

## **RESOLUTION NO. 1607**

### **A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY GENERALLY LOCATED IN THE 5400 BLOCK OF SOUTH 193RD EAST AVENUE, BROKEN ARROW, OKLAHOMA, LOCATED IN SECTION 31, TOWNSHIP 19 NORTH, RANGE 15 EAST, BROKEN ARROW, WAGONER COUNTY, OKLAHOMA, FOR THE 23RD STREET ROADWAY IMPROVEMENTS, ALBANY TO OMAHA, PARCEL 13.0 (PROJECT NO. ST1931)**

**WHEREAS**, Phillips 66 Co, owns or otherwise claim some interest in certain real property identified as Parcels 13.0, 13, 1, and 13.A, located on a tract of land in Section 31, Township 19 North, Range 15 East of the Indian Meridian, Wagoner County, Oklahoma; generally located at 5400 South 193rd East Avenue, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire Permanent Right-of-Way for the public purpose of the 23rd Street Roadway Improvements, Albany Street to Omaha Street project; and

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

#### **PARCEL 13.0 PERMANENT RIGHT-OF-WAY:**

A tract of land that is part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/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 southwest corner of the Northwest Quarter (NW/4) of Section Thirty-one (31); thence N 1°23'08.67" W a distance of 334.50 feet along the westerly section line of Section Thirty-one (31); thence N 88°36'15.84" E a distance of 24.75 feet to the Point of Beginning; thence N 88°36'15.84" E a distance of 35.25 feet; thence N 1°23'.08.67" W a distance of 380.00 feet; thence S 88°36'16.34" W a distance of 35.25 feet; thence S 1°23'08.68" E a distance of 380.00 feet to the Point of Beginning; said tract containing 13,395.00 square feet (0.31 acres), more or less.

#### **PARCEL 13.1 TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land that is part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/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 southwest corner of the Northwest Quarter (NW/4) of Section Thirty-one (31); thence N 1°23'08.67" W a distance of 334.50 feet along the westerly section line of Section Thirty-one (31); thence N 88°36'15.84" E a distance of 85.00 feet to the Point of Beginning; thence N 88°36'15.84" E a distance of 17.50 feet; thence N 1°23'08.67" W a distance of 44.30 feet; thence S 88°36'51.33" W a distance of 17.50 feet; thence S 1°23'08.67" E a distance of 44.30 feet to the Point of Beginning; said tract containing 775.28 square feet (0.02 acres), more or less.

**PARCEL 13.1**

**UTILITY EASEMENT:**

A tract of land that is part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/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 southwest corner of the Northwest Quarter (NW/4) of Section Thirty-one (31); thence N 1°23'08.67" W a distance of 334.50 feet along the westerly section line of Section Thirty-one (31); thence N 88°36'15.84" E a distance of 60.00 feet to the Point of Beginning; thence N 88°36'15.84" E a distance of 17.50 feet; thence N 1°23'08.67" W a distance of 380.00 feet; thence S 88°36'16.34" W a distance of 17.50 feet; thence S 1°23'08.67" E a distance of 380.00 feet to the Point of Beginning; said tract containing 6,649.94 square feet (0.15 acres), more or less.

**WHEREAS**, the parties hereto have duly entered into negotiations for the voluntary purchase of Permanent Right-of-Way, Temporary Construction Easement and Utility Easement 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 23rd Street Roadway Improvements, Albany Street to Omaha Street 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 15th day of October 2024.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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*Graham Parker*

Assistant City Attorney