

## UTILITY EASEMENTS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **W.R. BENINTENDI**, a single person, the owner(s), of the legal and equitable title to the following described real estate, "Grantor," in consideration of the sum of One Dollar (\$1.00), cash in hand paid by the City of Broken Arrow, Oklahoma and other good and valuable considerations, receipt of which is hereby acknowledged, do hereby assign(s), grant(s) and convey(s) to the **CITY OF BROKEN ARROW**, Tulsa County, Oklahoma, a municipal corporation, its successors and assigns, "Grantee," an easement and right of way over and across the following described real property and premises, situated in TULSA County, State of Oklahoma to wit:

### SEE EXHIBIT "A"

with right of ingress and egress to and from the same, for the purpose of constructing, operating, and replacing utility lines and appurtenances.

Grantor agrees not to build or construct any building or buildings upon the permanent easement area. However, Grantor expressly reserves the right to build and construct sidewalks, streets and driveways, water mains, gas lines, electrical lines and other public service facilities across said premises herein described.

There is further granted, the right to remove any tree or parts of trees, which in the judgment of the City may interfere with the construction of the applicable utilities.

PROVIDED, that the said Grantor, his/her heirs, executors, administrators and assigns, shall fully use and enjoy the said premises except as may be necessary for the purposes herein granted to the City, its successors or assigns.

TO HAVE AND TO HOLD such easement and right of way unto the City of Broken Arrow, Oklahoma, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 25th day of March, 2021.

Return to:  
City of Broken Arrow  
City Clerk  
PO Box 610  
Broken Arrow, OK 74013

*Melody Benintendi POA W.R. Benintendi*  
W.R. Benintendi by Melody Benintendi  
as Power of Attorney

STATE OF OKLAHOMA )  
COUNTY OF JULSA )  
                          ) §

2021 BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this day of March 2021, personally appeared Melody Benintendi, 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.

**KAREN L. PAX**  
Notary Public  
Wagoner County  
State of Oklahoma  
Commission # 01003514  
Expires: April 11, 2021



  
\_\_\_\_\_  
NOTARY PUBLIC

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

  
\_\_\_\_\_  
Assistant City Attorney

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

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

Attest:

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

Engineer RTS Checked: 3/29/21  
Project: S.1606, Elm Creek Trunk Sewer, Parcel 31.0, 31.1

**PARCEL 31 - EXHIBIT "A"**  
**PERMANENT EASEMENTS**  
**PART OF THE E1/2 OF S. 320' OF LOT 2 IN SEC. 3-T17N-R14E**  
**CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA**

**PARCEL 31.0 LEGAL DESCRIPTION (PERMANENT EASEMENT)**

A TRACT OF LAND LYING IN THE EAST HALF OF THE SOUTH 320 FEET OF LOT 2 (E1/2 OF S.320' OF LOT 2) OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID E1/2 OF S.320' OF LOT 2;  
THENCE N88°45'23"E ALONG THE SOUTH LINE OF SAID E1/2 OF S.320' OF LOT 2 FOR A DISTANCE OF 86.88 FEET TO THE POINT OF BEGINNING;  
THENCE N19°35'55"E FOR A DISTANCE OF 74.13 FEET;  
THENCE S30°35'55"E FOR A DISTANCE OF 79.49 FEET TO SAID SOUTH LINE;  
THENCE S88°45'23"W ALONG SAID SOUTH LINE FOR A DISTANCE OF 65.34 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINING 0.05 ACRES (2,264 SQUARE FEET) MORE OR LESS.

**AND**

**PARCEL 31.1 LEGAL DESCRIPTION (PERMANENT EASEMENT)**

A TRACT OF LAND LYING IN THE EAST HALF OF THE SOUTH 320 FEET OF LOT 2 (E1/2 OF S.320' OF LOT 2) OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID E1/2 OF S.320' OF LOT 2;  
THENCE N88°45'23"E ALONG THE SOUTH LINE OF SAID E1/2 OF S.320' OF LOT 2 FOR A DISTANCE OF 66.34 FEET;  
THENCE N18°19'47"E FOR A DISTANCE OF 36.60 FEET TO THE POINT OF BEGINNING;  
THENCE N10°30'00"E FOR A DISTANCE OF 291.62 FEET TO THE NORTH LINE OF SAID E1/2 OF S.320' OF LOT 2;  
THENCE N88°45'23"E ALONG SAID NORTH LINE FOR A DISTANCE OF 21.00 FEET;  
THENCE S07°41'49"W FOR A DISTANCE OF 128.43 FEET;  
THENCE S19°35'55"W FOR A DISTANCE OF 169.75 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINING 0.12 ACRES (5,246 SQUARE FEET) MORE OR LESS.

BEARINGS ARE BASED ON GRID NORTH (N00°00'00"E) OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

THIS LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR LEGAL DESCRIPTIONS IN THE STATE OF OKLAHOMA.

PREPARED BY JUSTIN SMITH, OKLAHOMA PLS NO. 1868.



JUSTIN SMITH, PLS 1868

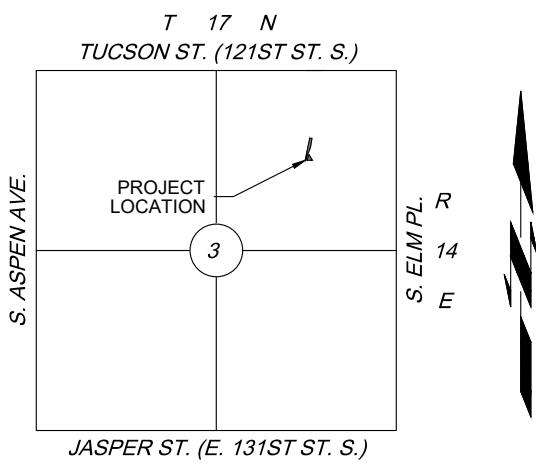
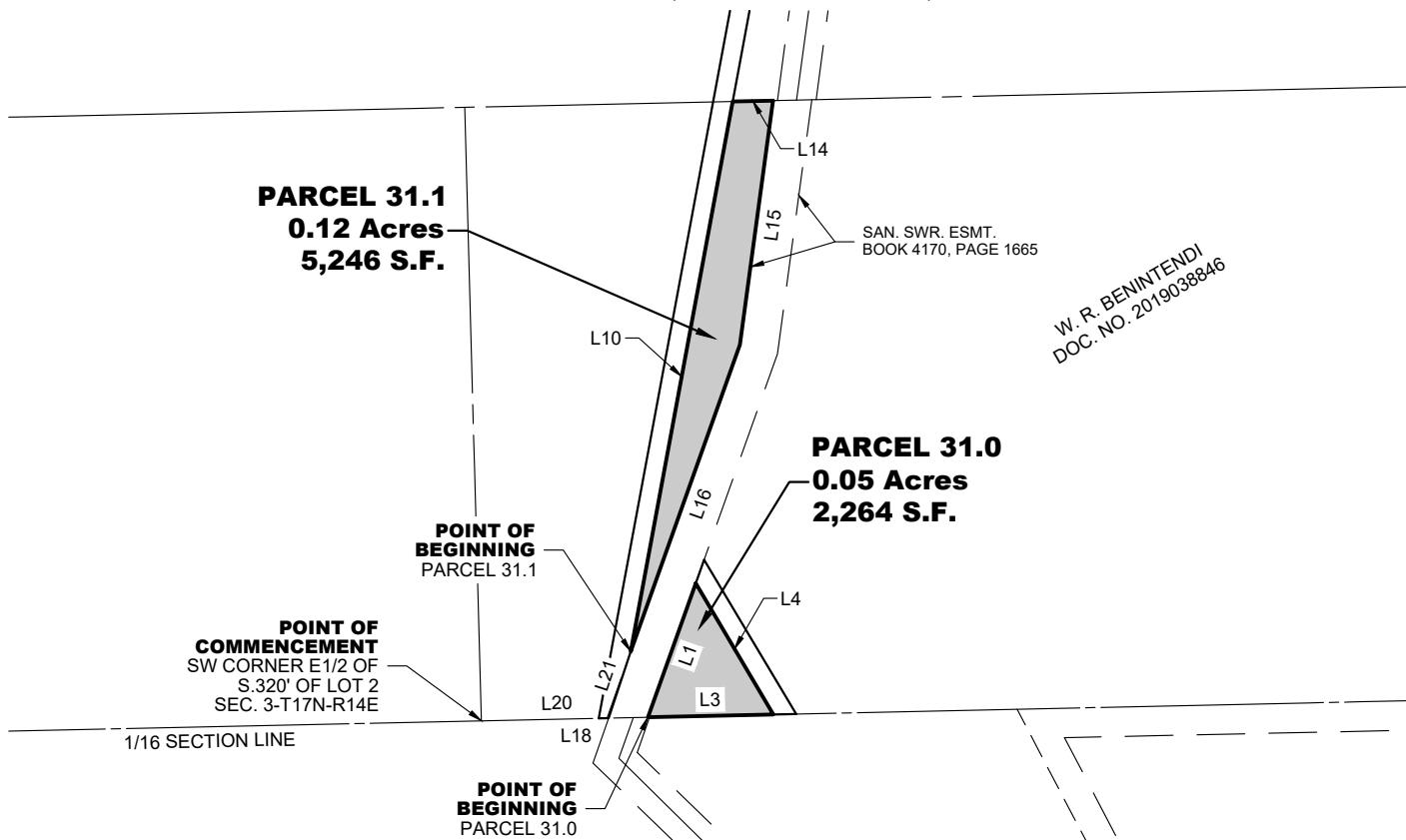
DATE

**THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT**

S:\Survey\Raw Files\19-856 Elm Creek Trunk Line Sewer Improvements\CAD\_Easements\19-856 Easements-Permanent-091420.dwg

<b>COWAN GROUP ENGINEERING</b>	
5416 SOUTH YALE, SUITE 210	
TULSA, OK 74135	
918-949-6171 O 918-949-6174 F	
W W W . C O W A N G R O U P . C O	
CA# 6414 EXPIRES 6/30/2022	
CLIENT:	CITY OF BROKEN ARROW
PROJECT NO.:	19-856
DATE:	09/28/2020
REVISED DATE:	
DRAWN BY:	JWS
PAGE:	PAGE 1 OF 2

**PARCEL 31 - EXHIBIT "A"**  
**PERMANENT EASEMENTS**  
**PART OF THE E1/2 OF S. 320' OF LOT 2 IN SEC. 3-T17N-R14E**  
**CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA**



**LOCATION MAP**

NOT TO SCALE

SCALE: 1" = 100'



**BASIS OF BEARINGS**

GRID NORTH (N00°00'00"E) OKLAHOMA STATE  
 PLANE COORDINATE SYSTEM, NORTH ZONE

**(SEE PAGE 1 OF 2 FOR LEGAL DESCRIPTIONS)**

LINE TABLE		
LINE NO.	DISTANCE	BEARING
L1	74.13'	N19°35'55"E
L3	65.34'	S88°45'23"W
L4	79.49'	N30°35'55"W
L10	291.62'	S10°30'00"W
L14	21.00'	N88°45'23"E
L15	128.43'	S07°41'49"W
L16	169.75'	S19°35'55"W
L18	86.88'	N88°45'23"E
L20	66.34'	N88°45'23"E

**THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT**

S:\Survey\Raw Files\19-856 Elm Creek Trunk Line Sewer Improvements\CAD\_Easements\19-856 Easements-Permanent-091420.dwg



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