

RESOLUTION NO. 956

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A PETITION TO VACATE A UTILITY EASEMENT PURSUANT TO 11 O.S. § 42-111 ON PROPERTY LOCATED ON A TRACT OF LAND LYING IN GOVERNMENT LOT 3 OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 14 EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, GENERALLY LOCATED ONE-QUARTER MILE EAST OF ELM PLACE AND NORTH OF ALBANY STREET; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY

WHEREAS, on November 1, 2016, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3456 closing a utility easement generally located one-quarter mile east of Elm Place and north of Albany Street, more particularly described as follows:

A tract of land lying in Government Lot 3 of Section 2, Township 18 North, Range 14 East, of the Indian Meridian, Tulsa County, Oklahoma and further described as:

Commencing at the northeast corner of said Government Lot 3; thence N89°59'21"W along the north line of said Government Lot 3 for a distance of 1272.39 to the point of beginning; thence S00°06'14"W for a distance of 785.64 feet; thence S55°46'19"E for a distance of 189.17 feet; thence S89°54'38"E for a distance of 235.32 feet; thence N62°23'08"E for a distance of 118.22 feet; thence S16°01'22"E for a distance of 15.31 feet; thence S62°23'08"W for a distance of 118.84 feet; thence N89°54'38"W for a distance of 243.62 feet; thence N55°46'19"W for a distance of 201.73 feet; thence N00°06'14"E for a distance of 793.57 feet to the north line of said Government Lot 3; thence S89°59'21"E along said north line for a distance of 15.00 feet to the point of beginning. The above description containing 0.46 acres more or less.

Bearings are based on a record bearing along the north line of Government Lot 3 of Section 2, Township 18 North, Range 14 East (N89°59'21" W) based on a utility easement recorded as Document Number 04122390 and filed with the Tulsa County Clerk's Office on October 8, 2004.

WHEREAS, there is no necessity for reopening the easement and the easement is no longer required for public purposes; and

WHEREAS, no public convenience or necessity exists for the reopening of the easement. The foreclosure of the right to reopen the easement will not injuriously affect the rights of the owners of the property in the vicinity of the easement and the easement is no longer required for the public purposes; and

WHEREAS, it is the desire of City Council to authorize the City Attorney to file a Petition to Vacate the above described easement in the above matter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, THAT the City Attorney is authorized and directed to file a Petition to Vacate Easement in the District Court in and for Tulsa County, State of Oklahoma for the above described utility easement generally located one-quarter mile east of Elm Place and north of Albany Street.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 7th day of November, 2016.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

City Attorney