

**RESOLUTION NO. 1069**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE NW/4 OF THE SW/4 OF SECTION 7, T-18-N, R-15-E OF THE INDIAN MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA FOR THE 23RD STREET, HOUSTON TO KENOSHA, WIDENING PROJECT (PROJECT NO. ST0914), GENERALLY LOCATED AT 2400 EAST COLLEGE STREET, BROKEN ARROW, OKLAHOMA**

**WHEREAS**, Abatement Systems, Inc., own or otherwise claim some interest in certain real property identified as Parcel 16, located in the NW/4 of the SW/4 of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, generally located on the south side of College Street, east of 23<sup>rd</sup> Street and south of State Highway 51, Broken Arrow, Oklahoma (2400 East College Street); and

**WHEREAS**, the Broken Arrow City Council desires to acquire Parcel 16, including improvements, for the public purpose of completing the 23<sup>rd</sup> Street Improvements between Houston and Kenosha Streets; and

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

**FEE SIMPLE AND PERMANENT RIGHT OF WAY**

**PARCEL 16.0:**

A tract of land being a part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section 7, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, more particularly described as follows:

Beginning at point where the north line of said NW/4 of the SW/4 intersects the Westerly right-of-way of Old State Highway 51; thence South 88°51'59" West along the north line of said NW/4 of the SW/4, a distance of 134.50 feet; thence South 01°20'29" East along a line parallel with the west line of said NW/4 of the SW/4, a distance of 297.22 feet; thence South 43°31'28" East, a distance of 529.23 feet; thence North 46°19'26" East, a distance of 300.00 feet to a point on the westerly line of said right-of way of old highway 51; thence North 43°37'06" West along said westerly right-of-way of old highway 51, a distance of 658.00 feet to the POINT OF BEGINNING, containing 197,787 square feet or 4.54 acres, more or less.

Basis of bearing is an assumed bearing of South 88°51'59" West along the North line of the NW/4 of the SW/4 of Section 7, T-18-N, R-15-E, Wagoner County, Oklahoma.

**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 a necessary taking for a public purpose in order to allow for the completion of the 23<sup>rd</sup> Street Improvements between Houston and Kenosha Streets;

**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 2<sup>nd</sup> day of January, 2018.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney