

**RESOLUTION NO. 1064**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE NW/4 OF SECTION 7, T-18-N, R-15-E OF THE INDIAN MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, FOR THE 23RD STREET, HOUSTON TO KENOSHA, WIDENING PROJECT (PROJECT NO. ST0914)**

**WHEREAS**, BZ Properties, LLC own or otherwise claim some interest in certain real property identified as Parcels 13, 17, and 19, located in the NW/4 of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, generally located east of 23<sup>rd</sup> Street and north of State Highway 51, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire Parcels 13, 17, and 19 including improvements for the public purpose of completing the 23<sup>rd</sup> Street Improvements between Houston and Kenosha Streets; and

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

**PARCEL 13:**

**PERMANENT RIGHT-OF-WAY:**

A tract of land being a part of the South Half (S/2) of the Northwest Quarter (NW/4) of Section 7, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, more particularly described as follows:

Commencing at the Northwest corner of said South Half (S/2) of the NW/4; thence South 01°20'21" East, along the west line of said S/2 of the NW/4, a distance of 495.96 feet; thence North 88°39'39" East, a distance of 24.75 feet to a point on the east statutory right of way line of 23<sup>rd</sup> Street and the south line of the Amended Angus Acres 2<sup>nd</sup> Addition to the City of Broken Arrow as recorded on March 26<sup>th</sup>, 1959 in the Wagoner County Clerk's office, also being the Point of Beginning; thence North 88°56'47" East along said south line of the Amended Angus Acres 2<sup>nd</sup> Addition, a distance of 97.69 feet; thence South 01° 15'20" East, a distance of 95.07 feet; thence North 52°34'11" West, a distance of 125.12 feet to a point on said east statutory right of way line of 23<sup>rd</sup> Street, thence North 01° 20'21" West along said east statutory right of way line of 23<sup>rd</sup> Street, a distance of 17.20 feet to the Point of Beginning, containing 5,483 square feet or 0.13 acres, more or less.

Basis of bearing is an assumed bearing of South 01° 20'21" East along the West line of NW/4 of Section 7, T-18-N, R-15-E

**PARCEL 17:**

**PERMANENT RIGHT-OF-WAY:**

Lot 1, Block 7, amended plat of part of Angus Acres 2nd Addition, a subdivision of a part of the NW/4 of Section 7, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, contains 14,000 square feet or 0.32 acres, more or less.

Basis of bearing is not applicable

**PARCEL 19:**

**PERMANENT RIGHT-OF-WAY:**

A part of the SW/4 of the NW/4 of Section 7, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, more particularly described as follows:

Commencing at the Northwest corner of said SW/4 of the NW/4; thence North 88°59'28" East along the south line of Block 3, Angus Acres Addition, an addition to Wagoner county, State of Oklahoma, a distance of 24.75 feet to a point on the east statutory right of way line of 23<sup>rd</sup> Street to the POINT OF BEGINNING; thence continuing along said south line of Block 3, a distance of 141.16 feet to a point on the east lot line of Northerly extension of Lot 1, Block 6, Angus Acres 2<sup>nd</sup> Addition, an addition to Wagoner county, State of Oklahoma; thence South 01°16'18" East, along said northerly extension of said east lot line of Lot 1, Block 6, a distance of 171.01 feet, to the Northeast corner of said Lot 1, Block 6; thence South 89°07'40" West along said north line of said Lot 1, Block 6, a distance of 140.91 feet, to a point on the east statutory right of way line of 23<sup>rd</sup> Street; thence North 01°20'21" West along said east line statutory right of way, a distance of 170.75 feet to the Point of Beginning, containing 24,062 square feet or 0.55 acres, more or less.

Basis of Bearing is an assumed bearing of North 01°20'21" West along the west section line of SW/4 of the NW/4 of Section 7, Township 18 North, Range 15 East

**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 the completion of the 23<sup>rd</sup> Street Improvements between Houston and Kenosha Streets;

**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 6th day of February, 2018.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney