

RESOLUTION NO. 1653

APPROVAL OF AND AUTHORIZATION TO EXECUTE A PURCHASE AND SALES AGREEMENT FOR REAL PROPERTY GENERALLY LOCATED IN THE 19900 BLOCK EAST 61ST STREET SOUTH, BROKEN ARROW, OKLAHOMA; AND APPROVAL TO EXECUTE RESOLUTION NO. 1653, A RESOLUTION OF THE CITY OF BROKEN ARROW RATIFYING, APPROVING, AUTHORIZING AND ACCEPTING A PURCHASE AND SALES AGREEMENT FOR REAL PROPERTY LOCATED IN BROKEN ARROW, WAGONER COUNTY, OKLAHOMA AND MORE PARTICULARLY DESCRIBED AS A PART OF THE WEST 10 ACRES OF THE EAST 29.97 ACRES OF LOT 3 OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT 3; THENCE ALONG THE NORTH LINE OF SECTION 6, S88°53'47"W A DISTANCE OF 657.70 FEET; THENCE ALONG THE EAST LINE OF THE WEST 10 ACRES OF THE EAST 29.97 ACRES OF LOT 3, S01°19'39"E A DISTANCE OF 353.75 FEET TO THE POINT OF BEGINNING; THENCE S88°40'21"W A DISTANCE OF 65.00 FEET; THENCE S34°10'10"W A DISTANCE OF 325.93 FEET; THENCE S88°41'13"W A DISTANCE OF 75.00 FEET; THENCE ALONG THE WEST LINE OF THE EAST 29.97 ACRES OF LOT 3, S01°18'47"E A DISTANCE OF 700.08 FEET; THENCE ALONG THE SOUTH LINE OF GOVERNMENT LOT 3, N88°52'13"E A DISTANCE OF 329.43 FEET; THENCE N01°19'39"W A DISTANCE OF 966.55 FEET TO THE POINT OF BEGINNING. HAVING AN AREA OF 273,105 SQUARE FEET, 6.2696 ACRES (THE "REAL PROPERTY") IN ACCORDANCE WITH THE TERMS OF A CERTAIN PURCHASE AND SALES AGREEMENT BY AND BETWEEN THE CITY OF BROKEN ARROW AND JOHN M AND CYNDA A SPOON TRUST; APPROVING AND AUTHORIZING PURCHASE OF THE REAL PROPERTY PURSUANT TO THE PURCHASE AND SALES AGREEMENT AND AUTHORIZING THE CITY OF BROKEN ARROW EXPENDITURE OF THE SUM \$181,818.40 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 APPROVAL OF AND AUTHORIZATION TO EXECUTE A PURCHASE AND SALES AGREEMENT FOR REAL PROPERTY GENERALLY LOCATED IN THE 19900 BLOCK EAST 61ST STREET, BROKEN ARROW, OKLAHOMA; AND CONTAINING OTHER PROVISIONS RELATING THERETO. (PROJECT NO. S.24010).

WHEREAS, John M and Cynda A Spoon Trust, owners of 6.2696 acres generally located in the 19900 block East 61st 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 representatives on behalf of John M and Cynda A Spoon Trust to enter into a Purchase and Sales Agreement for the purchase price of \$181,818.40; and

WHEREAS, this real property is legally described as follows:

A Part of the West 10 acres of the East 29.97 acres of Lot 3 of Section 6, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, Oklahoma, more particularly described as follows: Commencing at the Northeast Corner of Government 3; thence along the North line of Section 6, S88°53'47"W a distance of 657.70 feet; thence along the East Line of the West 10 acres of the East 29.97 acres of Lot 3, S01°19'39"E a distance of 353.75 feet to the Point of Beginning; thence S88°40'21"W a distance of 65.00 feet; thence S34°10'10"W a distance of 325.93 feet; thence S88°41'13"W a distance of 75.00 feet; thence along the West Line of the East 29.97 acres of Lot 3, S01°18'47"E a distance of 700.08 feet; thence along the South Line of Government Lot 3, N88°52'13"E a distance of 329.43 feet; thence N01°19'39"W a distance of 966.55 feet to the Point of Beginning. Having an area of 273,105 Square Feet, 6.2696 acres;

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

WHEREAS, the City of Broken Arrow deems it appropriate to approve and accept the Purchase and Sales Agreement, authorize purchase of the Real Property, authorize the expenditure of the sum of \$181,818.40 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 Approval of and authorization to execute a purchase and sales agreement for a real property generally located in the 19900 block East 61st Street, Broken Arrow, Oklahoma; 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 Approval of and authorization to execute a Purchase and Sales Agreement for real property generally located in the 19900 block East 61st Street, Broken Arrow, Oklahoma; 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 \$181,818.40 for such an 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 Purchase and Sales Agreement 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 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 Arrow Municipal Authority at a regularly scheduled meeting, advance public notice of which was duly given and at which a majority of said Councilmembers were present, this 6th day of May 2025.

BROKEN ARROW MUNICIPAL AUTHORITY

Chairman

ATTEST:

City Clerk

Approved as to form and legality:



Deputy City Attorney