

**RESOLUTION NO. 1005**

**A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL APPROVING, AUTHORIZING AND ACCEPTING A CONTRACT FOR SALE OF REAL ESTATE FOR REAL PROPERTY LOCATED AT 825 EAST DALLAS STREET, BROKEN ARROW, OKLAHOMA 74012 MORE PARTICULARLY DESCRIBED AS LOTS ONE (1) AND TWO (2), BLOCK (1), EAST HASKELL ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEROF; AND AUTHORIZING THE CITY OF BROKEN ARROW'S EXPENDITURE OF THE SUM OF \$175,000.00 TO EFFECT SUCH PURCHASE, AS WELL AS REASONABLE AND NECESSARY COSTS; 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 (9<sup>TH</sup> STREET WIDENING PROJECT-ELGIN TO EL PASO**

**WHEREAS**, Jennifer C. Kitchen and Todd Kitchen, Wife and Husband own 825 East Dallas Street;

**WHEREAS**, the Broken Arrow City Council desires to acquire this property for the public purpose of constructing the 9<sup>th</sup> Street Widening Project-Elgin to El Paso;

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

Lots One (1) and Two (2), Block One (1), EAST HASKELL ADDITION to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof

**WHEREAS**, in support of the City of Broken Arrow's efforts and in the interest of securing the Real Property, City staff have entered an agreement with Jennifer C. Kitchen and Todd Kitchen, Wife and Husband to purchase the Real Property for the sum of One Hundred Seventy-Five Thousand Dollars and 00/100ths (\$175,000.00); and

**WHEREAS**, the agreement for the City of Broken Arrow to pay the amount of \$175,000.00 is supported by a current fair market appraisal dated January 24, 2017 and valuing the property at One-Hundred Fifty-Five Thousand Dollars and 00/100ths (\$155,000.00); and

**WHEREAS**, the City Council deems it appropriate to approve the Contract for Sale of Real Estate, authorize the purchase of the Real Property, authorize the expenditure of the sum of \$175,000.00 to effect the purchase of the Real Property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA THAT:**

1. The Contract for the sale of real estate is hereby approved, authorized and accepted. The Contract and closing shall be executed for and on behalf of the City by the Mayor or Vice Mayor, as the case may be, and attested by the City Clerk. The Contract for the Sale of Real Estate is hereby authorized for execution and delivery, subject to 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. The execution of the Contract for the Sale of Real Estate for and on behalf of the other parties thereto by their respective authorized officers and for and on behalf of the City by the Mayor or Vice Mayor as the case may be, with an official seal of the City affixed and attested by the signature of the City Clerk, shall be conclusive evidence of the approval of any changes, insertions, omissions and filling of blanks;
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 \$175,000.00 for such acquisition and is authorized to expend monies for all closing costs and any other cost related to the purchase and closing of this transaction;
4. The Mayor or Vice Mayor is hereby authorized to approve (upon the recommendation of the City Attorney) the final forms of the purchase and closing of the Real Property, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, 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 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;
5. 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 Contract for Sale of Real Estate 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);
6. 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 Arrow City Council at a regularly scheduled meeting, advance public notice of which was duly given and at which a majority of said Councilmembers were present, this 21<sup>st</sup> day of March, 2017.

CITY OF BROKEN ARROW, OKLAHOMA

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Mayor

Attest:

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City Clerk

Approved as to form and legality:

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City Attorney