

## RESOLUTION NO. 970

### **A Resolution of Necessity to Condemn Property located in the E/2 of the SW/4 of Section 34, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma.**

**WHEREAS**, REIP, L.L.C. own or otherwise claim some interest in certain real property generally located in the E/2 of the SW/4 of Section 34, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, generally located just west of North Juniper Place and West Concord Street, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the Stone Ridge and Elm Stormwater Diversion System Project; and

**WHEREAS**, this real property is legally described as follows:

#### **DRAINAGE EASEMENT:**

A tract of land for Drainage Easement in the E/2 of the SW/4 of Section 34, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 34; thence N 00°03'00"W a distance of 1057.81 feet to the **POINT OF BEGINNING**; thence N 70°31'29"W a distance of 395.11 feet to a tangent curve to the right; thence along a tangent curve to the right with a central angle of 54°09'06", a radius of 120.00 feet, an arc distance of 113.42 feet, a chord bearing of N 43°26'56"W and a chord distance of 109.24 feet; thence N 16°22'23"W and tangent to the previous curve a distance of 60.44 feet; thence N 58°31'23"E a distance of 27.07 feet; thence N 15°56'14"W a distance of 86.47 feet; thence N 04°11'31"E a distance of 37.61 feet; thence S 16°22'23"E a distance of 189.17 feet to a tangent curve to the left; thence along a tangent curve to the left with a central angle of 54°09'06", a radius of 80.00 feet, an arc distance of 75.61 feet, a chord bearing of S 43°26'56"E and a chord distance of 72.83 feet; thence S 70°31'29"E and tangent to the previous curve a distance of 380.93 feet to the east line of the SW/4 of said Section 34; thence S 00°03'00"E along the East line of the SW/4 of said Section 34 a distance of 42.44 feet to the Point of Beginning, containing 23,312 square feet or 0.5352 acres.

**WHEREAS**, the parties hereto have duly entered into negotiations for the voluntary purchase of the land in question, 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 in order to allow for completion of the Stone Ridge and Elm Stormwater Diversion System 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 17<sup>th</sup> day of January, 2017.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney