

Flood-Prone Property Transfer Application Instructions

Before you make application to transfer flood-prone property to the City, make sure that the following criteria are met:

- (1) You must be the rightful owner of the property. If the property is owned by a property owners' association, you must show that the bylaws of the association give you authority to transfer the property to the City, and that the decision to transfer the property complies with the bylaws of the association.**
- (2) You must provide legal evidence of clear title to the property.**
- (3) You must provide a legal description of the flood-prone area to be transferred, including access easements, signed and stamped by a registered land surveyor licensed to operate in the State of Oklahoma.**
- (4) You must provide a legal document (General Warranty Deed or Deed of Dedication) transferring the property to the City of Broken Arrow.**
- (5) You must remove all personal property (sheds, fencing, landscaping, etc.) from the property that is to be transferred to the City and remove all loose debris and trash that can be moved without heavy equipment. The flood-prone property must be clear of lot lines, structures, fences, and other obstructions that may alter the flow of stormwater runoff or inhibit the accessibility of the City or its designated contractor.**
- (6) You must include with the transfer of ownership, a permanent access easement from a public right-of-way to the property being transferred. This access easement must be a minimum of 20 feet in width. If the flood-prone property is less than 150 feet wide, an additional 15 feet on each side of the flood-prone property must be transferred to the City for a maintenance easement. The property must include adequate area on both sides of the creek for operation of maintenance equipment.**
- (7) The flood-prone property being transferred must be a minimum of 1,000 feet in length along the creek.**
- (8) You must agree to allow access by the general public to the flood-prone property being transferred to the City, and allow the City to construct trails or other recreational facilities on the property.**

In response to your request to transfer flood-prone property that you own, City Staff will review your request and determine whether it meets the standards adopted by the Broken Arrow City Council on September 2, 2008. The Engineering and Construction Department will inform you:

- (1) If an item or items (structures, fencing, landscaping, debris, or other) must be removed from the flood-prone property proposed for transfer;
- (2) If the City Council accepts the property; and
- (3) Any costs associated with the closure that must be paid by the applicant.

Attached you will find a form used by the City of Broken Arrow when a property owner wishes to apply to transfer flood-prone property to the City. Please complete the form and the County Parcel Number located on your tax bill in Section "A", give the full legal description of the subject property in Section "B", the full legal description of the flood-prone property in Section "C" and the full legal description of the portion of the property you seek to transfer in Section "D". You may submit these descriptions, clearly labeled, on a separate sheet of paper if you need additional space. All legal descriptions must be typed, not handwritten. You need to have the easement surveyed by a professional surveyor in order to obtain an accurate legal description. Please include a written explanation for the request to transfer the flood-prone property in Section "E", and attach a copy of the property survey in Section "F".

You must then submit this form and all required documentation to the Engineering and Construction Department for review by Engineering, Streets and Stormwater, and Legal Departments.

Please note that all utility easements within the flood-prone property to be transferred remain in effect. Any closing of utility easements or “Release of Liability” must be accomplished by separate action.

The City Council will hear your request at a public meeting and Council's concerns, if any, regarding the property transfer will be made at this public meeting. The necessary paperwork for the requested action will be forwarded to the Legal Department who will prepare an agenda item for the City Council. The City Council will vote whether to accept the property transfer. After action by the City Council, the City Clerk will then forward the necessary paperwork for the requested action to the Legal Department, who will file the appropriate paperwork in the County Courthouse where the subject property is located.

If you have any questions or comments, please contact the Engineering and Construction Department at (918) 259-2400, extension 5414.