

## TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, **SCISSORTAIL CROSSING APARTMENTS, LP**, an Oklahoma limited partnership, the Owner(s), of the legal and equitable title to the following described real estate situated in WAGONER County, State of Oklahoma, for and in consideration of the sum of One Dollar (\$1.00), cash in hand, paid by the City of Broken Arrow, an municipal corporation, Oklahoma, and other good and valuable considerations, receipt of which are hereby acknowledged, do(es) hereby grant and convey unto the said **CITY OF BROKEN ARROW**, a municipal corporation, County of Tulsa, State of Oklahoma, a temporary easement, through, over, and under, and across the following described property, situated in said County, to-wit:

### SEE EXHIBIT "A"

for a period of not more than 12 MONTHS FROM THE START OF CONSTRUCTION. This grant of temporary right to use and occupy is given for the purpose of permitting the City of Broken Arrow, its employees, representatives, agents, and/or persons under contract with it, to use said described property for construction of street improvements for the 23<sup>rd</sup> Street Roadway Improvements, Albany to Omaha, project #ST1931.

That the Owner(s) agree that this temporary construction easement shall be binding upon their heirs, executors, administrators and personal representatives during the term hereof and further agree that in the event the premises covered by this temporary construction easement are sold, assigned or conveyed, that the purchaser or grantee thereof will be advised of the existence of this temporary grant and that said sale during said term shall be made subject to the rights herein given.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 16<sup>th</sup> day of September 2020.

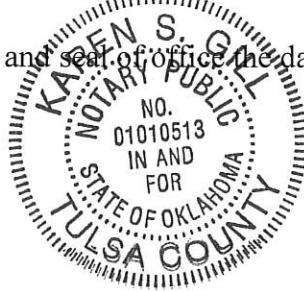
SCISSORTAIL CROSSING APARTMENTS, LP,  
an Oklahoma Limited Partnership  
Case Equities Corp., an Oklahoma corporation  
General Partner

By:   
Mike D. Case, President

STATE OF OKLAHOMA )  
 )  
 ) §  
COUNTY OF Tulsa )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 16 day of September, 2020, personally appeared Mike D. Case, to me known to be the identical person(s) who executed the within and foregoing instrument in writing and acknowledged to me that he (she) executed the same as his (her) free and voluntary act and deed, and as the free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last written above.



Approved as to Form:  
CITY of Broken Arrow, Oklahoma,  
A municipal corporation

L. Spurgeon 9/21/2020  
Assistant City Attorney

Karen S. Giel  
NOTARY PUBLIC

Approved as to Substance:  
CITY of Broken Arrow, Oklahoma,  
A municipal corporation

Michael L. Spurgeon, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Engineer RDH Checked: 9/21/2020  
Project: ST19~~31~~ 23<sup>rd</sup> St: Albany to Omaha, Parcel 8.1

23rd Street Improvements: Albany Street to Omaha Street  
 City of Broken Arrow Project No ST1931

Parcel No.: 8.1  
 Owner: SCISSORTAIL CROSSING  
 APARTMENTS LP  
 County: Wagoner

Date Written: 2/21/2020  
 Last Revision:

**TEMPORARY CONSTRUCTION EASEMENT**  
LEGAL DESCRIPTION

A tract of land that is part of Lot One (1), Block One (1), THE PARK AT ALBANY, a subdivision that is in the Southwest Quarter (SW/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Fifteen (15) East in the City of Broken Arrow, Wagoner County, State of Oklahoma, said tract of land being described as follows:

Commencing at the southwest corner of said Lot One (1), THE PARK AT ALBANY; thence along the West Line of said Lot, N 1°22'05.96" W a distance of 55.30 feet to the Point of Beginning; thence N 1°22'05.96" W a distance of 45.00 feet; thence N 88°37'54.05" E a distance of 15.00 feet; thence S 1°22'05.96" E a distance of 45.00 feet; thence S 88°37'54.05" W a distance of 15.00 feet to the Point of Beginning; said tract containing 675.00 square feet (0.02 acres), more or less.

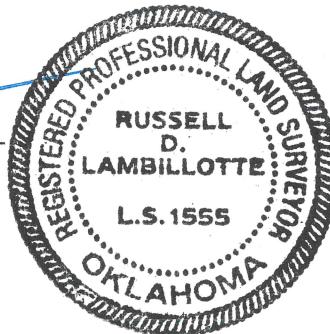
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I, Russell D. Lambillotte, of Isaacs Surveying Service, LLC, certify that the attached Temporary Construction Easement legal description closes in accord with the existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

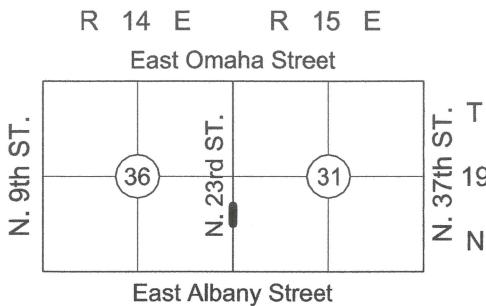
Isaacs Surveying Service, LLC  
 Russell D. Lambillotte

  
 Russell D. Lambillotte  
 RPLS No. 1555, State of Oklahoma

C.A. No. 7767  
 Expires: 06/30/21



  
 Date



DATE DRAWN: 2-21-2020

REVISED:

PROJECT:

ST 1931

23rd Street Improvements:  
Albany St. to Omaha St.

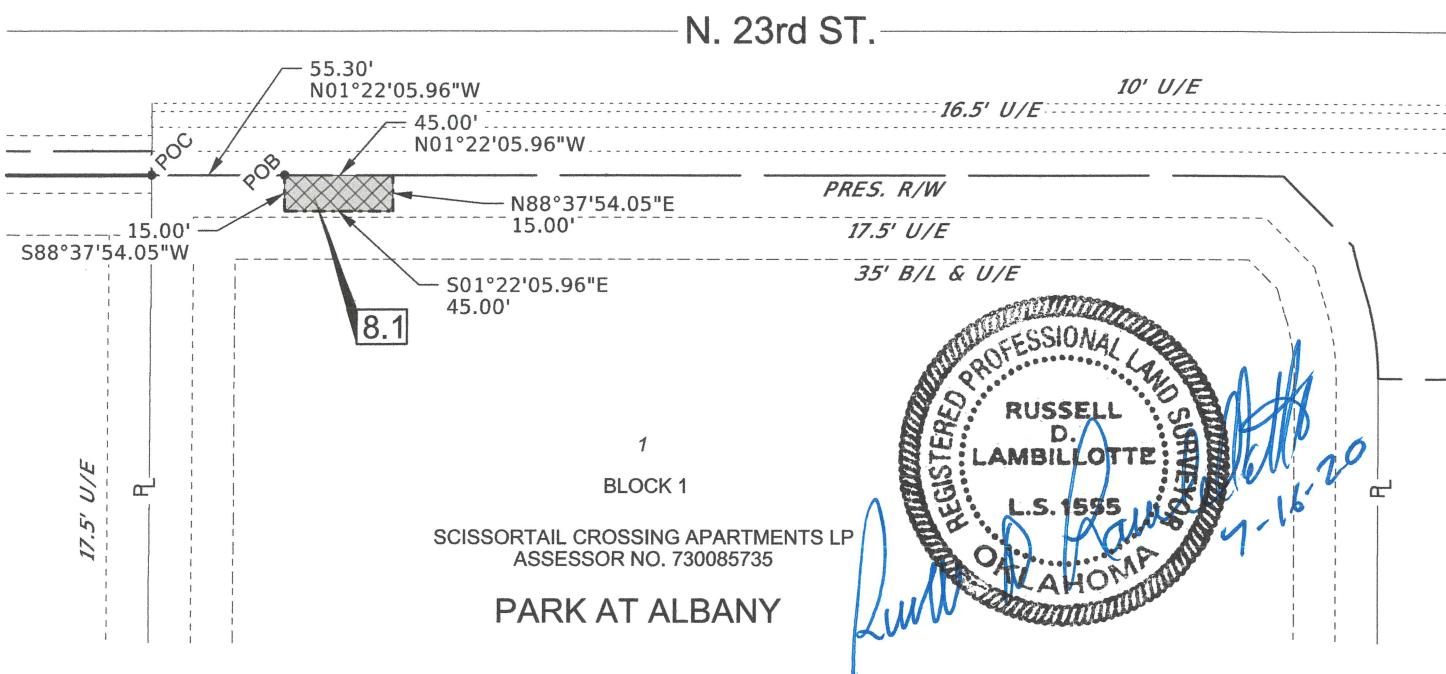
PARCEL NO.: 8.1

COUNTY: Wagoner

## LEGAL DESCRIPTION:

A tract of land that is in the Southwest Quarter (SW/4) of Section Thirty One (31) T-19-N, R-15-E, I.B. &amp; M.

PERMANENT R/W	0.00 s.f.	0.00 Acres
GEN. & UTIL. EASEMENT	0.00 s.f.	0.00 Acres
TEMP. CONST. EASEMENT	675.00 s.f.	0.02 Acres
DRAINAGE EASEMENT	0.00 s.f.	0.00 Acres



## LEGEND

TEMP. CONST. ESMT. 