

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, MEMORIAL DRIVE, LLC and AMERICAN SOUTHWEST PROPERTIES INC., the Owner(s), of the legal and equitable title to the following described real estate situated in Wagoner County, State of Oklahoma, for and in consideration of the sum of One Dollar (\$1.00), cash in hand, paid by the City of Broken Arrow, an municipal corporation, Oklahoma, and other good and valuable considerations, receipt of which are hereby acknowledged, do(es) hereby grant and convey unto the said **CITY OF BROKEN ARROW**, a municipal corporation, County of Tulsa, State of Oklahoma, a temporary easement, through, over, and under, and across the following described property, situated in said County, to-wit:

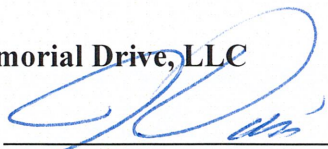
SEE EXHIBIT "A"

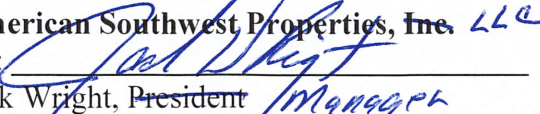
for a period of not more than 12 MONTHS FROM THE START OF CONSTRUCTION. This grant of temporary right to use and occupy is given for the purpose of permitting the City of Broken Arrow, its employees, representatives, agents, and/or persons under contract with it, to use said described property for construction of 23rd street roadway improvements from Albany to Omaha, project #ST1931.

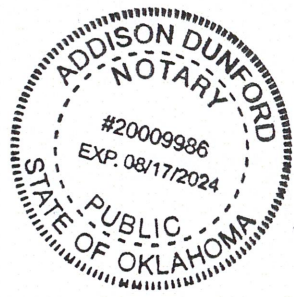
That the Owner(s) agree that this temporary construction easement shall be binding upon their heirs, executors, administrators and personal representatives during the term hereof and further agree that in the event the premises covered by this temporary construction easement are sold, assigned or conveyed, that the purchaser or grantee thereof will be advised of the existence of this temporary grant and that said sale during said term shall be made subject to the rights herein given.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 16 day of July 20204

Memorial Drive, LLC

By: 
John Davis, Manager

American Southwest Properties, Inc. LLC
By: 
Jack Wright, President *Manager*



STATE OF OKLAHOMA)
) §
COUNTY OF Tulsa)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 16 day of July, 2024, personally appeared John Davis and Jack Wright, 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.

Addison Dunford
NOTARY PUBLIC

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

[Signature]
Assistant City Attorney

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

Michael L. Spurgeon, City Manager

Attest:

Engineer BSS Checked: 10/9/24
Project: ST1931, 23rd St: Omaha-Albany, Parcel 6.1

City Clerk

Parcel No.: 6.1
Owner: MEMORIAL DRIVE, L.L.C.
County: Wagoner

Date Written: 2/21/2020
Last Revision: 2/14/2024

TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

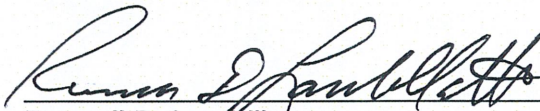
A tract of land that is part of Lot One (1), Block One (1), COUNTY LINE CENTER, a subdivision that is in the Southwest Quarter (SW/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Fifteen (15) East in the City of Broken Arrow, Wagoner County, State of Oklahoma, said tract of land being described as follows:

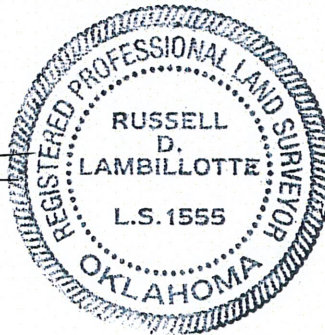
Commencing at the northwest corner of said Lot One (1), Block One (1), COUNTY LINE CENTER; thence S 1°22'05.95" E a distance of 628.02 feet; thence N 88°53'41.24" E a distance of 10.00 feet to the Point of Beginning; thence N 88°53'41.24" E a distance of 10.00 feet; thence N 1°22'05.95" W a distance of 265.32 feet; thence S 88°37'54.05" W a distance of 10.00 feet; thence S 1°22'05.95" E a distance of 265.27 feet to the Point of Beginning;

said tract containing 2,652.95 square feet (0.06 acres), more or less.

I, Russell D. Lambillotte, of Isaacs Surveying Service, LLC, certify that the attached Temporary Construction Easement legal description closes in accord with the existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

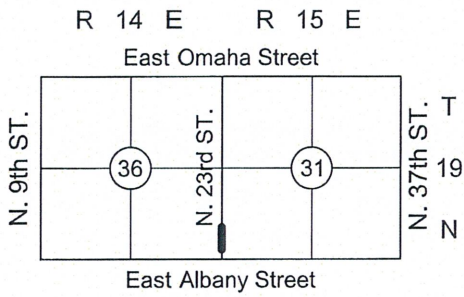
Isaacs Surveying Service, LLC
Russell D. Lambillotte


Russell D. Lambillotte
RPLS No. 1555, State of Oklahoma



2-20-24
Date

C.A. No. 7767
Expires: 06/30/25

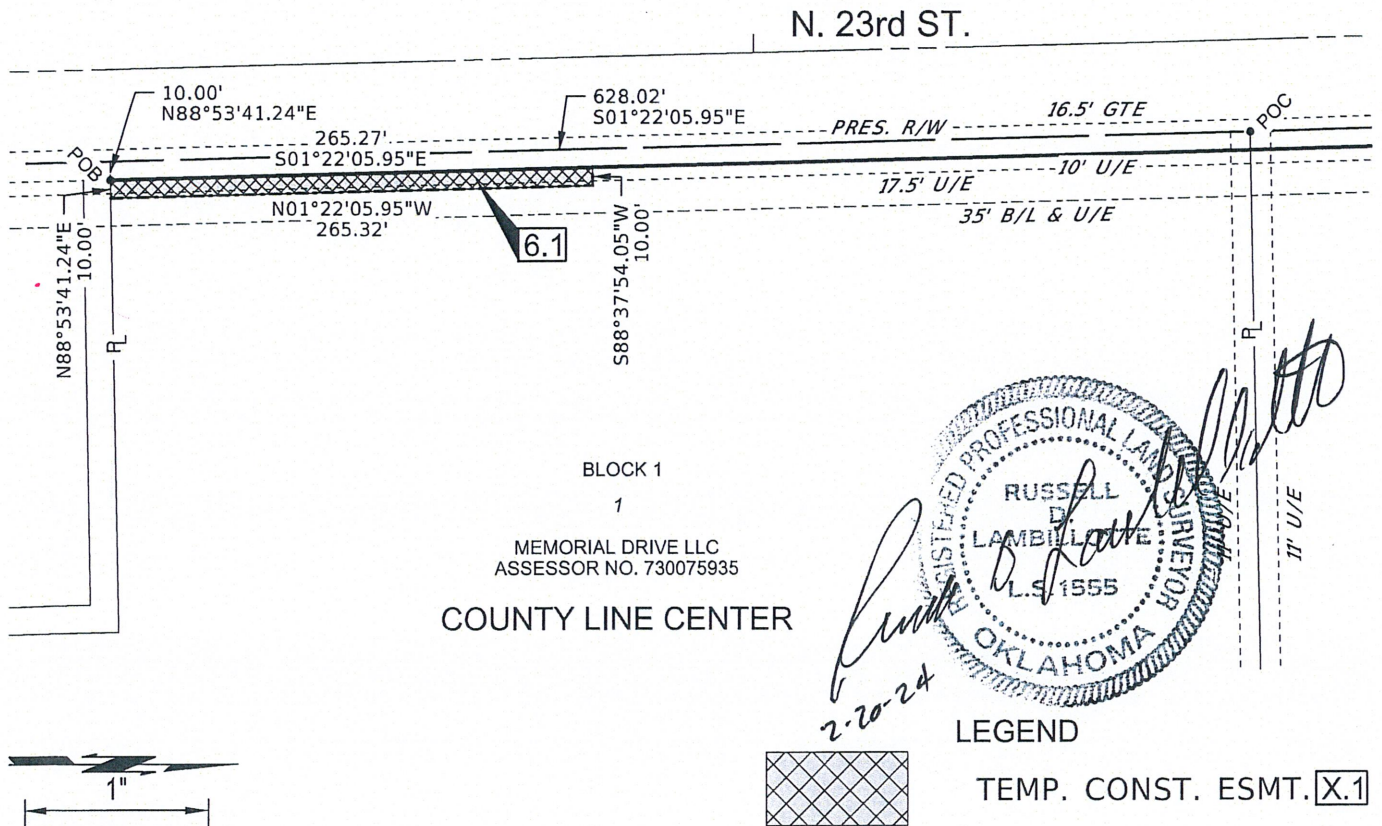


DATE DRAWN: 2-21-2020
 REVISED: 2-14-2024
 PROJECT: ST 1931
 23rd Street Improvements:
 Albany St. to Omaha St.

PARCEL NO.: 6.1
 COUNTY: Wagoner


LEGAL DESCRIPTION:
 A tract of land that is in the Southwest Quarter (SW/4) of Section
 Thirty One (31) T-19-N, R-15-E, I.B. & M.

PERMANENT R/W	0.00 s.f.	0.00 Acres
GEN. & UTIL. EASEMENT	0.00 s.f.	0.00 Acres
TEMP. CONST. EASEMENT	2,652.95 s.f.	0.06 Acres
DRAINAGE EASEMENT	0.00 s.f.	0.00 Acres



BLOCK 1
 1
 MEMORIAL DRIVE LLC
 ASSESSOR NO. 730075935
 COUNTY LINE CENTER

[Handwritten signature]
 2-20-24
 REGISTERED PROFESSIONAL LAND SURVEYOR
 RUSSELL D. LAMBILLI
 L.S. 1555
 OKLAHOMA

LEGEND
 TEMP. CONST. ESMT. **X.1**

