

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, CAROLYN J. MORRIS, TRUSTEE OF THE CAROLYN J. MORRIS TRUST, dated June 9, 1999, the owner(s), 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 by the City of Broken Arrow, Oklahoma and other good and valuable considerations, receipt of which is hereby acknowledged, do(es) hereby assign(s), grant(s) and convey(s) to the City of Broken Arrow, Tulsa County, Oklahoma, a municipal corporation, its successors and assigns, "Grantee," an 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 EXHIBIT "A"

with right of ingress and egress to and from the same, for the purpose of constructing, operating, and replacing utility lines and appurtenances.

Grantor agrees not to build or construct any building or buildings upon the permanent easement area. However, Grantor expressly reserves the right to build and construct sidewalks, streets and driveways, water mains, gas lines, electrical lines and other public service facilities across said premises herein described.

There is further granted the right to remove any tree or parts of trees, which in the judgment of the City may interfere with the construction of the applicable utilities.

PROVIDED, that the said Grantor, his/her 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.

TO HAVE AND TO HOLD such easement and right of way unto the City of Broken Arrow, Oklahoma, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 23rd day of September, 2015.

THE CAROLYN J. MORRIS TRUST, dated June 9, 1999

Carolyn J. Morris
By: Carolyn J. Morris, Trustee

State of Oklahoma )
County of Wagoner ) ss.

Before me, the undersigned, a Notary Public within and for said County and State, on this 23rd day of September, 2015, personally appeared Carolyn J. Morris, Trustee of the CAROLYN J. MORRIS TRUST, dated June 9, 1999, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he/she/they executed the same as his/her/their free and voluntary act and deed 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: 12-8-2016

Sandy Brannon
Notary Public

Approved as to Form:
Sharon Dennis
Asst. City Attorney

Approved as to Substance:
City Manager

Engineer: [Signature] checked: 09/23/15
Project: Aspen Creek Relief Line Sanitary Sewer Improvements #S.1307-5A



Date Written: December 3, 2013

PERMANENT EASEMENT

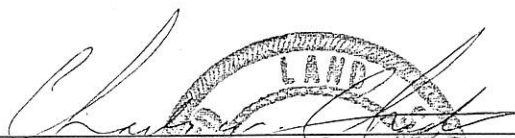

A tract of land located in the East one half (E1/2) of the Northeast one quarter (NE1/4) of Section 33, Township 18 North, Range 14 East of the I.B. & M., Tulsa County, Oklahoma, more particularly described as follows:

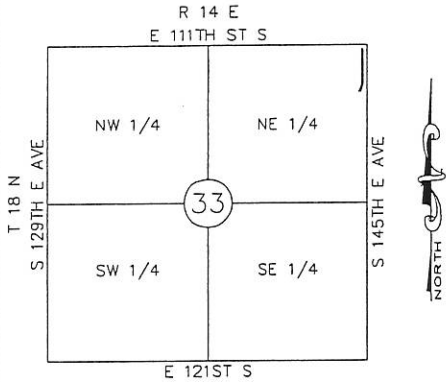
Commencing at a 5/8 inch iron pin being the Southeast corner of said NE1/4, thence S88°35'58"W along the South line thereof 128.43 feet; thence N01°24'02"W 1,861.40 feet to the Point of Beginning, said point being on the South property line 786.78 feet South of the North line of said Section 33; thence N18°20'23"E 123.64 feet; thence N01°18'17"W 595.58 feet to the westerly right-of-way line of S 145th East Avenue; thence S46°21'36"E along said westerly right-of-way line 28.26 feet; thence S01°18'17"E along said westerly right-of-way line 579.08 feet; thence S18°20'23"W 119.91 feet; thence S88°34'21"W 21.25 feet to the Point of Beginning. Containing 14,181.88 square feet or 0.33 acres of Permanent Easement. Bearings based on Oklahoma State Plane Coordinate System, North Zone.

Real Property Certification

I, Charles W. Chastain, P.L.S., Holloway, Updike and Bellen, Inc., certify that the attached Permanent Easement closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

12-16-13  
Date

  
Charles W. Chastain, P.L.S. 1352  




JOB NUMBER: 13BAASPENSWR  
 PARCEL NO. 5A  
 COUNTY: TULSA COUNTY

LEGAL DESCRIPTION OF RECORD:  
 SECTION 33 TOWNSHIP 18N RANGE 14E

PERMANENT EASEMENT - 14,181.88 S.F.

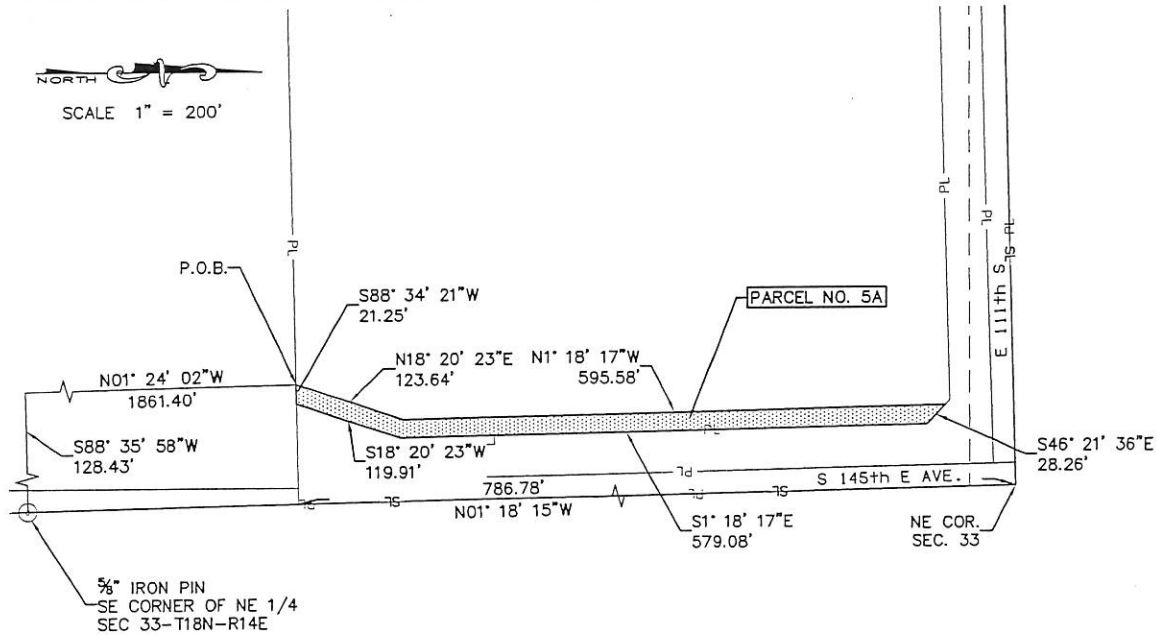
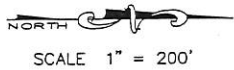
LEGEND

PERMANENT EASEMENT

---'---' RECORDED DISTANCES

CHARLES W. CHASTAIN, OK L.S. #1352  
 12-16-13

BASIS OF BEARING - STATE PLANE COORDINATE SYSTEM (NAD 93)



HOLLOWAY, UPDIKE AND BELLEN INC.  
 905-A SOUTH 9TH STREET, BROKEN ARROW, OK  
 918-251-0717, FAX 918-251-0754  
 CA #219, EXPIRES 06/30/15

TITLE:	SANITARY SEWER IMPROVEMENTS ASPEN CREEK RELIEF LINE		
PROJECT:	13BAASPENSWR		
OWNER:	CAROYLN J. MORRIS TRUST		
DATE:	---	REVISION:	

✓ STATE OF Oklahoma  
✓ COUNTY OF Wagoner

The undersigned, of lawful age, being first duly sworn, on oath says that this invoice of claim is true and correct. Affiant further states that the conditions for payment as shown by this invoice or claim have been completed or supplied, or will be upon approval of the city council, in accordance with the offer, contracts or agreements furnished the affidavit. Affiant further states that he/she has made no payment directly or indirectly to any elected official, officer or employee of the state of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment.

✓ Carolyn J. Morris  
BY:

The Carolyn J. Morris Trust,  
dated June 9, 1999

BY:

✓ Subscribed and sworn to before me this 23rd day of September, 2015, 2013

Sandy Brannon  
Notary

12-8-2016  
My Commission Expires







**BROKEN ARROW**  
Where opportunity lives

# CONDITIONS AND REQUEST FOR PAYMENT

**Conditions** (List physical conditions required for acceptance):

① One Service Tap on 12-inch gravity flow line

② Terms for Payment: Compensation for Permanent Utility Easement

Owner's request for payment in the amount of: \$14,181.00

✓ Owner's Tax Identification Number: 430-44-3799

Owner's Mailing Address: 2532 East 46<sup>th</sup> Place Tulsa, OK 74105

Owner Requests Check:  Be mailed to above address by Certified Mail  
 Be delivered by Agent

Check Payable to: Carolyn J. Morris, Trustee

**Signatures & Dates:**

✓ Owner(s): Carolyn J. Morris

✓ Date: 10-23-15

Agent: Pam Drake

Date: 9-16-15

Project: Aspen Creek Relief Line #5.1307

020 5415 435 7008



September 17, 2015

Mrs. Carolyn Morris  
Trustee of the Carolyn Morris Trust  
2532 East 46<sup>th</sup> Place  
Tulsa, OK 74105

Dear Mrs. Morris:

**RE: Sanitary Sewer Improvements Aspen Creek Relief Line #S.1307**

The City of Broken Arrow requested a donation of the permanent and temporary easements needed for the construction of a 12-inch gravity flow line crossing your property. Your response to the City was that you were not able to donate the easements. You requested compensation for the easements in the amount of \$14,181.00. You also requested 1 (one) service tap at no expense to you.

**The City of Broken Arrow makes you this formal offer for:**

Permanent Utility Easement: \$1.00/square foot for @ 14,181.88 square feet (0.33A) = **\$14,181.00**  
Temporary Construction Easement: No compensation

Service Tap: **1 (One) service tap on this line at no expense to the property owner.**

Total Just Compensation: **\$14,181.00**

Enclosed please find the easement documents for execution. Also, enclosed are the CONDITIONS FOR PAYMENT REQUEST and the AFFIDAVIT BY CLAIMANT for execution. Please return the documents to my attention. I can be contacted at 918-259-2400 ext 5438 if you have further questions.

Respectfully,

**CITY OF BROKEN ARROW**

Russell M. Gale, Acting City Manager

Carolyn J. Morris, Trustee

THE CAROLYN J. MORRIS TRUST, dated June 9, 1999

RMG/pkd  
enc