

**RESOLUTION NO. 1142**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE SW/4 OF SECTION 17, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE WASHINGTON STREET IMPROVEMENTS, GARNETT TO OLIVE, (PROJECT NO. ST1616)**

**WHEREAS**, Vicki McBride, own or otherwise claim some interest in certain real property identified as Parcels 3, 3A, located on a tract of land in the SW/4 of Section 17, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located east of Garnett and north of Washington, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the Washington Street Improvements – Garnett Road to Olive Avenue Project; and

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

**PARCEL 3:**

**PERMANENT RIGHT-OF-WAY:**

A tract of land that is a part of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW/4 SE/4 SW/4) of Section 17, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of Section 17, Township 18 North, Range 14 East, Tulsa County; thence along the south line of the SW/4 of Section 17, North 88°41'38" East a distance of 1330.79 feet to the Southwest corner of a tract of land described in a General Warranty Deed filed as Document #2006036718 at the office of the Tulsa County Clerk; thence along the west line of said General Warranty Deed, North 02°00'54" West a distance of 80.00 feet to the Point of Beginning; thence parallel with the south line of the SW/4 of Section 17, North 88°41'38" East a distance of 99.84 feet; Thence South 25°45'12" East a distance of 32.95 feet; thence North 88°41'38" East a distance of 83.97 feet to a point on the east line of said General Warranty Deed; thence along said east line, North 01°18'22" West a distance of 15.00 feet; thence South 88°41'38" West a distance of 27.25 feet; thence North 67°31'58" West a distance of 86.82 feet; thence South 88°41'38" West a distance of 90.99 feet; thence South 02°00'54" East a distance of 20.00 feet; to the Point of Beginning, containing 8,755 square feet or 0.201 acres, more or less.

Bearings based on Oklahoma State Plane Grid Zone North

**PARCEL 3A:**

**TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land that is a part of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW/4 SE/4 SW/4) of Section 17, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of Section 17, Township 18 North, Range 14 East, Tulsa County; thence along the south line of the SW/4 of Section 17, North 88°41'38" East a distance of 1527.25 feet to the Southeast corner of a tract of land described in a General Warranty Deed filed as Document #2006036718 at the office of the Tulsa County Clerk; thence along the east line of said General Warranty Deed, North 01°18'22" West a distance of 65.00 feet to the Point of Beginning; thence South 88°41'38" West a distance of 27.25 feet; thence North 67°31'58" West a distance of 37.21 feet; thence North 88°41'38" East a distance of 61.30 feet; thence South 01°18'22" East a distance of 15.00 feet to the Point of Beginning, containing 664 square feet, 0.0152 acres, more or less.

Bearings based on Oklahoma State Plane Grid Zone North

**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 necessary taking for a public purpose in order to allow for completion of the Washington Street Improvements – Garnett Road to Olive Avenue 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 16<sup>th</sup> day of October 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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