

RESOLUTION NO. 1098

A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL APPROVING AND AUTHORIZING A CONTRACT FOR THE PURCHASE AND SALE OF REAL PROPERTY LOCATED AT 11406 SOUTH 193RD EAST AVENUE, IN BROKEN ARROW, OKLAHOMA, LEGALLY DESCRIBED AS A PARCEL OF LAND SITUATED IN THE SOUTHEAST CORNER OF THE SE/4 OF THE SE/4 OF THE NE/4 OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 14 EAST, TULSA COUNTY, OKLAHOMA; AND AUTHORIZING THE CITY OF BROKEN ARROW'S EXPENDITURE OF THE SUM OF THREE HUNDRED AND SIXTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$365,000.00) WITH GENERAL OBLIGATION BONDS, TO STORYBOOK PROPERTIES, INC., AN OKLAHOMA CORPORATION, TO EFFECT SUCH PURCHASE; AS WELL AS REASONABLE AND NECESSARY COSTS, INCLUDING CLOSING COSTS AND ESCROW FUNDS; DESIGNATING REPRESENTATIVES OF THE CITY OF BROKEN ARROW, OKLAHOMA, FOR PURPOSES OF GRANTING CERTAIN APPROVALS AND EXECUTING CERTAIN INSTRUMENTS AS REQUIRED UNDER AND IN CONNECTION WITH SAID CONTRACT FOR SALE OF REAL ESTATE; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City of Broken Arrow has a projected population of 112,000 persons, representing a 49.6% increase from 2000 and the City is projected to grow by 7.7% through 2020; and

WHEREAS, the City of Broken Arrow Fire Department is an all hazards department responding to a variety of incidents including fire, emergency medical services, hazards material mitigation and other types of specialized rescue; and

WHEREAS, city population will always have an impact on the value of calls and the type of calls a fire department responds to; and

WHEREAS, from 2002 through the present time there has been an approximately 94.7% increase in call volume for fire, emergency medical services, hazards material mitigation and rescue services; and

WHEREAS, it is projected that the Fire Department's anticipated run volume will increase 22% by the year 2018; and

WHEREAS, the National Fire Protection Association (NFPA) has issued a response time standard for the various types of calls the Fire Department will be dispatched to; and

WHEREAS, the location of a fire station in a community directly affects the total response time needed to respond to all hazards presented; and

WHEREAS, the Ludwig Study previously approved by the Council has recommended the most logical sites for future fire stations; and

WHEREAS, property located at 11406 South 193rd East Avenue, Broken Arrow, Oklahoma is within the recommended site by the Ludwig Study for a fire station, and

WHEREAS, the City approached the Seller, Storybook Properties, Inc., with a proposal to purchase an estimated 3.03 acres of real property and improvements owned the Seller, located at 11406 South 193rd East Avenue, Broken Arrow, Oklahoma, legally described as a parcel of land situated in the Southeast Corner of the SE/4 of the SE/4 of the NE/4 of Section 36, Township 18 North, Range 14 East, Tulsa County, Oklahoma (the “Real Property”) for purposes of constructing a future fire station; and

WHEREAS, the Seller has agreed to sell the Real Property identified; and

WHEREAS, both the City and Seller have determined that the \$365,000.00 purchase price is reasonable, and is supported by a fair market value appraisal of the Real Property obtained by the City; and

WHEREAS, upon the terms and conditions set forth herein, Seller desires to sell and the City agrees to purchase the Real Property; and

WHEREAS, the City deems it appropriate to approve the execution and delivery of this Agreement and determine 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; and

WHEREAS, the City Council deems it appropriate to approve the Agreement for the Purchase and Sale of Real Property, authorize purchase of the Real Property, authorize the expenditure of the sum of \$365,000.00 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 CITY COUNCIL OF THE CITY OF BROKEN ARROW, THAT:

1. The Agreement for the Purchase and Sale of Real Property is hereby approved, authorized and accepted and shall be executed substantially in the form thereof submitted at the meeting at which this Resolution was approved and as finally approved by the Mayor or the Vice Mayor Serving, as the case may be, and shall be executed for and on behalf of the City by its Mayor or Vice Mayor, as the case may be, and attested by the City Clerk, and for and on behalf of the other parties thereto by their respective authorized officers. The Agreement for the Purchase and Sale of Real Property in the form to be so approved is hereby authorized for execution and delivery, subject to such 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.

2. The City of Broken Arrow is hereby authorized to close the purchase and sale of the Real Property pursuant to the Contract for Sale of Real Estate, 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 \$365,000, in accordance with General Obligation Bonds, for such acquisition and is authorized to expend monies for all closing costs and any other cost related to purchase and closing of this transaction;

4. The Mayor or Vice Mayor of the City is hereby further authorized to approve (upon the recommendation of the City Attorney) the final forms of the closing and purchase of the Real Property, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, at any time prior to the execution and delivery of the Agreement, 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 and which shall evidence the written prior approval of the City Attorney endorsed thereon, and the signature of the Mayor or Vice 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. The Mayor of the City is hereby further authorized to approve (upon the recommendation of the City Attorney) the final forms of the acceptance of the Contract for Sale of Real Estate, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, at any time prior to the execution and delivery of the Agreement, 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 which 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.

6. 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 Agreement for the Purchase and Sale of Real Property 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).

7. All prior transfers made in connection with the preparations for the purchase of the 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 City Council, at a City Council Meeting, advance public notice of which was duly given and at which a majority of said Councilmembers were present, this 3rd day of April, 2018.

CITY OF BROKEN ARROW, OKLAHOMA

Mayor

ATTEST: (SEAL)

City Clerk

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney