

**TEMPORARY CONSTRUCTION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, The Terry and Rebecca Carter Trust, 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 the roadway improvements.

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 6th day of June 2024.

The Terry and Rebecca Carter Trust

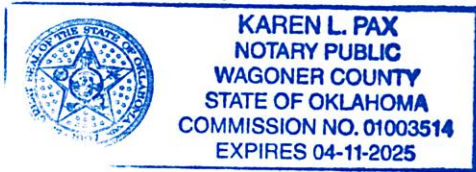
By: Terry Carter  
Terry Carter

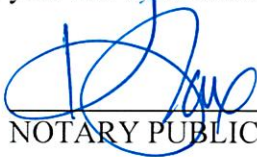
By: Rebecca Carter  
Rebecca Carter

STATE OF Oklahoma  
COUNTY OF Wagoner ) §

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 6th day of June 2024, personally appeared Terry and Rebecca Carter, 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.



  
NOTARY PUBLIC

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

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

Graham Parker  
Assistant City Attorney

\_\_\_\_\_  
Michael L. Spurgeon, City Manager

Attest:

Engineer ELR Checked: 7/1/24  
Project: ST1413A, 37th St: Kenosha-Albany roadway imp. Tract 7

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

# EXHIBIT "A"

## Carter

### TEMPORARY CONSTRUCTION EASEMENT

#### LEGAL DESCRIPTION:

*A tract of land lying in the Northwest Quarter Section 5, Township 18 North, Range 15 East of the Indian Meridian, Wagoner County, Oklahoma, being more particularly described as follows:*


**Commencing** at a point 24.75 feet south and 24.75 feet east of the Northwest corner of said Section 5, Township 18 North, Range 15 East of the Indian Meridian, Wagoner County, Oklahoma; thence along the existing 24.75 foot right of way line for 37th St. (S. 209th East Ave.) S01°23'49"E, 80.25 feet to the **Point of Beginning**; thence along said right of way line N66°53'55"E, 10.76 feet; thence parallel with said 24.75 foot right of way line S01°23'49"E, 80.50 feet; thence S88°42'56"W, 10.00 feet to a point on said 24.75 foot right of way line; thence parallel with said 24.75 foot right of way N01°23'49"W, 76.50 feet to the **Point of Beginning**. Said lands lying in the City of Broken Arrow, Wagoner County, Oklahoma and containing 785 square feet more or less.


*This description was prepared on December 30, 2023 by Michael E. Small, PLS Oklahoma Licensed Surveyor No. 1770*

*Basis of Bearings: Oklahoma Coordinate System 1983, North Zone Being N01°23'49"W along the west line of the NW ¼ of Sec. 5, T18N, R15E, I.M.*

*Michael E. Small, PLS  
MKEC Engineering, Inc.  
1000 W. Wilshire Blvd., Suite 401  
Oklahoma City, OK 73116  
405-842-8558  
Certificate of Authorization Number CA 2958, Expires June 30, 2025*



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|---|--|
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|---|--|

|   |                             |                        |
|---|-----------------------------|------------------------|
| <br><b>CITY OF<br/>BROKEN ARROW</b><br><i>Where opportunity lives</i> | PARCEL: TEMP. CONSTR. ESMT. | PROJECT NO. 2001010354 |
|   | DRAWING: TRACT MAP 7        | PAGE: 1 of 2           |
|   | REV:                        | DATE: JANUARY 2024     |
|   |                             | DRAWN BY: DSN          |
|   |                             | SCALE: 1: 60           |
|   |                             | CHK'D BY: MS           |

J:\PROJECTS\2020\2001010354\_BROKEN\_ARROW\_37TH-KENOSHIA\04\_SURVEY\DWG\TRACT\_MAPS\202354 TRACT MAPS.DWG

# EXHIBIT "A"

## Carter

### TEMPORARY CONSTRUCTION EASEMENT

**OWNER:**

The Terry and Rebecca Carter Trust  
Dated September 10, 2019

**ADDRESS:**

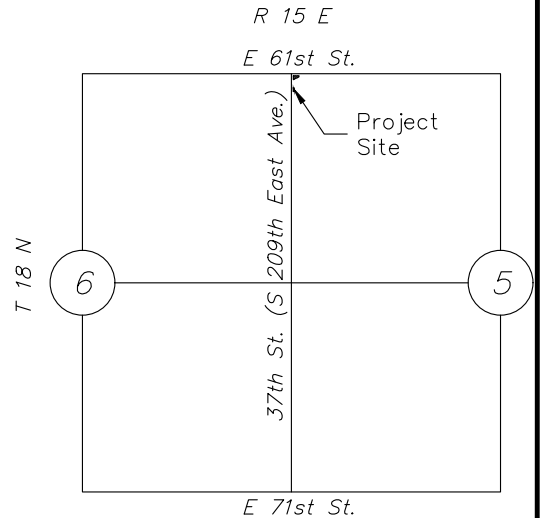
25977 E. 161 St S.  
Coweta, OK 74429-5313

**PROPERTY ID:**

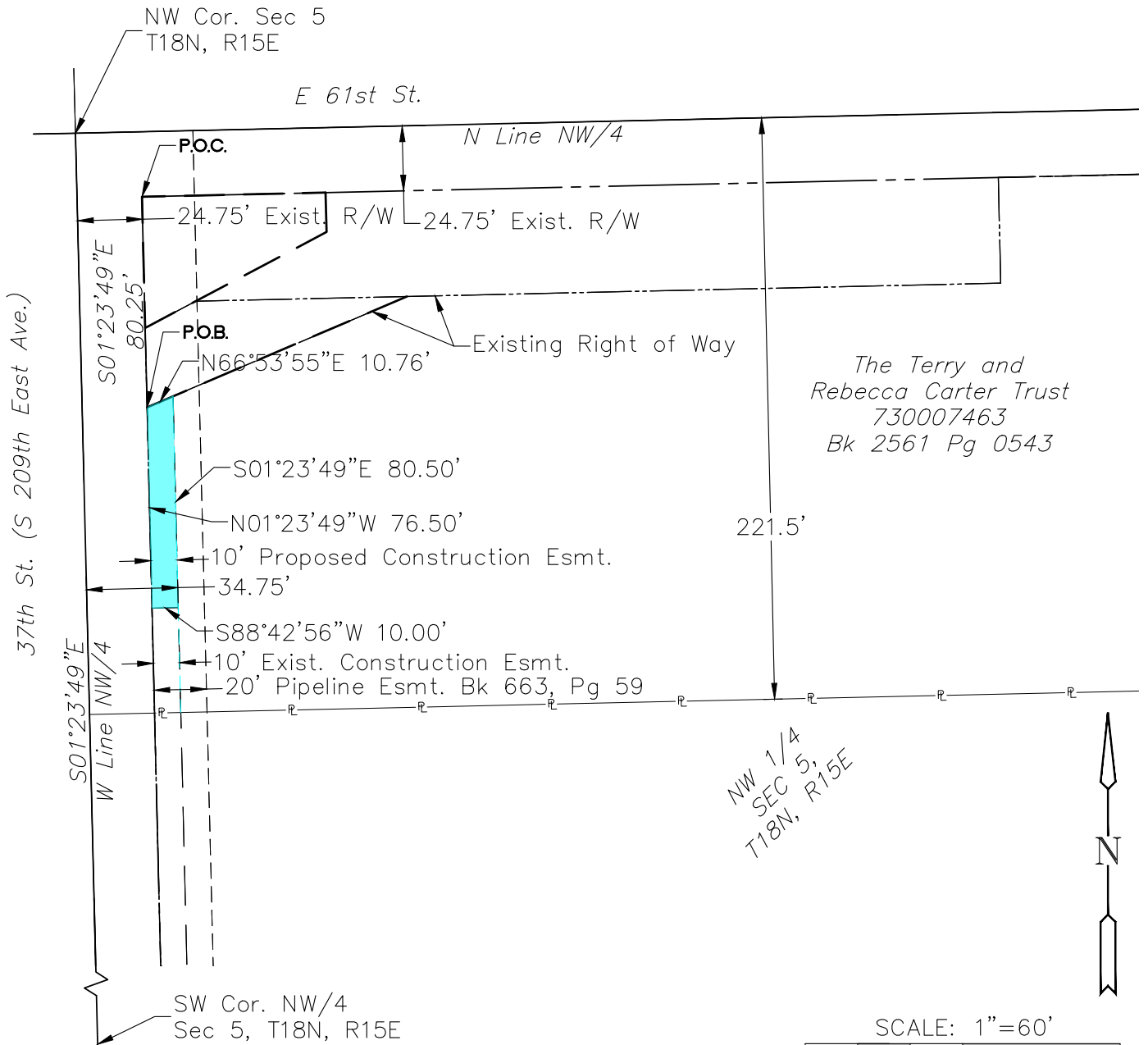
730007463

**STATEMENT OF BEARINGS:**

Basis of Bearings: Oklahoma Coordinate System  
1983, North Zone Being  $N01^{\circ}23'49''W$  along the  
west line of the NW  $\frac{1}{4}$  of Sec. 5, T18N, R15E, I.M.



VICINITY MAP



The Terry and  
Rebecca Carter Trust  
730007463  
Bk 2561 Pg 0543

NW 1/4  
SEC 5,  
T18N, R15E

**LEGEND:**

Temporary Construction Easements  
= 785 sq. ft.

THIS TRACT EXHIBIT DOES NOT  
CONSTITUTE A BOUNDARY SURVEY PLAT

|                        |  |
|------------------------|--|
| PROJECT NO. 2001010354 |  |
| PAGE: 2 of 2           |  |
| DATE: JANUARY 2024     |  |
| DRAWN BY: DSN          |  |
| SCALE: 1:60            |  |
| CHK'D BY: MS           |  |

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**MKEC**

Oklahoma City, OK 405-842-8558  
CA - 2958 EXP. 6-30-2017

CITY OF

## BROKEN ARROW

Where opportunity lives

|                             |  |
|-----------------------------|--|
| PARCEL: TEMP. CONSTR. ESMT. |  |
| DRAWING: TRACT MAP 7        |  |
| REV:                        |  |

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