

Planning Commission Minutes
January 11, 2024

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:03 a.m. on January 8, 2024)

10. (CE-1116) Application by PQR Properties, LLC, to close a portion of the diagonal utility easement on Lot One (1), in Block Five (5), of Preston Commercial Section III, southeast of NW 130th Street. Ward 8.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY NOBLE, SECONDED BY LAFORGE

AYES: POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON, NOBLE,
LAFORGE

ABSENT: CLAIR



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 11, 2024

Item No. IV. 10.

(CE-1116) Application by PQR Properties, LLC, to close a portion of the diagonal utility easement on Lot One (1), in Block Five (5), of Preston Commercial Section III, southeast of NW 130th Street. Ward 8.

I. GENERAL INFORMATION

A. Contacts

Applicant

Perry Rice
PQR Properties, LLC
(405) 641-8774
perryrice@cox.net

B. Case History

This is a new application.

C. Reason for Request

The purpose of this request is to resolve the encroachment of an existing structure sited over the platted utility easement.

D. Existing Conditions

1. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	PUD-947	PUD-947	SPUD-937	R-1	PUD-947
Land Use	Office	Office	Office	Undeveloped	Undeveloped

2. Comprehensive Plan Land Use Typology Area: Urban – Low Intensity (UL)

UL applies to the least intensively developed areas of the city that still receive urban water, sewer, police, park and fire services. Development in this area should provide horizontal integration of land uses, connectivity within and between individual developments, and design that facilitates pedestrian and bicycle transportation.

II. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk * indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**
- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

B. City Departments

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire (OCFD)**
- 4. Information Technology/Geographic Support (IT/GIS)**
- 5. Parks and Recreation**
- 6. Police (OCPD)**
- 7. Public Works**
 - a. Engineering**

A perpetual easement for water and wastewater, drainage, storm water, sidewalks, and traffic controls systems (collectively “City Systems”) are hereby expressly reserved until such time as plans have been approved by the Public Works and Utilities departments respectively, which may include provision of new easements, as necessary, and/or individual easements being released.

Storm Sewer Availability

8. Streets, Traffic and Drainage Maintenance

9. Stormwater Quality Management

10. Traffic Management *

11. Utilities

- a. Wastewater Comments**
- b. Water Comments**
- c. Solid Waste Management**

No Solid Waste Management services needed.

12. Planning

a. Plan Conformance Considerations

The application seeks to close a portion of the 15-foot utility easement within Block 5 of Preston Commercial Section III (2015). The subject site is generally located southeast of NW 130th Street and east of N MacArthur Boulevard. An office building has been constructed over most of the proposed closure. Utilities have been diverted from the area.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approval of the application.

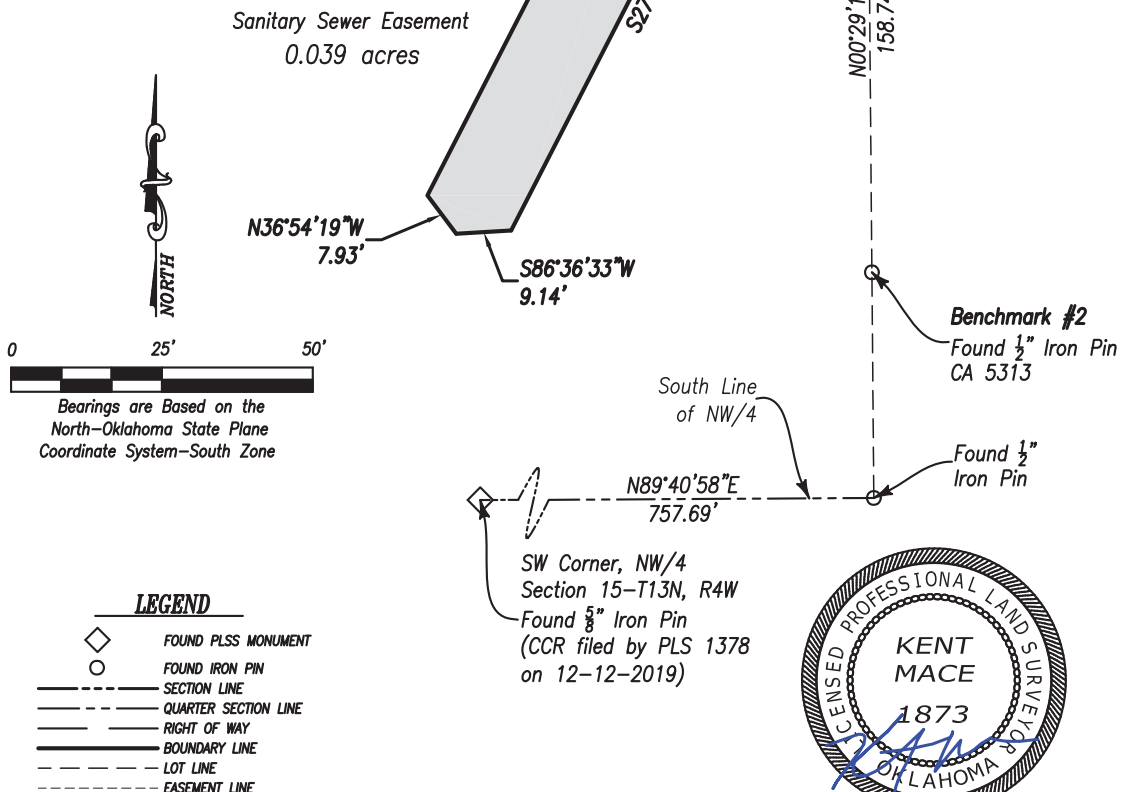
taj

SANITARY SEWER EASEMENT-TO-BE-VACATED EXHIBIT

PART OF THE NW/4,
SECTION 15, T13N, R4W, I.M.,
OKLAHOMA CITY, OKLAHOMA COUNTY, OK

Sanitary Sewer Easement

A tract of land being a part of Lot 1, Block 5 as shown on the recorded plat known as Preston Commercial Section III to the City of Oklahoma City, and also being a part of the Northwest Quarter of Section FIFTEEN (15), Township THIRTEEN (13) North, Range FOUR (4) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: With the basis of bearing being North 89°40'58" East along the South line of said Northwest Quarter (NW/4); Commencing at the Southwest corner of the Northwest Quarter (NW/4) of said Section FIFTEEN (15); thence North 89°40'58" East along the South line of said Northwest Quarter (NW/4) a distance of 757.69 feet; thence North 00°29'18" West a distance of 158.74 feet; thence South 27°10'31" West a distance of 32.31 feet to the POINT OF BEGINNING; thence continuing South 27°10'31" West a distance of 96.30 feet; thence South 86°36'33" West a distance of 9.14 feet; thence North 36°54'19" West a distance of 7.93 feet; thence North 27°10'31" East a distance of 126.09 feet; thence South 00°29'18" East a distance of 32.31 feet to the point of beginning. Above described tract contains 1,698.13 sq. ft. or 0.039 acres, more or less.

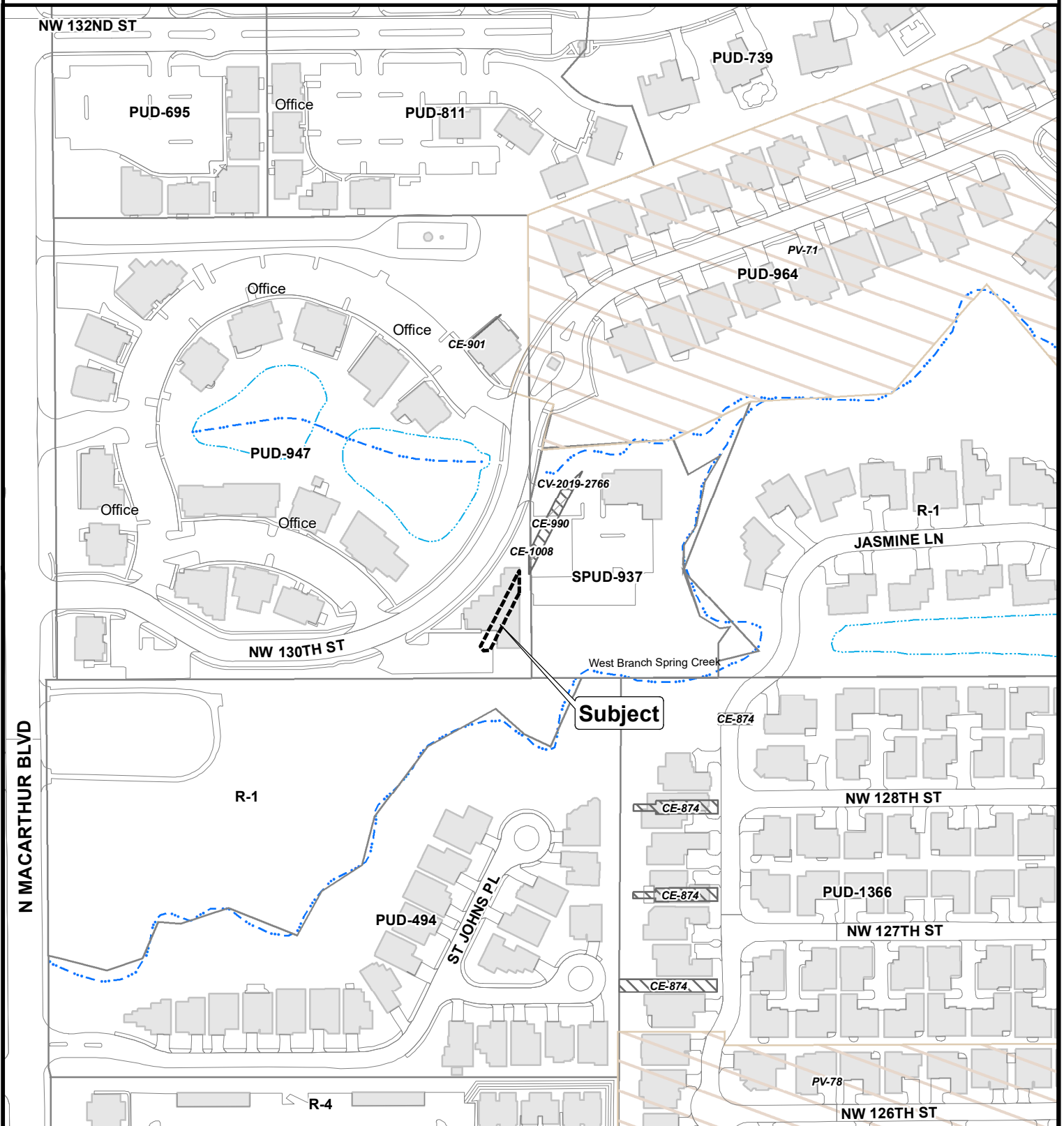


LOCATION	
Sanitary Sewer Easement Part of NW/4, Section 15 T13N, R4W, OKC, Oklahoma County, Oklahoma	
SURVEY FOR	
F & F Real Estate Holdings	
DATE	11/6/2023
SCALE	1" = 25'
REVISED	PROJECT NO.
PAGE	1 of 1
MB-23084	

<p>MacBax Land Surveying, PLLC civil engineering & land surveying</p>	
<p>5744 Huettner Court, Suite 100 Norman, OK 73069 Telephone: (405) 872-7594 Email: Kent@MBLS.us Certificate of Authorization No. 8137</p>	

Case No: CE-1116

Applicant: PQR Properties, LLC

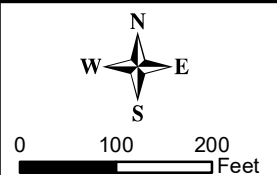


Note: "Subject" is located approximately 2,382' South of W. Memorial Rd.



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



ALTA/NSPS LAND TITLE SURVEY

A PART OF THE NW/4 OF SECTION 15,
TOWNSHIP 13 NORTH, RANGE 4 WEST, OF THE INDIAN MERIDIAN
OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA

COMMITMENT FOR TITLE INSURANCE-BASIS OF SURVEY

Commitment for Title Insurance for:
Issuing Agent: Old Republic Title Company of Oklahoma
Issuing Office: 4040 North Tulsa, Oklahoma City, OK 73112
Issuing Office File Number: 23297929
Property Address: 5710 NW 130th Street, Oklahoma City, OK
Commitment Date: September 27, 2023

COMMITMENT DESCRIPTION

Lot ONE (1A), in Block FIVE (5), of PRESTON COMMERCIAL SECTION III, an Addition to the City of Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof, more particularly described as follows: A tract of land being a part of Lot 1, Block 5 as shown on the recorded plat known as Preston Commercial Section III to the City of Oklahoma City, and also being a part of the Northwest Quarter of Section THIRTEEN (13), Township THIRTEEN (13) North, Range FOUR (4) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: With the town of bearing being North 07°29'59" West along the West line of said Northwest Quarter (NW/4), Commencing at the Southwest corner of the Northwest Quarter (NW/4) of said Section THIRTEEN (13), thence North 89°30'25" East along the South line of said Northwest Quarter (NW/4) a distance of 702.67 feet to the point of beginning, thence North 07°29'59" West a distance of 674.41 feet, thence South 89°30'10" West a distance of 1049.83 feet, to a point on the South right of way line of N.W. 130th Street and also a non-tangent curve to the left having a Delta Angle of 39°41'58", a Radius of 388.21 feet, a Chord Bearing of North 38°56'43" East, a Chord Length of 249.82 feet and thence along the Arc of said curve a distance of 254.99 feet, thence South 07°29'59" East a distance of 260.55 feet to a point on the South line of said Northwest Quarter (NW/4), thence South 89°30'25" West along the said South line a distance of 53.85 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

This survey is made for the benefit of:

1. F & F REAL ESTATE HOLDINGS, LLC.

I, Kent Mace, a Registered Professional Land Surveyor, do hereby certify to the aforesaid parties, as of the date set forth below that I, or others under my direct supervision, have made a careful and correct survey of the above. This map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Official Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6, 7a, 8, 9, 11, and 16 of Table A thereof. The field work was completed on October 5, 2023.

SCHEDULE B-SECTION II EXCEPTIONS

- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met. - Surveyor has nothing to add.
- Easements, claims of easements and rights of parties in possession not shown by the public records. - See notes 22 and 23.
- Discrepancies, conflicts in boundary lines, shortages in area, encroachments and any facts which on accurate and complete Re-Built Survey. Note: If the property is improved with a single-family residential dwelling house and the Company is provided with a satisfactory inspection, showing no encroachments, this exception will be deleted from the Mortgage Policy and will be modified on the Owner Policy to include the following: "This policy states against loss or damage arising from the entry of a third alignment of a court of competent jurisdiction which requires the insured to remove an existing residential structure other than a boundary wall, fence, enclosure, swimming pool, storm shelter, outbuildings because it extends onto adjoining land, onto any easement or over any building set back line." - There appears to be an encroachment of the parking lot to the southwest into the subject tract. However the subject tract appears to benefit from use of said parking lot.
- Any lien or right to a lien imposed by law for services, labor or material heretofore or hereafter furnished, except for any such lien the assertion of which by a claimant is shown by the public records at Date of Policy. - Surveyor has nothing to add.
- Losses for the year 2021 and subsequent years, and losses or encumbrances which are not shown as existing liens by the public records. - Surveyor has nothing to add.
- Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, limestone, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records. - Surveyor has nothing to add.
- Water rights, claims or title to water, whether or not shown by the public records. - Surveyor has nothing to add.
- Easement across said property as shown on plat. - Does affect subject tract. Shown on drawing.
- Restrictive Covenants recorded in Book 72, Page 86; Book 12732, Page 15; Book 10274, Page 1365; Book 12078, Page 1 and Book 12778, Page 530, but deleting any restrictions based on race, color, religion, national origin, sex, familial status or handicap and which do not provide for forfeiture or reversion of title. - Does affect subject tract.
- Building limit restriction lines shown on subdivision plat and restrictions recorded in Book 72, Page 86; Book 12732, Page 15; Book 10274, Page 1365; Book 12078, Page 1 and Book 12778, Page 530. - These documents do affect the subject tract, but no specific building restriction lines were found.
- Journal Entry in the Conservancy District No. 11 recorded in Book 2713, Page 228. - Does affect subject tract.
- Notice of Surface Rights of West Edmund Hurlin Line Unit recorded in Book 10277, Page 1222. - Does affect subject tract.
- Notice of West Edmund Hurlin Line Unit and Surface Rights recorded in Book 12627, Page 1802. - Does affect subject tract.
- Right-of-way/easement recorded in Book 13336, Page 415. - Does affect subject tract. Shown on drawing.
- Right-of-way/easement recorded in Book 13336, Page 415. - Does affect subject tract. Shown on drawing.
- Rights or claims of tenants in possession not shown by the public records. - Surveyor has nothing to add.
- Liens that affect the title to the estate or interest insured, but that are subordinate to the lien of the insured mortgage. - Surveyor has nothing to add.

ADDITIONAL NOTES:

- Last date of field work: October 25, 2023.
- This survey and plan is based upon the Quit Claim Deed filed at Book 14880, Page 135 and filed in Oklahoma County, Oklahoma.
- The Survey Basis of Bearings is the east line of Lot 1A, Block 5 of Preston Commercial Section III as being S 07°29'18" E.
- The adjacent parking lot to the southwest appears to benefit the subject property for ingress and egress.
- Observed existing riprap suggests there is a runoff easement from the adjacent tract over the subject tract.
- Utilities that were located by the surveyor on the subject tract is shown on the survey. Underground sewer line locations were determined using the Oklahoma City Utilities Map. The Oklahoma City Utilities Map show that the sewer line that was under the existing building was vacated of some point. No documentation was provided or found that shows this easement to have been vacated.
- Apparent slight encroachment of the building into utility easement.

TOPOGRAPHIC LEGEND

NOTE: NOT ALL SYMBOLS MAY BE SHOWN ON THIS SURVEY PLAT

- SET 1/2" IRON PIN WITH CAP "MACBAX CA 8137"
- ✱ SET MAG NAIL
- ✱ FOUND CUT "A"
- FOUND SURVEY MONUMENT
- ◇ FOUND PLSS MONUMENT

- SECTION LINE
- QUARTER SECTION LINE
- LOT LINE
- BOUNDARY LINE
- RIGHT OF WAY
- BUILDING LINE
- EASEMENT LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- STORM DRAIN MANHOLE
- STORM GRATE
- ROOF DRAIN

- GROUND TRANSFORMER

- ELECTRIC PULL BOX

- ELECTRIC MANHOLE

- ELECTRIC RISER

- ELECTRIC METER

- ELECTRIC VAULT

- LIGHT POLE

- ONG PIPELINE MARKER

- AIR CONDITIONING UNIT

- TRAFFIC LIGHT POLE

- POWER POLE

- GUY POLE

- DOWN GUY

- WALL MOUNTED ELECTRIC

- FIRE HYDRANT

- WATER METER

- WATER VALVE BOX

- FIRE DEPARTMENT CONNECTION

- AEROBIC NOZZLE

- GASLINE WITH BUTTERFLY VALVE

- GAS METER

- GAS VALVE

- WATER SPOUT

- COMMUNICATIONS PEDESTAL

- FIBER OPTIC BOX

- TELEPHONE PEDESTAL

- COMMUNICATIONS VAULT

- SIGN

- GUARD POST

- HANDICAPPED SPACE

- RECORD MEASUREMENT

- FIELD MEASUREMENT

- UTILITY EASEMENT

- BUILDING LINE

- RIGHT OF WAY

- WOOD PRIVACY FENCE

- CHAIN LINK FENCE

- ELECTRIC UNDERGROUND LINE

- OVERHEAD ELECTRIC LINE

- GAS LINE

- SANITARY SEWER LINE

- STORM DRAIN LINE

- OVERHEAD TELEPHONE LINE

- UNDERGROUND TELEPHONE LINE

- UNDERGROUND FIBER OPTIC LINE

- UNDERGROUND CABLE TV LINE

- WATER LINE

- PETROLEUM PIPELINE

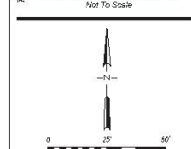
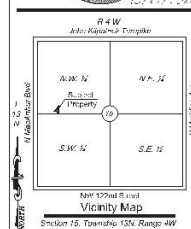
- CURB AND GUTTER

- ASPHALT

- CONCRETE

- BUILDING

- GRAVEL



Section 15, Township 13N, Range 4W
Map To Scale

Section 15, Township 13N, Range 4W
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Case No: CE-1116

Applicant: PQR Properties, LLC



Aerial Photo from 2/2022

Note: "Subject" is located approximately 2,382' South of W. Memorial Rd.



The City of
OKLAHOMA CITY

Application for Closing Public Way or Easement



0 100 200
Feet