

## **RESOLUTION NO. 1211**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY GENERALLY LOCATED AT 13600 SOUTH 177TH EAST AVENUE, BROKEN ARROW, IN THE SOUTHWEST QUARTER OF SECTION 12, T-17-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE COUNTY LINE TRUNK SEWER REPLACEMENT, (PROJECT NO. S.1609A)**

**WHEREAS**, the Lois Maxine Dark Trust, Martha Chapman Fowler, Josephine Layton and Jeanette Layton, a/k/a Jeanette Van Hoose, own or otherwise claim some interest in certain real property identified as Parcel 1A, located on a tract of land in the Southwest Quarter of Section 12, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 13600 S 177<sup>th</sup> E Avenue, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire a Temporary Construction Easement for the public purpose of completing the County Line Trunk Sewer Replacement Project; and

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

### **PARCEL 1A**

#### **TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land that is a part of the Southwest Quarter (SW4) of Section Twelve (12), Township Seventeen North (T17N), Range Fourteen East (R14E) of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Point of Beginning on the North line of the Southwest Quarter of Section 12, a distance of 641.67 feet from the West Quarter corner of Section 12; Thence along the North line of the Southwest Quarter, N88°46'18"E a distance of 102.41 feet; Thence S11°12'57"W a distance of 288.56 feet; Thence S04°22'22"W a distance of 449.21 feet; Thence S72°02'24"W a distance of 303.17 feet; Thence S28°00'12"W a distance of 300.00 feet; Thence S20°47'21"W a distance of 199.08 feet; Thence S10°17'11"W a distance of 260.89 feet to a point on the East line of a 50' sanitary sewer easement filed as Doc #2009030750 at the office of the Tulsa County Clerk; Thence along the East line of said sanitary sewer easement, being parallel and 74.75 from the West line of said Southwest Quarter of Section 12, N01°13'08"W a distance of 393.76 feet; Thence N20°47'21"E a distance of 96.85 feet; Thence N28°00'12"E a distance of 346.74 feet; Thence N72°02'24"E a distance of 276.58 feet; Thence N04°22'22"E a distance of 388.02 feet; Thence N11°12'44"E a distance of 272.60 feet to the Point of Beginning.

**WHEREAS**, the parties hereto have duly entered into negotiations for the voluntary purchase of the Temporary Construction 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 completion of the County Line Trunk Sewer Replacement 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 7<sup>th</sup> day of May 2019.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

  
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Assistant City Attorney