



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Text File

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Title

EASEMENT NO. E-1213-23: A PERMANENT EASEMENT TO CREATE A NO-BUILD ZONE ON PROPERTY LOCATED AT LOT 16, BLOCK 2, PRIDE ADDITION NO. 5 (13818 NORRIS CIRCLE) IN ORDER TO OBTAIN A BUILDING PERMIT FOR THE ADJACENT PROPERTY LOCATED AT 13801 BRIDGE CREEK DRIVE.

Body

BACKGROUND: Daniel French owns two adjacent five acre parcels in the City of Norman located at 13801 Bridge Creek Drive and 13818 Norris Circle. A map of the subject parcels is attached to this memo. His house is located at 13801 Bridge Creek Drive, and 13818 Norris Circle is an undeveloped parcel. During the August 2012 wildfires, Mr. French's outbuildings were destroyed. He has applied for a building permit to build a detached garage as a replacement for the outbuildings.

The two parcels are zoned A-2. 13818 Norris Circle was legally subdivided by final plat in November 1972 as a five-acre tract within the Pride No. 5 Addition. 13801 Bridge Creek Drive was legally subdivided in 1979 into a ten-acre tract within the H & L Addition #9. Prior to Mr. French's purchase of the parcel in 2000, this ten-acre tract was further subdivided into the five-acre parcel owned by Mr. French and an adjacent five-acre parcel under different ownership.

Chapter 19, Section 19-602(A)(1), of the City of Norman Code of Ordinances states: "In the A-1, A-2 and RE zones, building permits may be obtained on all tracts of ten (10) acres or more which abut on a minimum fifty-foot private roadway easement, granted to abutting property owners, which connects to a City street without the requirement to plat if the land and roadway easement were filed of record prior to February 7, 1984."

Prior to June 19, 1973, a developer could subdivide a parcel in rural Norman by platting it into five acre lots fronting a private road with specific conditions including a Declaration of Covenants. This is what occurred with the Pride Number 5 Addition. At that time, a developer could also subdivide a parcel into ten acre lots on private roads without the requirement of platting. This is what occurred with the H & L Number 9 Addition. Both additions were therefore legally subdivided; however, the split of the ten acre parcel at 13801 Bridge Creek Drive into two five acre tracts by a previous owner was not done in compliance with Chapter 19 regulations.

In addition, Chapter 19, Section 19-504(B) prohibits the issuance of a building permit "for any structure on any tract of land which has not been, when required, subdivided or platted in accordance with this Code."

DISCUSSION: Mr. French has applied for a building permit to construct his new garage. He plans to locate the garage on the 5-acre parcel where his house is located. Because this parcel was subdivided originally as part of a ten acre tract, and a ten acre tract was the minimum size allowed under Chapter 19 of the Code of Ordinances at the time of subdivision, the Planning Department is unable to issue a building permit in accordance with Chapter 19, Section 19-504(B) of the Code of Ordinances.

Mr. French has made attempts to contact the owner of the other half of the divided ten acre tract in order to purchase those five acres. He has not been able to make contact with the owner. In addition, Mr. French does not want to build the new garage at 13818 Norris Circle, the legal five acre tract, as it is not convenient to his purposes.

City staff, working with Mr. French, has developed the attached easement. Mr. French owns two parcels of adjacent property that total ten acres. If taken together, the two parcels create an area of legal size for the issuance of building permit; however, because the area is actually comprised of two separate tracts, Mr. French could build a house on the 13818 Norris Circle tract. For that reason, in order to ensure that the two separate tracts function as a single tract with a single house and outbuildings as allowed by the parcels' zoning and Chapter 19 regulations, the easement creates a "no-build" zone on the undeveloped five-acre parcel at 13818 Norris Circle. The easement is granted in favor of the City of Norman and the easement runs with the land. To remove the easement, Mr. French, or his heirs or subsequent owners, would need written permission from the City of Norman. Accepting the easement on the part of the City of Norman does not obligate the City of Norman to any maintenance or responsibility for the parcel, rather, it only ensures that the two parcels function as a single ten-acre tract to meet the permitting requirements of Chapter 19 to allow Mr. French to construct his garage.

RECOMMENDATION: Acceptance of an easement of this type is not a common practice by the City of Norman. However, City Staff working with Mr. French, developed this compromise to accommodate City of Norman regulations requiring ten-acre tracts and Mr. French's need to rebuild his fire-destroyed outbuildings. If, subsequent to the acceptance of this easement, Mr. French is able to purchase the other half of the ten-acre tract at 13801 Bridge Creek Drive, the City of Norman could release the easement. If the City Council accepts this easement, Staff will move forward with issuing the necessary permits so Mr. French can begin construction of his garage. Staff recommends acceptance of the subject easement.