TMAPC

Tulsa Metropolitan Area Planning Commission

Case : Resubdivision of Block 4 Pasadena Addition

Hearing Date: July 1, 2020 (Continued from June 17, 2020)

Case Report Prepared by:

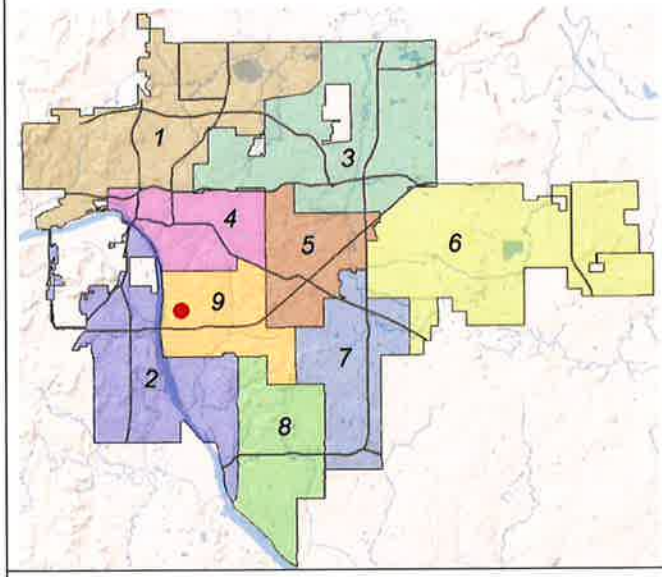
Nathan Foster

Owner and Applicant Information:

Applicant: Nathalie Cornett, Eller & Detrich

Owners: Hargmer Properties LLC, Bill F. Scott, Abbey Road Eastoak LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Amendment to Deed of Dedication

Location: Southwest corner of East 43rd Street South and South Peoria Avenue

Summary: Amending previously filed deed of dedication to align building setbacks with current zoning code requirements.

Zoning: CS, RM-2

Staff Recommendation:

Staff recommends **approval** of the amendment

City Council District: 9

Councilor Name: Ben Kimbro

County Commission District: 2

Commissioner Name: Karen Keith

EXHIBITS: Amendment of Deed of Dedication of Resubdivision of Block 4 Pasadena Addition

Amendment of Deed of Dedication of

RESUBDIVISION OF BLOCK 4
PASADENA ADDITION

WHEREAS the undersigned are the Owners of all of the lots in Resubdivision of Block 4, Pasadena Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof [Plat No. 2416 in the records of the Tulsa County Clerk], the "Subdivision" and

WHEREAS, Sections 1 and 2 of the Owner's Certificate of Deed of Dedication and Bill of Assurance accompanying said Plat (the "Deed of Dedication") establish private covenants, enforceable by the owners of property within the Subdivision, and

WHEREAS Section 1 of the Deed of Dedication reads as follows:

> All buildings located on said lots shall be located no nearer to the front or side or rear of said lots than the building set back lines provided in the above and attached Plat,

and

WHEREAS, the Plat depicts a building setback line affecting Lots One (1) and Two (2) (collectively, the "Subject Property") a distance of 50 feet from Peoria Avenue (i.e. the East boundary of said Lots), and

WHEREAS, said 50 foot building setback is no longer necessary and, under the current zoning classification of the Subject Property, is not required by the Tulsa Zoning Code (Title 42 Tulsa Revised Ordinances), and

WHEREAS all of the undersigned Owners are in agreement to amend the Deed of Dedication to delete the requirement that the setback from Peoria Avenue be as depicted on the Plat and to provide that the setback from Peoria Avenue established by private covenants enforceable by owners of property within the Subdivision shall be twenty-five feet (25'), and

WHEREAS, all of the undersigned Owners desire to and are in agreement to establish certain use limitations on the Subject Property, as more specifically set forth below.

NOW, THEREFORE, the undersigned, being the owners of all of the lots in the Subdivision hereby make the following amendment to the Deed of Dedication, to-wit:

A. Section 1 of the Deed of Dedication is amended to read as follows:

All buildings located on said lots shall be located no nearer to the front or side or rear of said lots than the building set back lines provided in the above and attached Plat. Notwithstanding the foregoing, the "50' building line" depicted along Peoria Avenue on the attached Plat is no longer of any force or effect, and the required set back from Peoria Avenue shall be twenty-five feet (25').

B. The Deed of Dedication is amended to add the following Section:

3. No portion of Lots One (1) and Two (2) shall be used for any arcade; any tavern or bar, excluding a restaurant/bar with fifty-one percent (51%) or greater food sales; any automotive sales, leasing, outside display or repair; any animal care, sale, or raising facilities; any establishment selling or exhibiting pornographic materials; any adult entertainment store; any store selling sex toys and paraphernalia; any theater; any use which is a public or private nuisance as defined by the Ordinances of the City of Tulsa and the laws of the State of Oklahoma; or any establishment selling or exhibiting Hemp, Hemp extracts, CBD (cannabidiol), or Marijuana in any form.

C. This Amendment pertains to the private covenants established by the Deed of Dedication and does not purport to amend any zoning regulations applicable to the property within the Subdivision.

D. This Amendment shall be effective from and after its approval by the Tulsa Metropolitan Area Planning Commission and the recording of this Amendment in the land records in the office of the Tulsa County Clerk.

E. There is attached hereto an ownership report prepared by an abstractor licensed by the State of Oklahoma listing by name the owners of all of the Lots situated in the Resubdivision of Block 4, Pasadena Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Dated this _____ day of _____, 2020.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

[SIGNATURE PAGES FOLLOW.]

SIGNATURE PAGE TO
Amendment of Plat and Deed of Dedication of

RESUBDIVISION OF BLOCK 4
PASADENA ADDITION

HARGMER PROPERTIES, LLC,
an Oklahoma limited liability company,

By: _____

Name: _____

Manager

Owner of Lot 1, Block 4, Resubdivision of Block 4, Pasadena Addition

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me, a Notary Public, in the State of Oklahoma, this _____ day of _____, 2020, by _____ as Manager of HARGMER PROPERTIES, LLC, an Oklahoma limited liability company.

My Commission No. _____ expires _____, 20_____

_____
NOTARY PUBLIC

2.4

SIGNATURE PAGE TO
Amendment of Plat and Deed of Dedication of

RESUBDIVISION OF BLOCK 4
PASADENA ADDITION

_____
GREG GOOD

_____
CATHLEEN GOOD

Owners of Lot 2, Block 4, Resubdivision of Block4, Pasadena Addition

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me, a Notary Public, in the State of Oklahoma, this _____ day of _____, 2020, by GREG GOOD and CATHLEEN GOOD, husband and wife.

My Commission No. _____ expires _____, 20_____

_____
NOTARY PUBLIC

2.5

SIGNATURE PAGE TO
Amendment of Plat and Deed of Dedication of

RESUBDIVISION OF BLOCK 4
PASADENA ADDITION

ABBEY ROAD EASTOAK, LLC, an
Oklahoma limited liability company,

By: _____

Name: _____
Manager

Owner of Lot 3, Block 4, Resubdivision of
Block 4, Pasadena Addition

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me, a Notary Public, in the State of Oklahoma, this _____ day of _____, 2020, by _____ as Manager of Abbey Road Eastoak, LLC, an Oklahoma limited liability company.

My Commission No. _____ expires _____, 20_____

_____
NOTARY PUBLIC

2.6

APPROVED BY:
TULSA METROPOLITAN AREA PLANNING COMMISSION

By: _____
Chairman

Dated: _____

_____
Secretary

2.7