

RESOLUTION NO. 1590

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED AT 18574 EAST 101ST STREET, BROKEN ARROW, OKLAHOMA, LOCATED IN SECTION 25, TOWNSHIP 18 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE COUNTY LINE TRUNK SEWER, PHASE II, PARCEL 21.0, 21.1 (PROJECT NO. 2154250)

WHEREAS, J. Michael and Connie I. Ritze, owns or otherwise claim some interest in certain real property identified as Parcels 21.0, 21.1, located on a tract of land in Section 25, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma; generally located at 18574 East 101st Street, Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire a Utility Easement and Temporary Construction Easement for the public purpose of the County Line Trunk Sewer, Phase II; and

WHEREAS, this real property is legally described as follows:

PARCEL 21.0

PERMANENT RIGHT-OF-WAY:

A tract of land located in the Northeast Quarter (NE/4) and the North Half (N/2) of the Southeast Quarter (SE/4) of Section Twenty-Five (25), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of the NE/4; thence South 01°22'43" East and along the East line of said NE/4, for a distance of 50.00 feet; thence South 88°40'04" West and parallel with the North line of said NE/4, for distance of 60.00 feet to the POINT OF BEGINNING; thence South 01°22'43" East and parallel with the East line of said NE/4, for a distance of 2600.15 feet to a point on the South line of said NE/4; thence South 01°18'24" East and parallel with the East line of said SE/4, for a distance of 1320.44 feet to a point on the North line of the N/2 of the SE/4; thence South 88°41'51" West and along said North line, for a distance of 45.00 feet; thence North 01°18'24" West and parallel with the East line of said SE/4, for a distance of 1320.44 feet to a point on the North line of said SE/4; thence North 88°41'33" East and along the North line of said SE/4, for a distance of 5.00 feet; thence North 01°22'43" West and parallel with the East line of said NE/4, for a distance of 2600.13 feet; thence North 88°40'04" East and parallel with the North line of said NE/4, for a distance of 40.00 feet to the POINT OF BEGINNING.

PARCEL 21.1

TEMPORARY CONSTRUCTION EASEMENT:

A tract of land located in the Northeast Quarter (NE/4) and the North Half (N/2) of the Southeast Quarter (SE/4) of Section Twenty-Five (25), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of the NE/4; thence South 01°22'43" East and along the East line of said NE/4, for a distance of 50.00 feet; thence South 88°40'04" West and parallel with the North line of said NE/4, for a distance of 100.00 feet to the POINT OF BEGINNING; thence South 01°22'43" East and parallel with the East line of said NE/4, for a distance of 2600.13 feet to a point on the South line of said NE/4; thence South 88°41'33" West and along South line, for a distance of 5.00 feet; thence South 01°18'24" East and parallel with the East line of said SE/4, for a distance of 1320.44 feet to a point on the South line of said N/2 SE/4; thence South 88°41'51" West and along said South line of, for a distance of 20.00 feet; thence North 01°18'24" West and parallel with the East line of said N/2 SE/4, for a distance of 1320.44 feet to a point on the North line of said N/2 SE/4; thence North 88°41'33" East and along the North line of said N/2 SE/4, for a distance of 5.00 feet; thence North 01°22'43" West and parallel with the East line of said NE/4, for a distance of 2600.12 feet; thence North 88°40'04" East and parallel with the North line of said NE/4, for a distance of 20.00 feet to the POINT OF BEGINNING.

WHEREAS, the parties hereto have duly entered into negotiations for the voluntary purchase of a Utility Easement and 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 the County Line Trunk Sewer, Phase II 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 17th day of June, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Graham Parker
Assistant City Attorney