Temporary Construction Easement
Creek Turnpike
Parcel CR 319

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, THE OKLAHOMA TURNPIKE AUTHORITY, the owner of the legal and of the legal and equitable title to the following described real estate, "Grantor," in consideration of the sum of One Dollar ($1.00), cash in hand paid, receipt of which is hereby acknowledged, do hereby assign, grant, and convey to the City of Broken Arrow, Tulsa County, Oklahoma, a municipal corporation, its successors and assigns, "Grantee," a temporary easement and right of way over and across the following described real property and premises, situated in Tulsa County, State of Oklahoma to wit:

SEE ATTACHED EXHIBIT A

with right of ingress and egress to and from the same, for the purpose of constructing sanitary sewer lines and appurtenances.

NOTE: all provisions, terms, conditions and requirements as set forth in U.S. Army Corps of Engineers (USACE) Section 404 Permit No. OKR2006339 remain in full force and effect. SEE ATTACHED EXHIBIT B.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Broken Arrow, Tulsa County, Oklahoma, a municipal corporation, by this instrument shall terminate upon completion of constructing sanitary sewer lines and appurtenances.

PROVIDED, that the said Grantor, their heirs, executors, administrators and assigns, shall fully use and enjoy the said premises except as may be necessary for the purposes herein granted to the City, its successors or assigns.

The rights and privileges above granted to continue so long as same are used or needed; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 2nd day of February 2018.

Approve as to form:

OTA General Counsel

THE OKLAHOMA TURNPIKE AUTHORITY

By: _____ DKM

Tim J. Gatz, Executive Director

State of Oklahoma)
)ss.
County of ~~Tulsa~~ Oklahoma)

Before me, the undersigned, a Notary Public within and for said County and State, on this 2nd day of February 2018, personally appeared Tim J. GATZ, to me known to be the identical persons who executed the within and foregoing instrument as the free and voluntary act and deed as director of THE OKLAHOMA TURNPIKE AUTHORITY for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission expires: 4/10/2018

JENNY L. JOHNSON NOTARY PUBLIC # 02004070 EXP. 04/10/18 STATE OF OKLAHOMA

Notary Public

Approved as to form:

Asst. City Attorney

Approved as to Substance:

City Manager

Engineer _____ checked 2-28-18
Project