

ORDINANCE NO. O-2021-32

ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANTS

Highway Nine Land Co., L.L.C.
and Bellatona Development, L.L.C.
(Sean Rieger Attorney)

REQUESTED ACTION

Closure of the East 33-feet of statutory right-of-way for 36th Avenue S.E. running from Grand Canyon Drive on the north and Wood Valley Road on the south located on the west side of Section Two (2), Township Eight (8) North, Range Two (2) West.

BACKGROUND: Statutory rights-of-way were established in Oklahoma with section line as a grid system. Within Cleveland County a total of sixty-six feet (66') of total statutory rights-of-way were assigned for section line roads with thirty-three feet (33') on each side of the Section. There are a few occasions that section line roads were never constructed within this statutory rights-of-way. That is the case in this instance. The attorney for the owners wants to clear up the issue and protect the owners' property with respect to their approved preliminary plat.

DISCUSSION: The right-of-way being requested for closure is the east 33' of 36th Avenue S.E. between Grand Canyon Drive on the north and Wood Valley Road on the south. This road section does not exist and there are no road connections that could be served by this road section. There are no plans to construct this road section. The Comprehensive Transportation Plan does not include it. City Council approved the preliminary plat for Summit Valley Addition at its meeting of October 14, 2003. There was no proposal to construct 36th Avenue S.E. as part of that preliminary plat. It should be noted there are two existing houses served by the west 33' statutory right-of-way with a private driveway. These properties will not be impacted by the closure.

There are no City owned utilities located within the proposed closed right-of-way. Also, City Council approved previously Resolution No. R-8485-53 and Resolution No. R-0405-64 declaring the road closed. City Council approved Resolution No. R-1516-94 at its meeting of March 8, 2016, declaring 36th Avenue within this area as closed for the granting of building permits for properties fronting 36th Avenue S.E. based on the fact the road has never been constructed. City staff is not opposed to the closure of the statutory right-of-way.

RECOMMENDATION: Staff recommends approval of the request to close the statutory right-of-way as requested.

ACTION NEEDED: Recommend approval or disapproval of the request to close the specific right-of-way as described in Ordinance No. O-2021-32 to City Council.

ACTION TAKEN: _____