

## **RESOLUTION NO. 1645**

### **A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED AT 12338 SOUTH 145<sup>TH</sup> EAST AVENUE IN BROKEN ARROW, OKLAHOMA, LOCATED IN SECTION 4, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE ASPEN-SHREVEPORT TO TUCSON ROADWAY IMPROVEMENTS, PARCELS 8.0 AND 8.A (PROJECT NO. ST2031)**

**WHEREAS**, John Stanley Sanford aka John S. Sanford and Cynthia Gayle Sanford and Sanford Farms, LLC, an Oklahoma limited liability company, own or otherwise claim some interest in certain real property identified as Parcels 8.0 and 8.A, located at 12338 South 145<sup>th</sup> East Avenue, Broken Arrow, OK 74011 in Section 4, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma; generally located at the southwest corner of the intersection of West Tucson Street and South Aspen Avenue; and

**WHEREAS**, The Broken Arrow City Council desires to acquire the parcels for the public purpose of Aspen, Shreveport to Tucson roadway improvements; and

**WHEREAS**, these real properties are legally described as follows:

#### **PARCEL 8.0**

##### **ROADWAY RIGHT OF WAY EASEMENT:**

A tract of land lying in the Northeast Quarter of Section 4, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, said tract being more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter;

Thence South 01°36'51" East on the East line of said Northeast Quarter, a distance of 131.85 feet;  
Thence South 88°23'09" West a distance of 30.00 feet to a point on the Westerly existing right of way line of South Aspen Avenue, said point being the point of beginning.

Thence South 01°36'51" East on said Westerly existing right of way line, a distance of 165.92 feet;

Thence North 88°23'09" East on said westerly existing right of way line, a distance of 5.25 feet to a point on the West statutory right of way line of South Aspen Avenue;

Thence South 01°36'51" East on said existing right of way line a distance of 2,336.41 feet to the South line of a property described in Document No. 2018081845, filed for record at the Tulsa County Clerk's Office;

Thence South 88°40'39" West on the South line of said property a distance of 42.25 feet;

Thence North 01°36'51" West on a line being parallel with and 67.00 feet West of the East line of said Northeast Quarter, a distance of 62.43 feet;

Thence North 88°23'09" East, a distance of 12.00 feet;

Thence North 01°36'51" West on a line being parallel with and 55.00 feet West of the East line of said Northeast Quarter, a distance of 2,439.80 feet to a point on a Northerly line of said property;

Thence North 88°40'48" East on the North line of said property, a distance of 25.00 feet to the point of beginning.

**PARCEL 8.A**  
**TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land lying in the Northeast Quarter of Section 4, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, said tract being more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter;  
Thence South 01°36'51" East on the East line of said Northeast Quarter, a distance of 573.63 feet;  
Thence South 88°23'09" West a distance of 55.00 feet to a point on the new Westerly permanent right of way line of South Aspen Avenue, said point being the point of beginning.  
Thence South 01°36'51" East on said permanent right of way line, on a line being parallel with and 55.00 feet West of the East line of said Northeast Quarter, a distance of 209.00 feet;  
Thence South 88°23'09" West, a distance of 9.00 feet;  
Thence North 01°36'51" West on a line being parallel with and 64.00 feet West of the East line of said Northeast Quarter, a distance of 44.00 feet;  
Thence South 88°23'09" West, a distance of 10.00 feet;  
Thence North 01°36'51" West on a line being parallel with and 74.00 feet West of the East line of said Northeast Quarter, a distance of 40.00 feet;  
Thence North 88°23'09" East, a distance of 10.00 feet;  
Thence North 01°36'51" West on a line being parallel with and 64.00 feet West of the East line of said Northeast Quarter, a distance of 125.00 feet;  
Thence North 88°23'09" East, a distance of 9.00 feet, to the point of beginning.

**WHEREAS**, the parties hereto have duly entered negotiations for the voluntary purchase the described parcel fee simple, but the negotiations have not been successful; and

**WHEREAS**, the City is prepared and will tender the full amount of the Commissioners' Award prior to entering into possession.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Broken Arrow, Oklahoma that condemnation is necessary taking for a public purpose to allow for the Aspen, Shreveport to Tucson roadway improvements project;

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Attorney is authorized to initiate a condemnation action.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 15<sup>th</sup> day of April 2025.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney