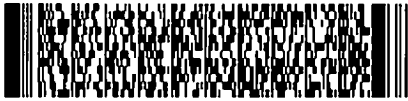


Ordinance

Version 3.2 released on 8/3/21
Use for all Ordinances including: TRO, Budget, Zoning, Declarations,
Trust Indentures, etc.

APPROVED
JAN 25 2023
Tulsa City Council

ORDINANCE NO.
24980



CITY COUNCIL USE ONLY		Tracking #: 22-1149-1		CITY CLERK USE ONLY	
Date Received: _____		Committee: PW		Date: 02.01.2023	
Committee Date: 1-11-22		Hearing Date: _____		Item #: 2212.02813	
1st Agenda Date: 1-11-23		2nd Agenda Date: 1-25-23		<input type="checkbox"/> Scanned	
				<input type="checkbox"/> Posted	

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Streets and Stormwater	Contact Name Gary McColpin <i>Gm</i>	Email gmccolpin@cityoftulsa.org	Phone 918-576-5514
Subject (Description) Right of Way Management Fee Adjustment	Ordinance Type Amending Tulsa Revised Ordinances		
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No. 24734	TRO Title No. 11 e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
Council District	Zoning No.	PUD No.	Planning District

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department:	<i>[Signature]</i>
Legal:	<i>[Signature]</i>
Board:	<i>JMS</i>
Mayor:	<i>[Signature]</i>
Other:	

Date:	12/5/2022
Date:	12/13/2022
Date:	
Date:	DEC 20 2022
Date:	

Policy Statement

Background Information

The adjustment calculations and supporting documents were provided to the existing Rights of Way Occupants. The Occupants were given 30 days to review the proposed changes and provide comments. As of the date of this RFA we have not received any comments from the Occupants regarding the proposed changes to the fee structure.

Provide background information on the requested action.

Summation of the Requested Action

Title 11, Chapter 12, Rights of Way Occupancy Management Ordinance provides for an annual review of expenditures and revenues associated with the activities of the Right of Way (ROW) Occupants. Based upon the review of the most recent data, the amount of these fees should be raised.

Under the current ordinance the annual fees are as follows: For all installations that occupy less than one foot, the annual charge is \$2.01 per linear foot. For all installations that occupy one foot or more, but less than two feet, the charge is \$4.02. For Installations of two feet or greater, the charge is \$6.03.

Based upon a financial analysis, there is a short fall in the total annual fees collected, relative to the total expenditures. The Streets and Stormwater Department has reviewed the analysis and is recommending the annual fees be adjusted. It is recommending that the new rates be set as follows: For all installations that occupy less than one foot, the annual charge should be adjusted to \$2.05 per linear foot. For all installations that occupy one foot of more, but less than two feet, the charge should be adjusted to \$4.11. For installations of two feet or greater, the charge should be \$6.15.

The accompanying ordinance adjusts the rates to these levels.

The rates established in this ordinance shall be effective February 1, 2023

Summarize the pertinent details of the requested action.

Emergency Clause?

- ☐ Yes
- ☐ No

Reason for Emergency Clause

Fee Increase

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addt'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details

It is requested that the attached ordinance revision be adopted by the City Council and approved by the Mayor.

(Published in the
Tulsa World,

February 5, 2022).

ORDINANCE NO. 24980

AN ORDINANCE AMENDING TITLE 11, CHAPTER 12, TULSA REVISED ORDINANCES, ENTITLED "RIGHT-OF-WAY OCCUPANCY MANAGEMENT," BY AMENDING SUBSECTION 1206A.3.a, OF SECTION 1206, "OCCUPANCY FEES OR INSPECTION FEE AND SERVICE CHARGE"; INCREASING THE AMOUNT OF OCCUPANCY FEE TO BE CHARGED TO OCCUPANCY PERMIT HOLDERS IN ORDER TO RECOVER EACH PERMIT HOLDER'S PRO RATA SHARE OF THE BURDEN ON THE RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE OF FEBRUARY 1, 2023; REPEALING ORDINANCES IN CONFLICT HERewith AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Subsection 1206A.3.a, of Section 1206, "Occupancy Fees or Inspection Fee and Service Charge", of Chapter 12, "Rights-of-Way Occupancy Management", in Title 11, "Public Works Department", Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"a. The Occupancy Fee shall be computed by multiplying the Occupancy Permit Holder's pro rata share of the burden on the Arterial Rights-of-Way by the applicable recovery rate. This pro rata share shall be equivalent to the linear feet occupied in the Arterial Rights-of-Way, and shall be calculated as follows: For each linear foot of space less than one (1) foot wide, the recovery rate shall be Two and 05/100 Dollars (\$2.05). For each linear foot of space more than one (1) foot but less than two (2) feet wide, the recovery rate shall be Four and 11/100 Dollars (\$4.11). For each linear foot of space two (2) feet wide or more, the recovery rate shall be Six and 15/100 Dollars (\$6.15). This Occupancy Fee does not include manholes or junction boxes."

Section 2. EFFECTIVE DATE. Following passage of this ordinance by the City Council, with separate approval of its Emergency Clause; and approval by the Mayor, this ordinance shall be effective on and after February 1, 2023.

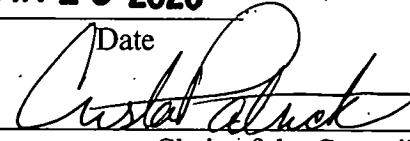
Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect on February 1, 2023, from and after its passage, approval and publication.

ADOPTED by the Council: JAN 25 2023
Date


Chair of the Council

ADOPTED as an emergency measure: JAN 25 2023
Date


Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

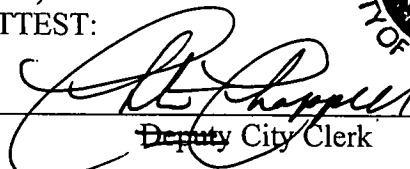
G. T. Bynum, Mayor

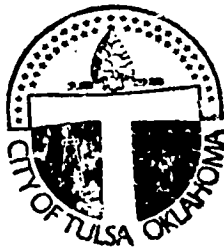
By _____
Secretary


APPROVED by the Mayor of the City of Tulsa, Oklahoma: FEB 01 2023
Date

at _____
Time

(Seal)
ATTEST:


Deputy City Clerk




Mayor

APPROVED:


City Attorney

Ok-Jms

TULSA WORLD

P.O. Box 1770 Tulsa, Oklahoma 74102-1770 | tulsaworld.com

Account Number

1030936

Date

February 05, 2023

CITY OF TULSA
Attn: City Clerk's Office
175 E. 2ND ST. SUITE 260
TULSA, OK 74103

Date	Category	Description	Ad Size	Total Cost
02/05/2023	Legal Notices	24980	2 x 76.00 CL	117.28

Affidavit of Publication

793809
Published in the Tulsa World, Tulsa County, Oklahoma, February 5, 2023

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Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect on February 1, 2023, from and after its passage, approval and publication.

ADOPTED by the Tulsa City Council, this 25th Day of January 2023

ADOPTED as an emergency measure, this 25th Day of January 2023

Crista Patrick, Chair of the City Council

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this 1st Day of February 2023

G. T. Bynum, Mayor

ATTEST: Christina Chappell, City Clerk

APPROVED: Jack Blair, City Attorney



I, Brenda Brumbaugh, of lawful age, am a legal representative of the Tulsa World of Tulsa, Oklahoma, a daily newspaper of general circulation in Tulsa County, Oklahoma, a legal newspaper qualified to publish legal notices, as defined in 25 O.S. § 106 as amended, and thereafter, and complies with all other requirements of the laws of Oklahoma with reference to legal publication. That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the DATE(S) LISTED BELOW

02/05/2023

Newspaper reference: 0000793809

Brenda Brumbaugh
Legal Representative

Sworn to and subscribed before me this date:

2/6/23

Shell

Notary Public

AMBER SHELL
NOTARY PUBLIC - STATE OF OKLAHOMA
MY COMMISSION EXPIRES SEP. 11, 2023
COMMISSION # 19009197

My Commission expires