

RESOLUTION NO. 1589

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED AT SOUTHWEST CORNER OF ELM PLACE AND ALBANY STREET, BROKEN ARROW, OKLAHOMA, LOCATED IN SECTION 3, TOWNSHIP 18 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE STONE RIDGE STORMWATER DETENTION, PARCEL 1.0 (PROJECT NO. SW1910)

WHEREAS, Roland Investments, Ltd., owns or otherwise claim some interest in certain real property identified as Parcels 1.0, located on a tract of land in Section 3, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma; generally located at Southwest corner of Elm Place and Albany Street, Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire fee simple Permanent Stormwater Easement; and

WHEREAS, this real property is legally described as follows:

PARCEL 1.0

PERMANENT STORMWATER EASEMENT:

A tract of land lying in the Northeast Quarter (NE1/4) of Section 3, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma and further described as follows:

COMMENCING at the Northeast corner of said NE1/4; thence S88°40'51"W along the North line of said NE1/4 for a distance of 2072.09 feet; Thence S01°19'09"E and perpendicular to said North line for a distance of 64.97 feet to the point of beginning, said point being on the present North right-of-way line of West Albany Street; Thence S00°00'00"E for a distance of 341.17 feet to the present Northeasterly right-of-way line of the Broken Arrow Expressway; The following three (3) course are along said Northeasterly right-of-way line.

1. Thence N60°35'28"W for a distance of 211.42 feet;
2. Thence N60°14'19"W for a distance of 236.98 feet;
3. Thence N48°55'43"W for a distance of 82.66 feet to said South right-of-way line;

The following three (3) courses are along said South right-of-way line,

1. Thence N88°40'54"E for a distance of 126.80 feet;
2. Thence N78°17'34"E for a distance of 304.97 feet;
3. Thence N80°40'54"E for a distance of 26.83 feet to the POINT OF BEGINNING.

WHEREAS, the parties hereto have duly entered into negotiations for the voluntary purchase Permanent Stormwater Easement 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 the Stone Ridge Stormwater Easement 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 17th day of June, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Graham Parker
Assistant City Attorney