

RESOLUTION NO. 1088

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE SE/4 OF SECTION 12, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, FOR THE 23RD STREET, HOUSTON TO KENOSHA, WIDENING PROJECT (PROJECT NO. ST0914)

WHEREAS, Sam and Maureen Azarian, husband and wife, own or otherwise claim some interest in certain real property identified as Parcel 21, located in the SE/4 of Section 12, T-18-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, generally located west of 23rd Street and north of Houston Street, Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire right-of-way on Parcel 21, for the public purpose of completing the 23rd Street Improvements between Houston and Kenosha Streets; and

WHEREAS, this real property is legally described as follows:

PARCEL 21:

PERMANENT RIGHT-OF-WAY:

A tract of land being a part of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 12, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

Commencing at the southeast corner of said SE/4 of the SE/4; thence South 88°47'35" West along the South line of said SE/4 of the SE/4, a distance of 500.06 feet; thence North 01°12'25" West, a distance of 60.00 feet to the POINT OF BEGINNING; thence North 01°12'25" West, a distance of 10.00 feet; thence North 88°47'35" East and parallel to the South line of said Section 12, a distance of 410.78 feet; thence North 43°37'44" East, a distance of 26.96 feet; thence North 01°20'29" West and parallel to said east line, a distance of 410.86 feet; thence North 88°39'31" East, a distance of 10.00 feet; thence North 01°20'29" West and parallel to said east line of said Section 12, a distance of 294.00 feet; thence South 88°39'31" East, a distance of 35.25 feet to a point on the west line of the 24.75 feet statutory right of way line; thence South 01°20'29" East along the said statutory right of way and parallel with said east line of Section 12, a distance of 293.92 feet; thence South 88°39'31" West, a distance of 35.25 feet; thence South 01°20'29" East and parallel to said east line of Section 12, a distance of 415.00 feet; thence South 43°37'44" West, a distance of 35.25 feet; thence South 88°47'35" West and parallel to the said south line of said section 12, a distance of 415.00 feet to the POINT OF BEGINNING, containing 18,931 square feet or 0.43 acres, more or less.

Basis of bearing is an assumed bearing of South 88°47'35" West along the South line of the SE/4 of said Section 12.

WHEREAS, the parties hereto have duly entered into negotiations for the voluntary purchase of the land 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 completion of the 23rd Street Improvements between Houston and Kenosha Streets;

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 20th day of February, 2018.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney