

## **RESOLUTION NO. 1583**

**APPROVAL OF AND AUTHORIZATION TO EXECUTE A PURCHASE AND SALES AGREEMENT FOR A REAL PROPERTY AT 21144 EAST 101ST STREET, BROKEN ARROW, OKLAHOMA; AND APPROVAL TO EXECUTE RESOLUTION NO. 1583, A RESOLUTION OF THE CITY OF BROKEN ARROW RATIFYING, APPROVING, AUTHORIZING AND ACCEPTING A CONTRACT FOR SALE OF REAL ESTATE FOR REAL PROPERTY LOCATED IN BROKEN ARROW, WAGONER COUNTY, OKLAHOMA AND MORE PARTICULARLY DESCRIBED AS LOT FOUR (4), BLOCK ONE (1), WHISPERING HILLS ESTATES, A SUBDIVISION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN MERIDIAN, IN WAGONER COUNTY, STATE OF OKLAHOMA, (THE "REAL PROPERTY") IN ACCORDANCE WITH THE TERMS OF A CERTAIN CONTRACT FOR SALE OF REAL ESTATE BY AND BETWEEN THE CITY OF BROKEN ARROW AND RICHARD AND CAROLYN HUBERT; APPROVING AND AUTHORIZING PURCHASE OF THE REAL PROPERTY PURSUANT TO THE CONTRACT FOR SALE OF REAL ESTATE; AND AUTHORIZING THE CITY OF BROKEN ARROW EXPENDITURE OF THE SUM \$330,000.00 TO EFFECT SUCH PURCHASE, AS WELL AS REASONABLE AND NECESSARY COSTS; DESIGNATING REPRESENTATIVES OF THE CITY OF BROKEN ARROW, FOR PURPOSES OF GRANTING CERTAIN APPROVALS AND EXECUTING CERTAIN INSTRUMENTS AS REQUIRED UNDER AND IN CONNECTION WITH SAID ASSIGNMENT AND CONTRACT FOR SALE OF REAL ESTATE; AND CONTAINING OTHER PROVISIONS RELATING THERETO.(PROJECT NO. 2417210).**

**WHEREAS**, Richard and Carolyn Hubert, husband and wife own 21144 East 101<sup>st</sup> Street;

**WHEREAS**, the City of Broken Arrow's efforts and interest in securing the Real Property, the City of Broken Arrow's Right of Way agent negotiated with Robert and Carolyn Hubert to enter into a Contract for Sale of Real Estate for the purchase price of \$330,000.00; and

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

Lot Four (4), Block One (1), Whispering Hills Estates, a subdivision of the North half of the Northwest Quarter of Section 29, Township 18 North, Range 15 East of the Indian Meridian, in Wagoner County, State of Oklahoma, according to the recorded plat thereof;

**WHEREAS**, it is contemplated that the acquisition of the real estate will provide opportunities for further infrastructure and development activities within the City of Broken Arrow; and

**WHEREAS**, the City of Broken Arrow deems it appropriate to approve and accept the Contract for Sale of Real Estate, authorize purchase of the Real Property, authorize the expenditure of the sum of \$330,000.00 to effect such purchase and in providing for future development of the Real Property in a manner to be determined in the future, and further that such actions are in the best interests of the City and the health, safety and welfare of the City and residents within and near the City.

**NOW THEREFORE BE IT RESOLVED BY THE BROKEN ARROW CITY COUNCIL, THAT:**

1. The Contract for the sale of real estate is hereby approved, authorized, and accepted. The Contract and closing shall be executed for and on behalf of the City by the Mayor or Vice Mayor, as the case may be, and attested by the City Clerk. The Contract for the Sale of Real Estate is hereby authorized for execution and delivery, subject to minor changes, insertions and omissions and such filling of blanks therein as may be approved and made in the form thereof by the officer of the City executing the same pursuant to this section. The execution of the Contract for the Sale of Real Estate for and on behalf of the other parties thereto by their respective authorized officers and for and on behalf of the City by the Mayor or Vice Mayor as the case may be, with an official seal of the City affixed and attested by the signature of the City Clerk, shall be conclusive evidence of the approval of any changes, insertions, omissions and filling of blanks;
2. The City of Broken Arrow is hereby authorized to close the purchase and sale of the Real Property pursuant to the Contract for Sale of Real Estate, to acquire the Real Property for and on behalf of the City and to execute and deliver, for and on behalf of the City, all necessary instruments and agreements reasonably required in connection therewith, following their approval by the City Attorney (whose approval need not be endorsed thereon);
3. The City of Broken Arrow is hereby authorized to expend the sum of \$330,000.00 for such acquisition and is authorized to expend monies for all closing costs and any other cost related to the purchase and closing of this transaction;
4. The Mayor or Vice Mayor is hereby authorized to approve (upon the recommendation of the City Attorney) the final forms of the purchase and closing of the Real Property, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, with any changes in the form or content of this Resolution to be evidenced by a written supplement hereto which shall be executed by the Mayor or Vice Mayor and shall evidence the written prior approval of the City Attorney endorsed thereon, and the signature of the Mayor on such supplement shall be conclusive evidence of the approval thereof by the City Council pursuant to and under the City given under this Section 4;
5. It is the intention of the City Council that the Councilmembers and City Officers shall, and they are hereby ex officio authorized and directed to, do any and all lawful acts and deeds to effectuate and carry out the provisions and the purposes of this Resolution, including without limitation and from time to time, the giving of certificates, and instructions under or with respect to the City's performance of the Contract for Sale of Real Estate and the acquisition of the Real Property and such other instruments and documents as are related thereto, in each case following their approval by the City Attorney (whose approval need not be endorsed thereon);
6. All prior actions taken in connection with the preparations for the purchase of the Real Property, including without limitation, those made for the payment of legal services, escrow payments, engineering fees and costs, surveys, appraisals, inspection, and exemption payments are hereby ratified.

Approved and adopted by the Broken City Council at a regularly scheduled meeting, advance public notice of which was duly given and at which a majority of said Councilmembers were present, this 3<sup>rd</sup> day of June, 2024.

CITY OF BROKEN ARROW, OKLAHOMA

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Mayor

ATTEST:

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City Clerk

Approved as to form and legality:

*Danny Littlefield*  
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Deputy City Attorney