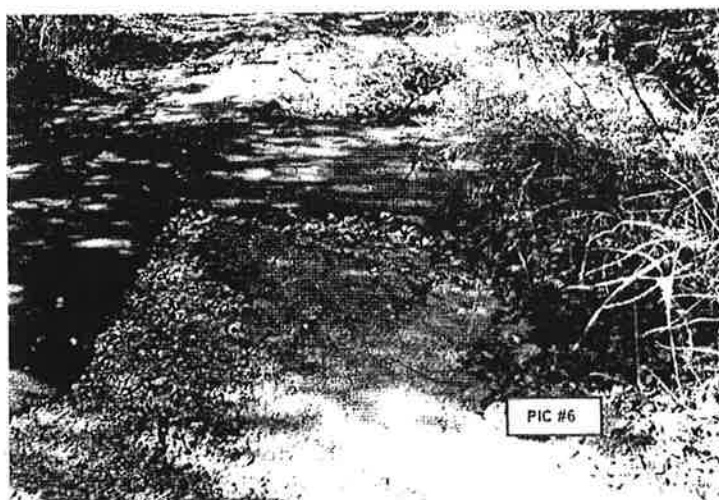
Lack of bar ditch maintenance has caused the erosion



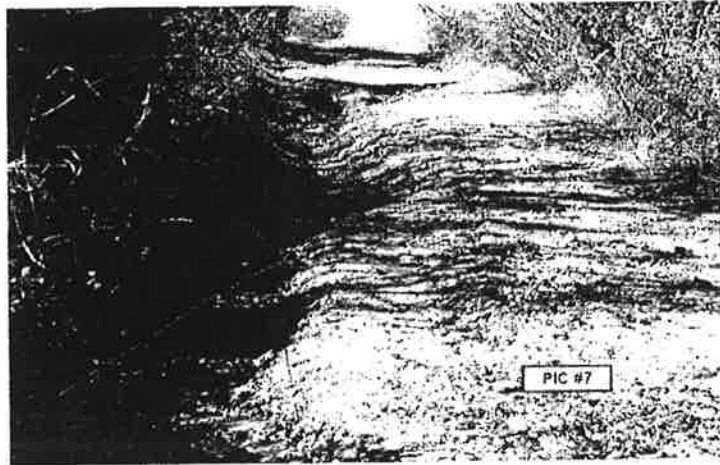
Erosion down the center of the one lane road.



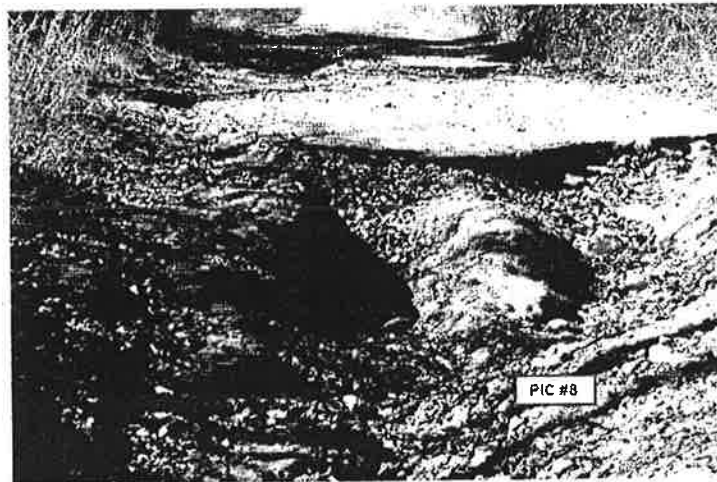
Bar ditches are silted full; storm water runs down road bed



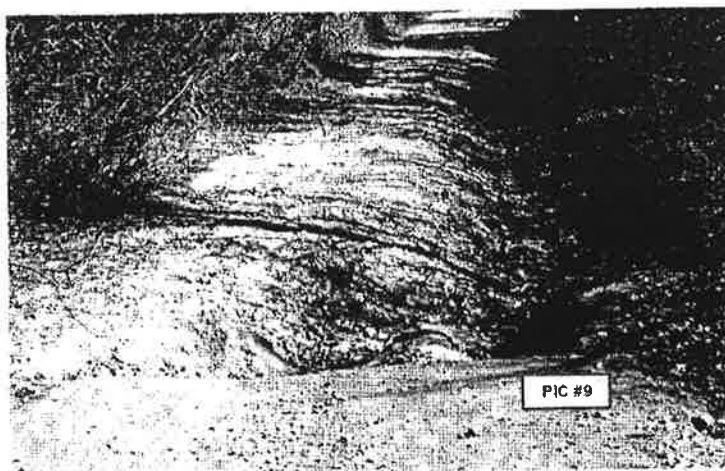
Pot holes where pavement washed out



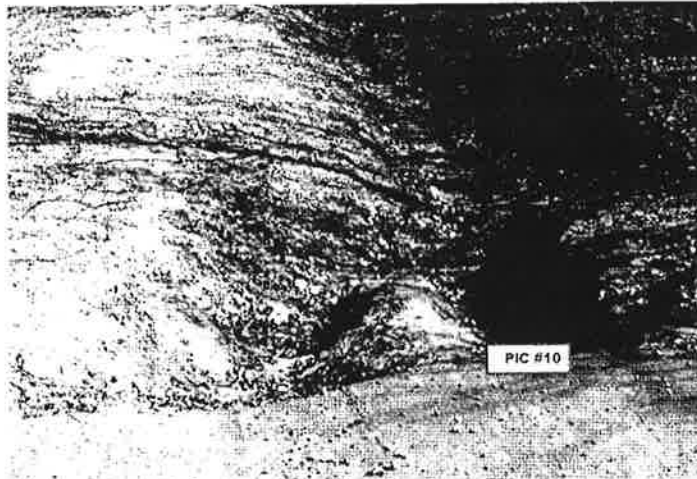
Serious erosion



Road bed eroded so deeply that it is impassable!



Road is an impassable hazard to any vehicle.



Additional view of deep ravine



Narrow, one lane road; bar ditches silted full



View looking west from intersection of 115th St. & Ecker Drive.
The west 1320' of the 30' easement



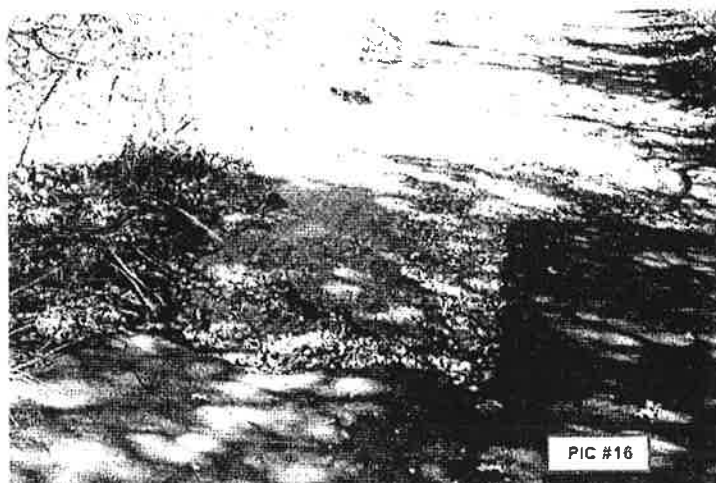
Potholes in the pavement on the one lane road



Deep rut eroded from storm water draining on road bed



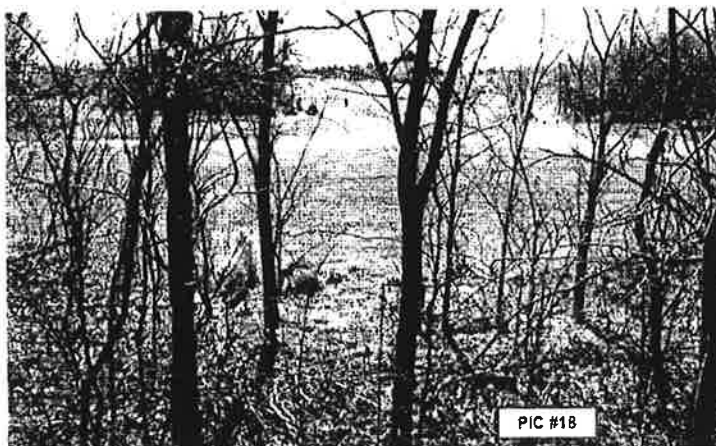
Example of lack of long term maintenance



More erosion of road bed

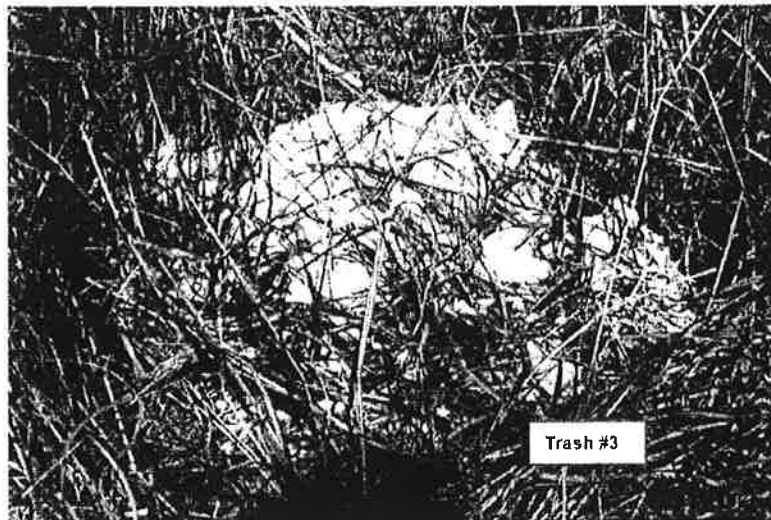
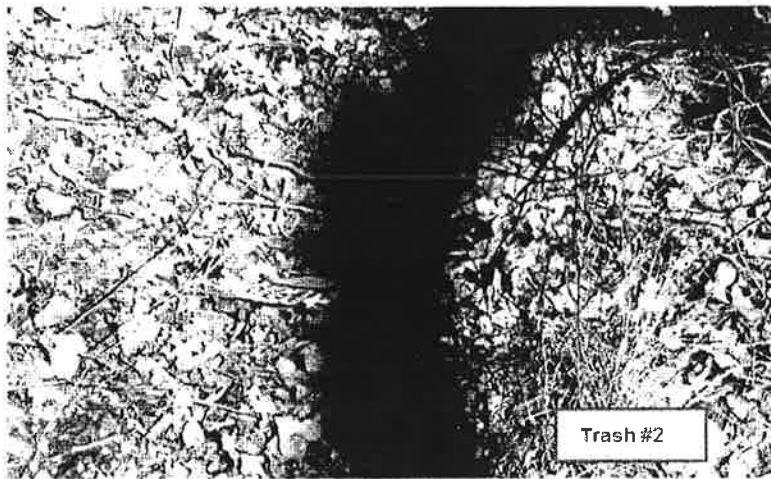
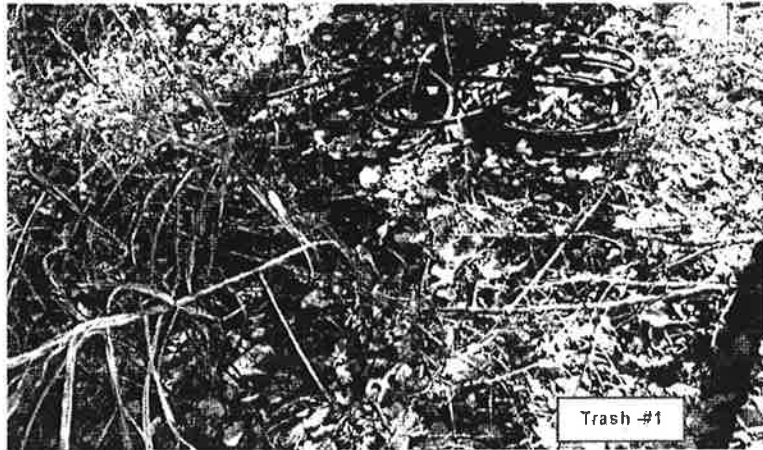


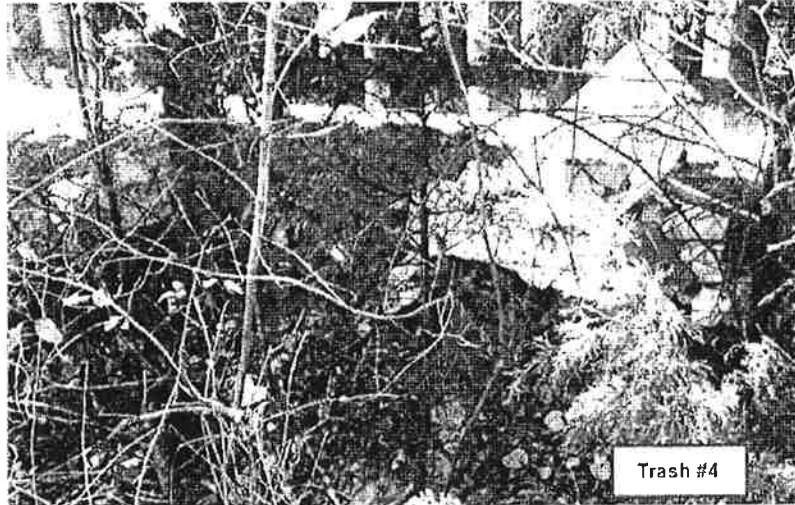
Example of silted bar ditches and lack of maintenance



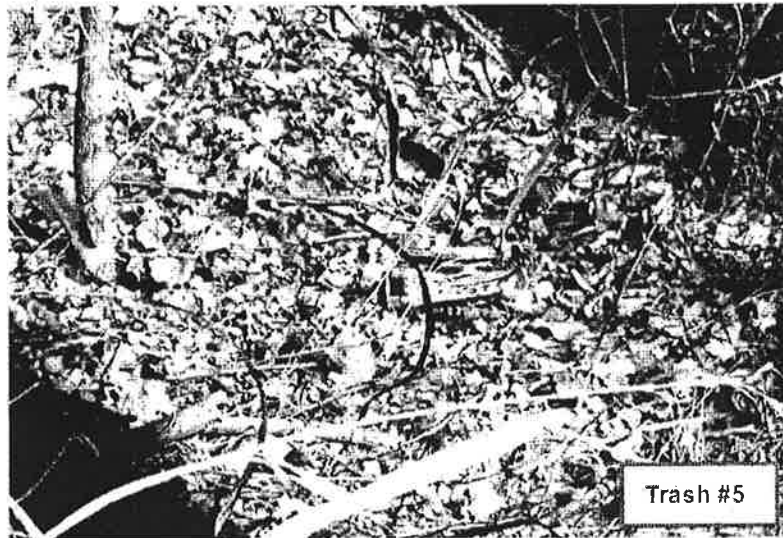
View of neighbor immediately south of subject property,
River Oaks Golf course.

TRASH ALONG 115th.





Trash #4



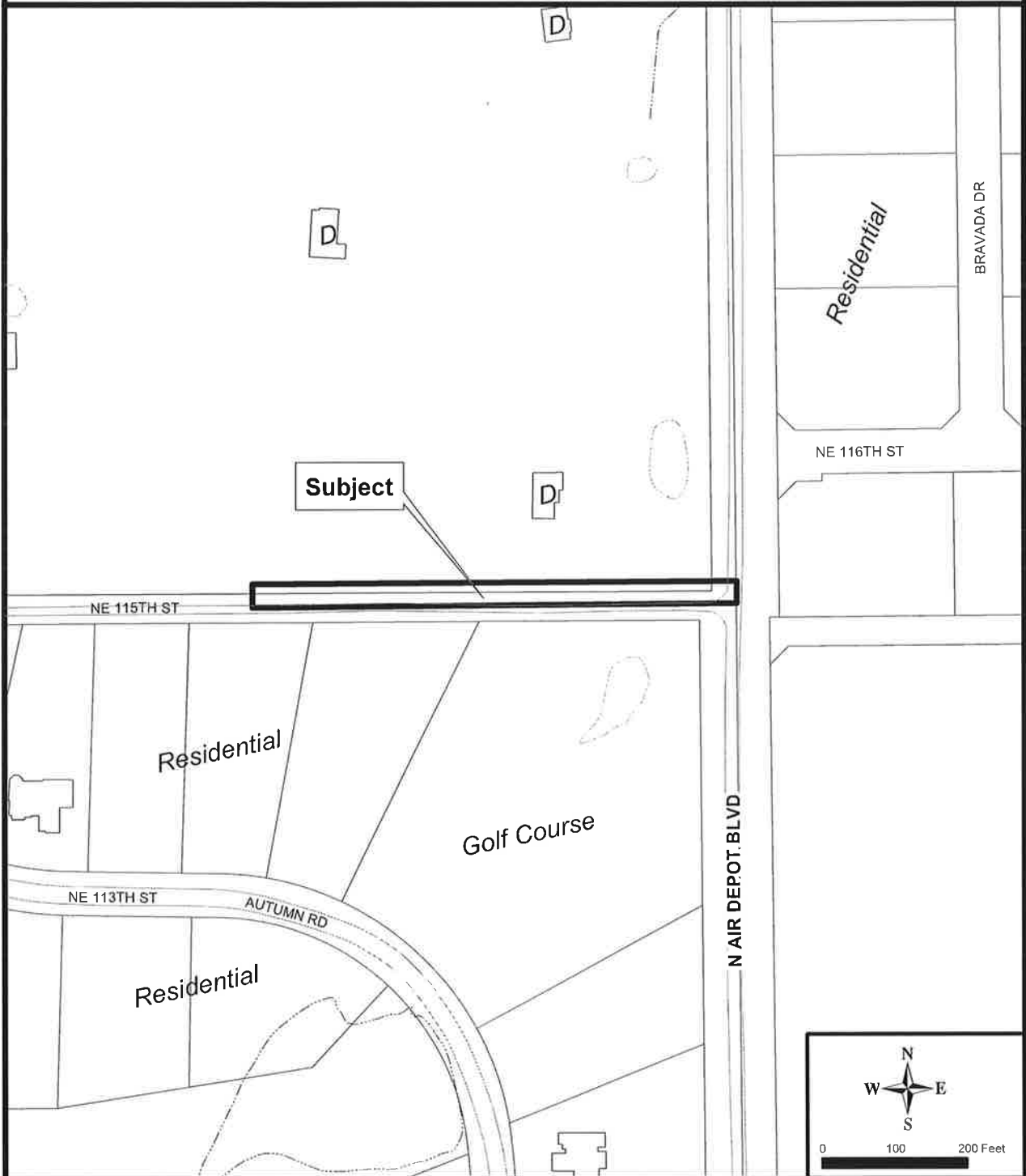
Trash #5



The City of
OKLAHOMA CITY

CE-775
Photo: 2008

CE-775



The City of
OKLAHOMA CITY

NOTICE OF HEARING

CE-775

NOTICE IS HEREBY GIVEN, that an application has been filed to close the following described public way or easement:

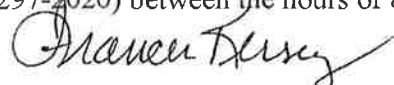
The east 660' feet of said easement of 30' feet on the North side of a line on the South side of the Northeast Quarter of Section 21, Township 13 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest corner, thence 2,640 feet east along the South line of said Quarter section to the Southeast corner of said Northeast Quarter.

An ordinance closing the above described street was introduced at City Council meeting January 5, 2010, and a public hearing will be held February 9, 2010, in the City Council Chambers, Third Floor, 200 North Walker Avenue, Oklahoma City, Oklahoma beginning at 8:30 a.m.

All property owners in the immediately surrounding areas are hereby given notice that they may inspect said application in the office of the Development Services Department/Subdivision and Zoning Office, 420 West Main Street, Suite 910, Oklahoma City, Oklahoma. Any argument and evidence for or against the approval of said application should be filed with the Office of the City Clerk, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102 three days prior to the hour set for public hearing.

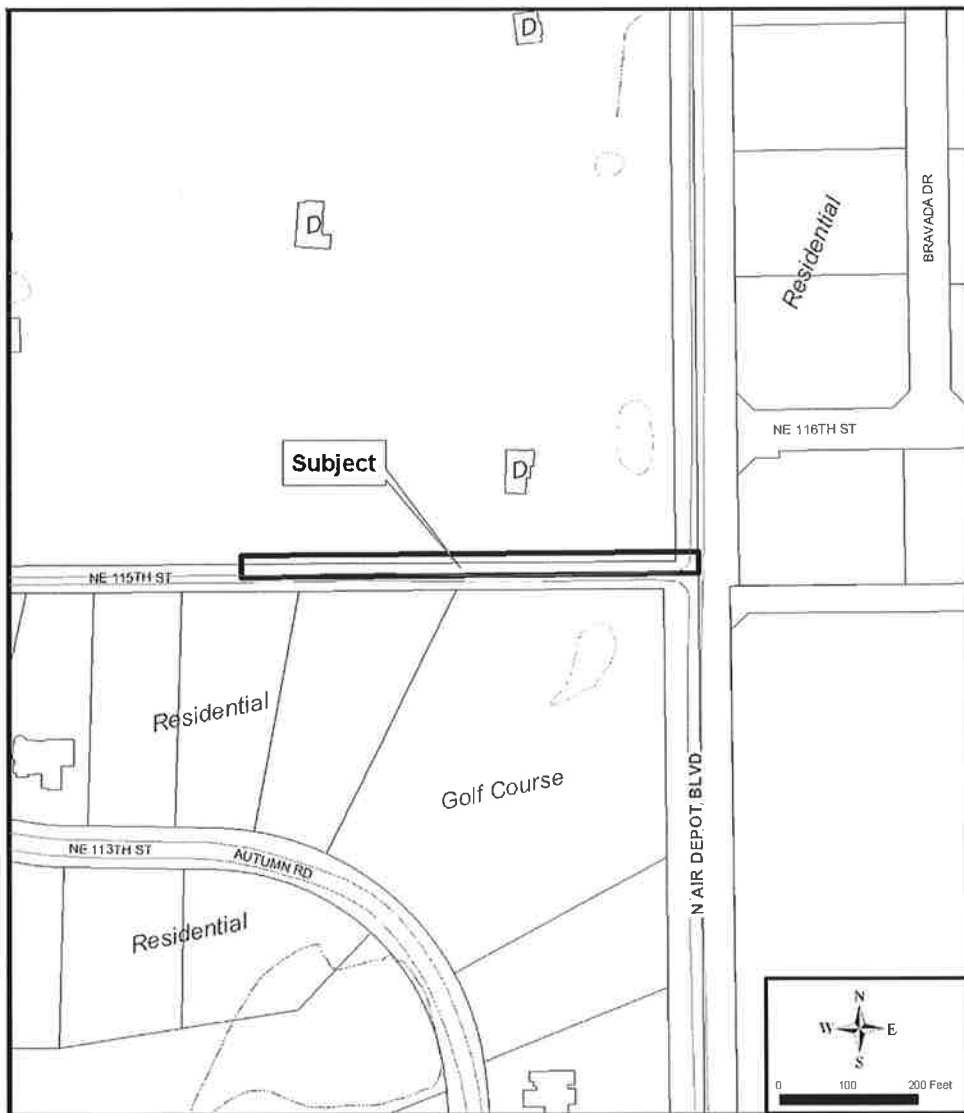
Should you have any questions, please call 297-2623 (TDD 297-2020) between the hours of 8:00 a.m. and 5:00 p.m.

SEAL



Frances Kersey, City Clerk







The City of Oklahoma City
Development Services Department
Subdivision & Zoning Division
420 West Main St., Suite 910
OKC, OK 73102
405-297-2623

Staff use only	
Case #	<u>12-111</u>
Date Filed	_____
Ward #	_____
Nbrhd Area	_____
School District	_____

APPLICATION FOR CLOSING PUBLIC WAY OR EASEMENT

Name of Applicant: Steven J. Jech and Julia Ann Jech

Location of public way/easement: 30' on North side of a line on South side of the NE 1/4 Section 21 T13N - R2W Okla. County, Oklahoma beginning at SW corner thence 2040' East to SE corner of NE 1/4.

Reason for closing public way/easement: Partial road, impassable, safety concerns (see Attached)

Present use of adjoining property: Residential

The application **must** contain the signature and/or authorization of the property owner(s) owning **more** than one-half of the total frontage of the public way or easement sought to be closed. The following items must also be included with the application:

- Three (3) copies of the legal description of the public way/easement.
- Three (3) copies of each applicants deed(s).
- Three (3) copies of all property owners who own property within a 300 foot radius of the public way/easement to be closed. The list **MUST** include their mailing address and the legal description of their property and **MUST** be current within 30 days of the date of submittal of the application. The list **MUST ALSO** contain a minimum of 15 separate individual property owners. If there are less than 15 individual owners within the 300 feet, the radius must be extended by increments of 100 feet until the list contains no less than 15 owners or until the radius reaches 1,000 feet. An insufficient list may result in a minimum 30-day delay in your application. You must attest on the attached "Affirmation" that the list is true and correct unless the list is certified by an abstract company.
- Three (3) copies of a map which indicates the location of the public way/easement including property ownership lines for each applicant.
- A filing fee of \$1,475.00 for easements and streets and alleys.**

There are two public hearings for consideration of an application for closing a public way or easement. First is the Planning Commission hearing which is approximately four (4) weeks from the time the application is submitted to the Development Services Department. Once the Planning Commission makes a recommendation, an ordinance to close the public way or easement will be introduced to the City Council in approximately three (3) weeks and set for final hearing five (5) weeks after the date of introduction.

Also Send Notice & Staff Report to: ↓

Steven J. Jech
Signature of Applicant(s)
Steven J. Jech
Applicant's Name (please print)
11601 N. Air Depot Blvd.
Applicant's Mailing Address
Edmond, OK 73013
City, State, Zip Code

Phone: 405.471.1101

E-Mail: Steven-j@sboglobal.net

AFFIRMATION

STATE OF OKLAHOMA)

COUNTY OF OKLAHOMA)

) §

I affirm that the ownership list submitted as a part of this application contains the names of all owners of record of property which are within 300 feet (or greater if required) of the property described in the attached exhibit.

Executed at Oklahoma City, Oklahoma, on the 5th day of November, 2009.



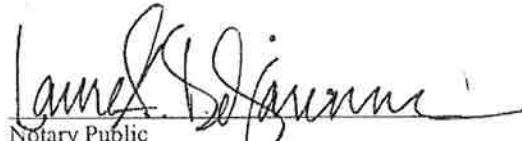
Applicant

Subscribed and sworn to before me, a Notary Public, in and for the State of OKLAHOMA, County of OKLAHOMA, on the 9th day of NOVEMBER, 2009.

My Commission Expires:

12.05.2012

LAURA A. DEVARENNE
NOTARY PUBLIC-STATE OF OKLAHOMA
LOGAN COUNTY
My COMMISSION EXPIRES Dec 05, 2012
COMMISSION #08012146



Notary Public
Commission # 08012146

Doc # 2007100938
Bk 10542
Pg 944-945
DATE 07/12/07 14:33:50
Filing Fee \$15.00
Documentary Tax \$262.50
State of Oklahoma
County of Oklahoma
Oklahoma County Clerk
Carolynn Caudill

Return To:
Steven J. Jech and Julia Ann Jech
12094 S. 18th St
Jenks, OK 74037

JOINT TENANCY WARRANTY DEED

File No.: 1047847-OK15 (MSM)
Doc Stamps: \$262.50

Tax ID#: 3481-14-157-2005

262.50

dated July 11th, 2003

That **William C. Roger Revocable Trust**, party(ies) of the first part, in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **Steven J. Jech and Julia Ann Jech, husband and wife**, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor, party(ies) of the second part, the following described real property and premises situate in **Oklahoma** County, State of **Oklahoma**, to wit:

The South Half (S/2) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Thirteen (13) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma.

Property Address: **11601 North Air Depot Boulevard, Edmond, OK 73013-8328**


Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint tenants, and to the heirs, successors and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral, reservations or conveyances of record.

Signed and delivered this **June 29, 2007**.

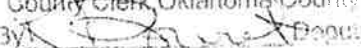
William C. Rogers, as Trustee of the William C. Rogers Revocable Trust dated July 11th, 2003


William C. Rogers, Trustee

X First American Title & Trust Company
133 N.W. 8th
Oklahoma City, OK 73102

E1047847 262.50 2/15/05

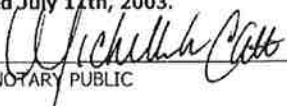
CERTIFIED COPY

NOV 15 2009
CAROLYNN CAUDILL
County Clerk, Oklahoma County
342 

ACKNOWLEDGMENT - OKLAHOMA FORM

STATE OF **OKLAHOMA** }
 } **ss.**
COUNTY OF **OKLAHOMA** }

This instrument was acknowledged before me on **June 29, 2007**, by **William C. Rogers, as Trustee**
of the **William C. Rogers Revocable Trust dated July 11th, 2003**.


NOTARY PUBLIC

My Commission Expires: **10-27-07**

Mail Tax Statements To:

~~CASH~~
same as before



Leonard Sullivan Oklahoma County Assessor's Office



Ownership Radius Report

This Report is for Account Number R141572005 and is a 500-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.

OKLAHOMA COUNTY ASSESSOR
RADIUS REPORT
11/5/2009

ACCOUNTNO	NAME1	NAME2	MAILINGADDRESS1	MAILINGADDRESS2	CITY	STATE	ZIPCODE	SUBNAME	BLOCK	LOT	LEGAL	PHYSICALADDRESS
R207081250	DANFORTH DEVELOPMENT LLC	null	PO BOX 424	null	SPENCER	OK	73084-0424	SHADOW RIDGE II		8	4 null	
R207081410	DANFORTH DEVELOPMENT LLC	null	PO BOX 424	null	SPENCER	OK	73084-0424	SHADOW RIDGE II		10	1 null	
R141572010	FLESHMAN DONALD E TRIS	SMITH MYRALEE F TRIS	FLESHMAN EARLENE A REV TRUST	PO BOX 7772	EDMOND	OK	73083	UNPLTD PT SEC 21 13N 2W		0	PT OF NE4 SEC 21 13N 2W S 1/2 OF SW4 OF 0 SE4 OF NE4	11600 ECKER DR
R207081240	LOVETTE JASON O	LOVETTE LORI M	9045 HARMONY DR	null	MIDWEST CITY	OK	73130-6217	SHADOW RIDGE II		8	3 null	
R207081320	WHITE JON F & ANGELA M	null	11700 BRAVADA DR	null	OKLAHOMA CITY	OK	73151	SHADOW RIDGE II		9	1 null	11700 BRAVADA DR
R207081420	CLARK B COLEMAN	CLARK MELISSA D	4204 N BUSH BLVD	null	OKLAHOMA CITY	OK	73112-2523	SHADOW RIDGE II		10	2 null	
R128381790	MUNSON C A & JANIS P	null	6717 NE 113TH ST	null	EDMOND	OK	73013-8356	RIVER OAKS IV		9	19 null	6717 NE 113TH ST
R141572005	JECH STEVEN J & JULIA A	null	11601 N AIR DEPOT BLVD	null	EDMOND	OK	73013-8328	UNPLTD PT SEC 21 13N 2W		0	PT OF NE4 SEC 21 13N 2W S 1/2 OF SE4 OF 0 SE4 OF NE4	11601 N AIR DEPOT BLVD
R20671590	LAKESIDE OF OAKDALE ASSOCIATION INC	null	C/O NEIGHBORHOOD SERVICES CORPORATION	1322 FRETZ DR	EDMOND	OK	73003	LAKESIDE OF OAKDALE		0	COMMON AREAS A B C & D & PRIVATE 0 STREETS	
R207081230	DANFORTH DEVELOPMENT LLC	null	PO BOX 424	null	SPENCER	OK	73084-0424	SHADOW RIDGE II		8	2 null	
R141572000	WOODWARD MIKE & MICHELE	null	11701 N AIR DEPOT BLVD	null	EDMOND	OK	73013-8329	UNPLTD PT SEC 21 13N 2W		0	PT NE4 SEC 21 13N 2W N 1/2 OF SE4 OF SE4 OF NE4 CONT 0 SACS MORE OR LESS	11701 N AIR DEPOT BLVD
R128381820	MANWELL BRIAN & LAURA	null	5825 NE 113TH ST	null	EDMOND	OK	73013-8358	RIVER OAKS IV		9	22 null	6825 NE 113TH ST
R128381590	DEGOLIA DWIGHT & PAMELA S	null	6724 NE 113TH ST	null	EDMOND	OK	73013-8355	RIVER OAKS IV		8	0 LT 19 TH NLY 200 04FT	6724 NE 113TH ST
R128381800	RATTAN KAREN B	MCCLEIN RICKY H	6725 NE 113TH ST	null	EDMOND	OK	73013-8356	RIVER OAKS IV		9	20 null	6725 NE 113TH ST
R207081220	DANFORTH DEVELOPMENT LLC	null	PO BOX 424	null	SPENCER	OK	73084-0424	SHADOW RIDGE II		8	1 null	

OKLAHOMA COUNTY ASSESSOR
RADIUS REPORT
11/5/2009

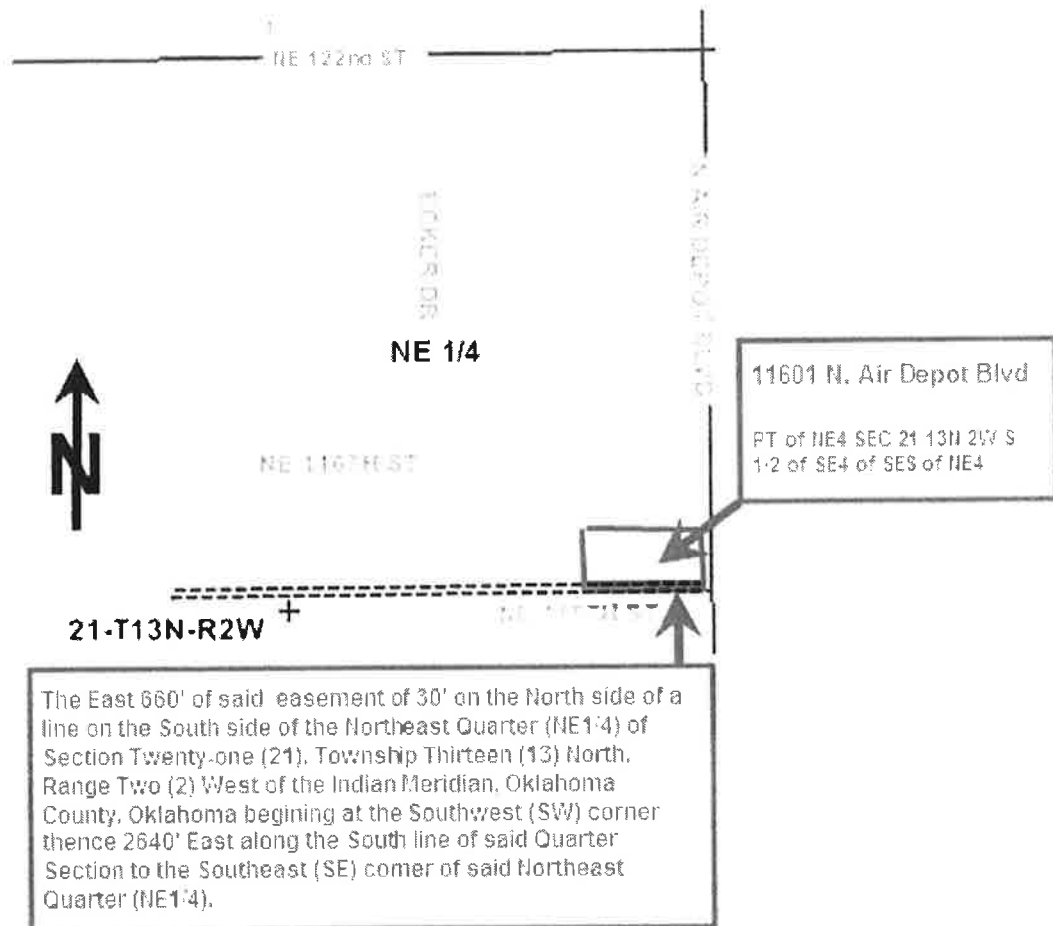
ACCOUNTNO	NAME1	NAME2	MAILINGADDRESS1	MAILINGADDRESS2	QTY	STATE	ZIPCODE	SUBNAME	BLOCK	LOT	LEGAL	PHYSICALADDRESS
R141571820	ABBOTT D E	ABBOTT PERRY	MC 60 BOX 6405	null	CLAYTON	OK	74535-9648	UNPLTD PT SEC 21 13N 2W		0	PT NE4 SEC 21 13N 2W BEG 1650FT S OF NE/C OF NE4 TH 0 16660FT S380FT	11805 N AIR DEPOT BLVD
R207081590	SHADOW RIDGE OWNERS ASSOCIATION INC	null	PO BOX 424	null	SPENCER	OK	73084-0424	SHADOW RIDGE II		0	COMMON AREAS C & D D & PRIVATE STREETS	
R141572011	SEBERT RICHARD A	null	11700 N ECKER DR	null	EDMOND	OK	73013-8322	UNPLTD PT SEC 21 13N 2W		0	PT OF NE4 SEC 21 13N 2W N 1/2 OF SW4 OF 0 SE4 OF NE4	11700 ECKER DR
R141572045	KING PATRICK D & DIJANA	null	11800 N ECKER DR	null	EDMOND	OK	73013-8323	UNPLTD PT SEC 21 13N 2W		0	PT OF NE4 SEC 21 13N 2W S 1/2 OF NW4 OF 0 SE4 OF NE4 EX W25FT	11800 ECKER DR
R128381580	CHO RICH	HEINTZ CHO JULIE	6716 NE 113TH ST	null	EDMOND	OK	73013-8355	RIVER OAKS IV		8	PT OF LOTS 18 & 19 BEG 14 81FT SE OF NW/C LT 18 TH	6716 NE 113TH ST
R206771580	BRIDGES CHRIS S & JULIE A	null	5800 MISTLETOE CT	null	OKLAHOMA CITY	OK	73142-1800	LAKESIDE OF DAKDALE		4	ALL OF LOT 12 & PT OF LOT 11 BEG 81.25FT NW OF SW/C 0 LT 11 TH NWLY ON A	
R207081330	LEVINGS BRIAN	null	16021 TEESDALE RD	null	EDMOND	OK	73013-2063	SHADOW RIDGE II		9	2 null	
R128381780	RAWDON JACK C TRS & LIVING TRUST	KEY ANDREA L MD TRIS & LIVING TRUST	6701 NE 113TH ST	null	EDMOND	OK	73013-8356	RIVER OAKS IV		9	18 null	6701 NE 113 TH
R128381810	MCPHAIL MARK R & VALERIE C	null	6801 NE 113TH ST	null	EDMOND	OK	73013-8358	RIVER OAKS IV		9	21 null	6801 NE 113TH ST
R168621900	MILLENNIUM GOLF PROPERTIES LLC	null	10909 CLUBHOUSE RD	null	EDMOND	OK	73013-8355	HARTZELL TOWNSHIP		0	PT SE4 & SW4 SEC 21 13N 2W BEING ALL SE4 & SW4 EX THAT 0 PART PLTD INTO	6707 E HEFNER RD

PROPERTY PHYSICAL ADDRESS:

11601 N. Air Depot Blvd
Edmond, OK 73013

LEGAL DESCRIPTION OF THE PUBLIC WAY/EASEMENT:

"An easement of 30' on the North side of a line on the South side of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-one (21), Township Thirteen (13) North, Range Two (2) West of Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest (SW) corner thence 2640' East along the South line of said Quarter Section to Southeast (SE) corner of said Northeast Quarter (NE $\frac{1}{4}$)".



Reason for Request to VACATE EASEMENT

The subject easement is described as a perpetual easement granted to Oklahoma County for the purpose of constructing a road and recorded as Document #80257, in Book #2842, on page #592 by the Oklahoma County Clerk on December 31, 1962. (See attach photo copy of the recorded document).

The County subsequently constructed a one lane street on the east 1320 feet of the easement. No street improvements were ever constructed on the west 1,320 feet. (See PIC #12) The property owner of the SE¼ never granted the additional 30 foot easement which would have allowed for the construction of a full two lane street. By itself this 30' easement is neither large enough for a full street nor for adequate drainage ditches.

We are petitioning the City to vacate the East 660 feet of the easement. This is the portion of the easement fronting our property. There are several reasons for the request.

1. The partial street on the "improved" portion of a street easement has deteriorated to the point that it is impassable (reference the attached picture 1-18 and specifically pics #7, 8, 9, & 10).
2. Public services including the OKC Fire Department, OKC police Department and Oak Dale Public Schools have not used this street in well over 5 years.
3. This section of 115th street is susceptible illegal trash dumping. (See Trash Pics 1-5). Note that we periodically cleaned up the trash that has been dumped on this "street".
4. Public safety is an issue on at least two points. One, serious damage could be caused to citizens vehicles attempting to drive on this road. The second, people are parking on this deserted road late at night creating a concern for our personal safety.
5. Not only is the road surface almost completely gone the drainage ditches have silted full and do not provide drainage for the street. Instead the storm water drainage is actually forced on to the road bed. This condition is accelerating the erosion of the road surface.
6. The inadequate drainage is allowing storm water to come over the road, washing out our driveway and flooding our front yard. (see PIC #3)



Pic #1

Looking west on 115th St from the intersection of N Air Depot



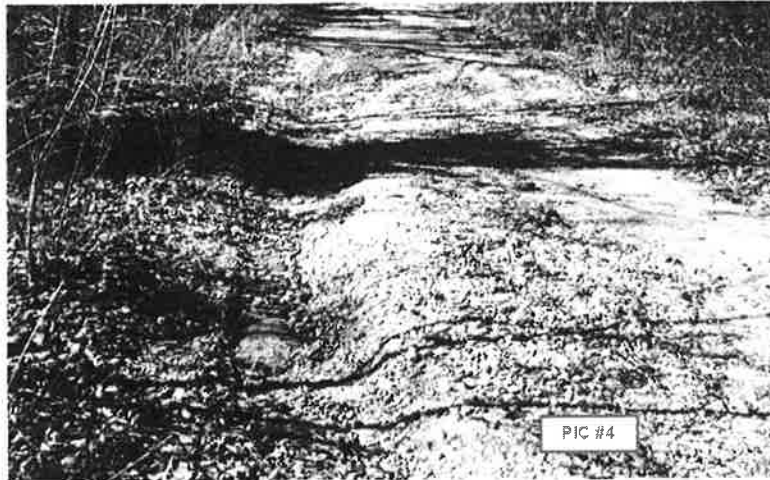
Pic #2

Drive way to 11601 N Air Depot



PIC #3

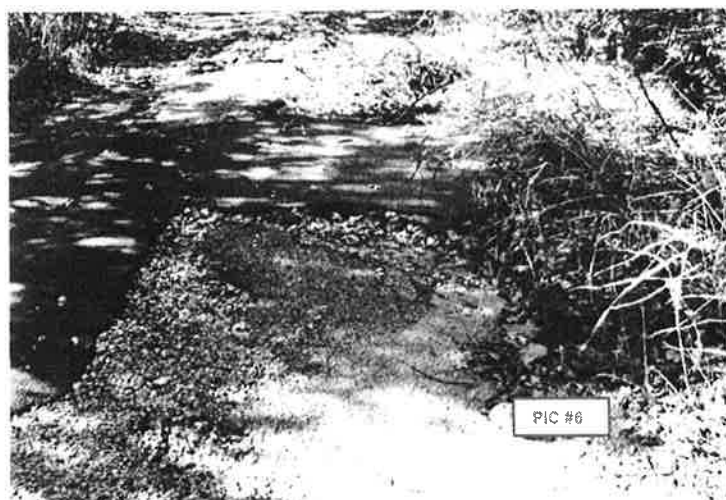
Lack of bar ditch maintenance has caused the erosion



Erosion down the center of the one lane road.



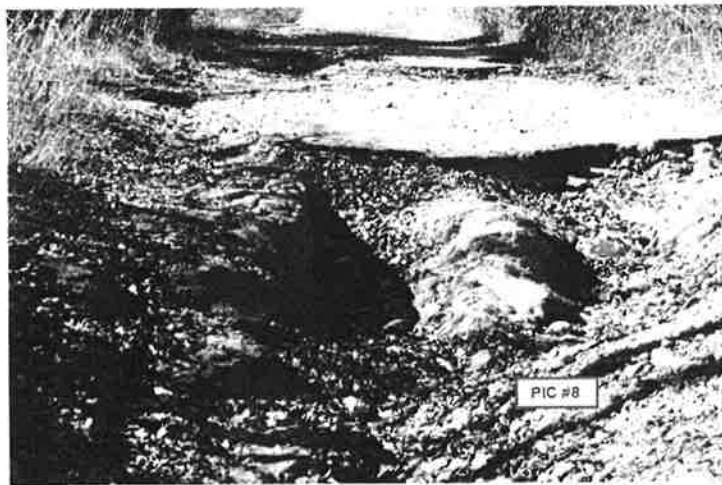
Bar ditches are silted full; storm water runs down road bed



Pot holes where pavement washed out



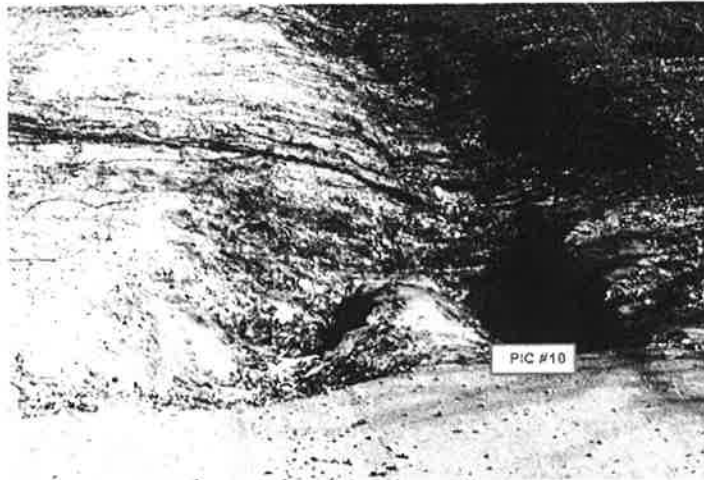
Serious erosion



Road bed eroded so deeply that it is impassable!



Road is an impassable hazard to any vehicle.



Additional view of deep ravine



Narrow, one lane road; bar ditches silted full



View looking west from intersection of 115th St. & Ecker Drive.
The west 1320' of the 30' easement



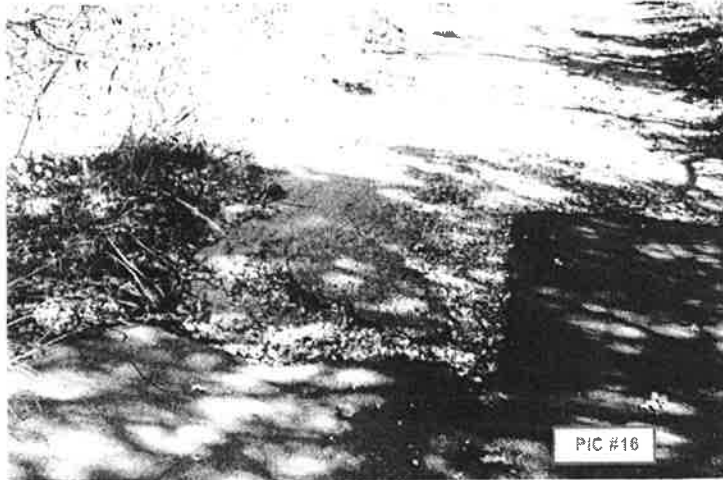
Potholes in the pavement on the one lane road



Deep rut eroded from storm water draining on road bed



Example of lack of long term maintenance



More erosion of road bed

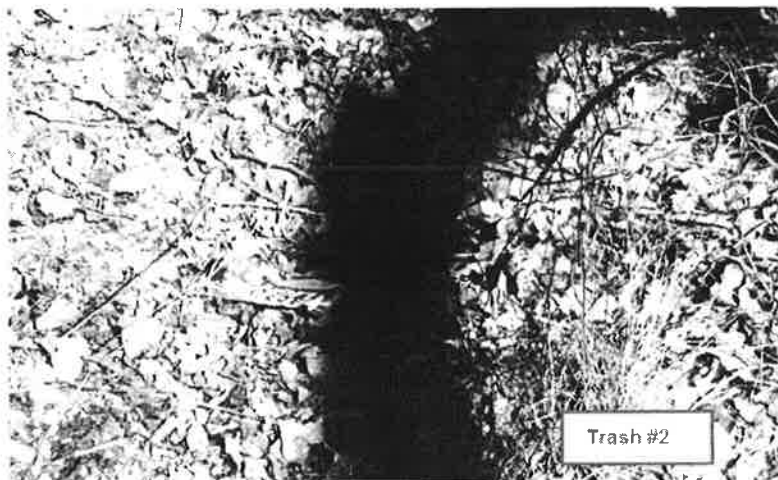
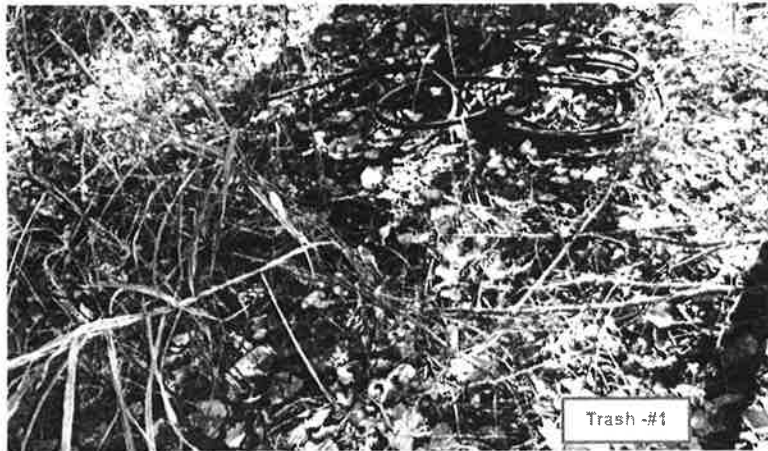


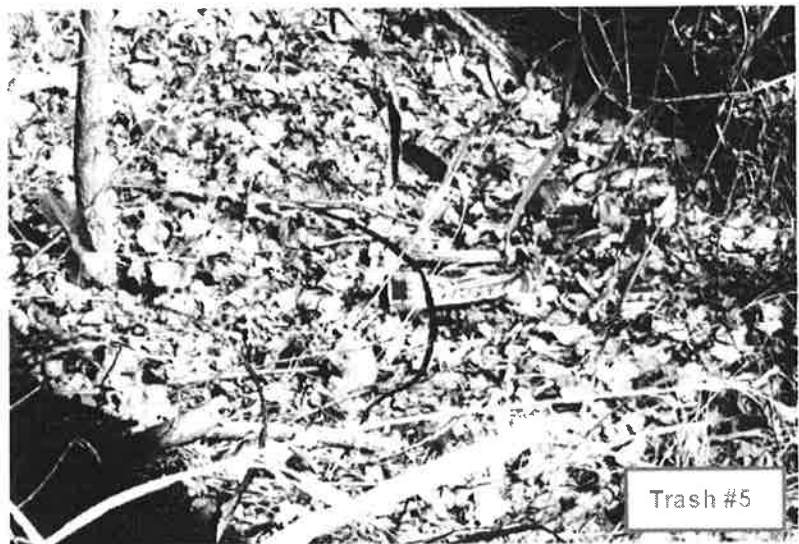
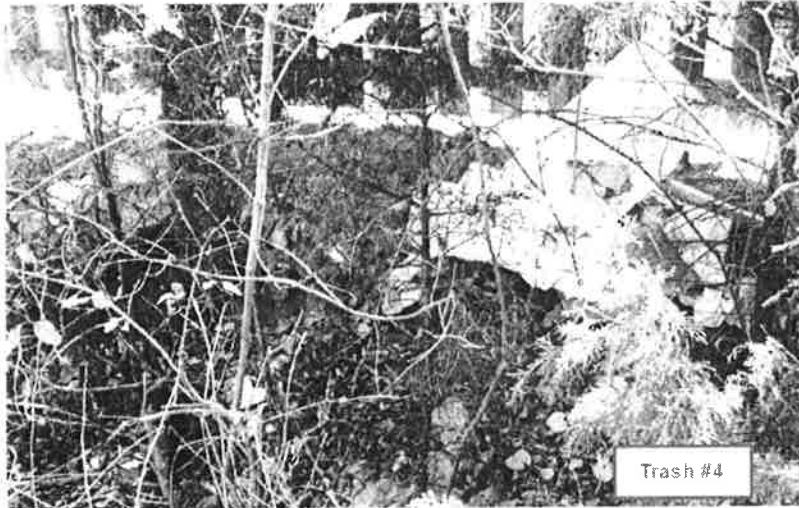
Example of silted bar ditches and lack of maintenance



View of neighbor immediately south of subject property,
River Oaks Golf course.

TRASH ALONG 115th.





CASENO	NAME	ADDRESS	CITY
CE-775	Steven Jech	11601 N Air Depot	Edmond, OK 73013
CE-775	Danforth Development	PO Box 424	Spencer OK 73084
CE-775	Donald Fleshman	PO Box 7772	Edmond, OK 73083
CE-775	Jason Lovette	9045 Harmony Dr	Midwest City, OK 73130
CE-775	Jon White	11700 Bravada Dr	Oklahoma City, OK 73151
CE-775	Clark Coleman	4204 N Bush Blvd	Oklahoma City, OK 73112
CE-775	CA Munson	6717 NE 113th	Edmond, OK 73013
CE-775	Lakeside of Oakdale Assoc	1322 Fretz Dr	Edmond, OK 73003
CE-775	Mike Woodward	11701 N Air Depot	Edmond, OK 73013
CE-775	Brian Manwell	6825 NE 113th	Edmond, OK 73013
CE-775	Dwight Degolia	6724 NE 113th	Edmond, OK 73013
CE-775	Karen Rattan	6725 NE 113th	Edmond, OK 73013
CE-775	DE Abbott	HC 60 Box 6405	Clayton OK 74536
CE-775	Shadow Ridge Owners Assoc	PO Box 424	Spencer OK 73084
CE-775	Richard Sebert	11700 N Ecker Dr	Edmond OK 73013
CE-775	Patrick King	11800 N Ecker Dr	Edmond, OK 73013
CE-775	Rich Cho	6716 NE 113th	Edmond, OK 73013
CE-775	Chris Bridges	5800 Mistletoe Ct	Oklahoma City, OK 73142
CE-775	Brian Levings	16021 Teesdale Rd	Edmond, OK 73013
CE-775	Jack Rawdon Living Trust	6701 NE 113th	Edmond, OK 73013
CE-775	Mark McPhail	6801 NE 113th	Edmond, OK 73013
CE-775	Millennim Golf Properties	10909 Clubhouse Rd	Edmond OK 73013



FILED

2010 JAN 19 P 2:37

January 14, 2010

CITY OF
OKLAHOMA CITY, OKLA
OFFICE OF
CITY CLERK

Office of the City Clerk
ATTN: Frances Kersey, City Clerk
200 North Walker Ave
Oklahoma City, OK 73102

RE: Application to close public way or easement

LOCATION: East 660' feet of said easement of 30' on the North side of the line on the South side of the Northeast Quarter of Section 21, Township 13 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest corner, then 2,640 feet along the South line of said Quarter section to the Southeast corner of said Northeast Quarter.

Dear Ms. Kersey:

I am in receipt of a Resolution published January 6, 2010 reflecting a proposal to close the above public way or easement. AT&T has existing buried cable facilities installed and in use along the easement of the above public right of way.

This letter is to inform the City Council that AT&T is against the approval of the application to close the public right of way or easement.

Please contact me at 405-341-5723 should you have any questions.

Sincerely,

Denise Black
Manager – Engineering Design
14 E 1
Edmond, OK 73034

NOTICE OF HEARING

CE-775

Spencer

NOTICE IS HEREBY GIVEN, that an application has been filed to close the following described public way or easement:

The east 660' feet of said easement of 30' feet on the North side of a line on the South side of the Northeast Quarter of Section 21, Township 13 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest corner, thence 2,640 feet east along the South line of said Quarter section to the Southeast corner of said Northeast Quarter.

An ordinance closing the above described street was introduced at City Council meeting January 5, 2010, and a public hearing will be held February 9, 2010, in the City Council Chambers, Third Floor, 200 North Walker Avenue, Oklahoma City, Oklahoma beginning at 8:30 a.m.

All property owners in the immediately surrounding areas are hereby given notice that they may inspect said application in the office of the Development Services Department/Subdivision and Zoning Office, 420 West Main Street, Suite 910, Oklahoma City, Oklahoma. Any argument and evidence for or against the approval of said application should be filed with the Office of the City Clerk, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102 three days prior to the hour set for public hearing.

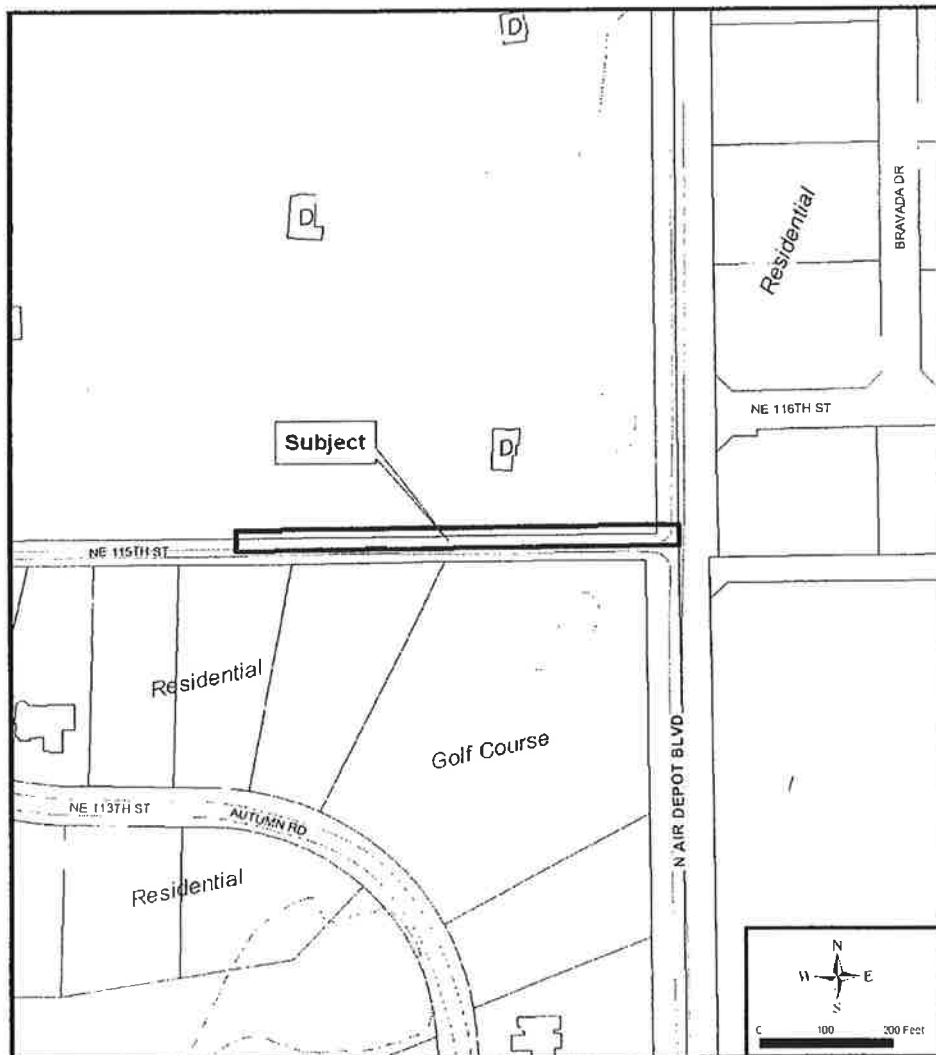
Should you have any questions, please call 297-2623 (TDD 297-2020) between the hours of 8:00 a.m. and 5:00 p.m.

SEAL

Frances Kersey

Frances Kersey, City Clerk





RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF OKLAHOMA CITY ESTABLISHING A DATE FOR THE PROPOSED ENACTMENT OF AN ORDINANCE CLOSING A PUBLIC WAY OR EASEMENT, DETERMINING THOSE ENTITLED TO NOTICE OF SAME, AND DIRECTING THAT SAID NOTICE BE ISSUED.

WHEREAS, an application to close the following described public way or easement has been considered by the Planning Commission of The City of Oklahoma City as part of a Master Plan or amendment of same, to-wit:

The east 660' feet of said easement of 30' feet on the North side of a line on the South side of the Northeast Quarter of Section 21, Township 13 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma beginning at the Southwest corner, thence 2,640 feet east along the South line of said Quarter section to the Southeast corner of said Northeast Quarter.

WHEREAS, an ordinance closing the same is proposed to be considered by the City Council on the 9th day of February, 2010; and

WHEREAS, the holders of franchises are as follows:

Oklahoma Natural Gas Company
P.O. Box 401
Oklahoma City, Oklahoma 73101
ATTENTION: Real Estate Services

Oklahoma Gas and Electric Company
P.O. Box 321 (M/C M-109)
Oklahoma City, Oklahoma 73101
ATTENTION: Kent Norris
Land Management Department

AT&T/SBC
7001 NW 23rd Street, Room 335
Edmond, Oklahoma 73008
ATTENTION: Anita Cooper

Cox Cable of Oklahoma City
6301 Waterford Boulevard Suite 200
Oklahoma City, Oklahoma 73118
ATTENTION: Marshall Birchett; and

WHEREAS, in addition thereto, the Council determines that others having a special right or privilege granted by ordinance or legislative enactment to use the aforesaid public way or easement are as follows:

(NONE)

NOW, THEREFORE, BE IT RESOLVED by the Council of The City of Oklahoma City that the City Clerk be and is hereby directed to give notice to the public by one publication in a newspaper of general circulation within the City and further to mail 30 days written notice to the following:

- A. All above listed franchise holders.
- B. All those having a special right or privilege as listed above.
- C. All property owners within 300 feet of the public way or easement to be closed whose names appear on the ownership list required to be submitted as a part of this application.

Such notice shall state that an ordinance to close the aforesaid public way or easement has been proposed for enactment on the 9th day of February, 2010. A copy of the resolution shall be included with said written notice.

ADOPTED by the Council and SIGNED by the Mayor of The City of Oklahoma City, Oklahoma, on this 5th day of January, 2010.

ATTEST:

Travis Berry
CITY CLERK



Phil Curran

MAYOR

REVIEWED for form and legality.

David Brunner
ASSISTANT MUNICIPAL COUNSELOR