

RESOLUTION NO. 1170

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE WASHINGTON STREET IMPROVEMENTS, GARNETT TO OLIVE, (PROJECT NO. ST1616)

WHEREAS, Wylie and Linda Neal, own or otherwise claim some interest in certain real property identified as Parcel 10, located on a tract of land in the Southwest Quarter of Section 16, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at the northeast corner of Washington and Olive, Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the Washington Street Improvements – Garnett Road to Olive Avenue Project; and

WHEREAS, this real property is legally described as follows:

PARCEL 10:

FEE SIMPLE PERMANENT RIGHT-OF-WAY:

A part of the South Half of the Southwest Quarter of the Southwest Quarter (S/2 SW/4 SW/4) of Section 16, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of Section 16, Township 18 North, Range 14 East, Tulsa County; Thence along the South Line of the Southwest Quarter of Section 16, N88°34'56"E a distance of 60.45 feet; Thence N01°25'04"W a distance of 60.00 feet to the Point of Beginning; Thence parallel with the South Line of the Southwest Quarter of Section 16, N88°34'56"E a distance of 20.00 feet; Thence N46°30'14"W a distance of 42.49 feet; Thence parallel with and 50.00 feet from the West Line of the Southwest Quarter of Section 16, S01°11'19"E a distance of 20.00 feet; Thence S46°54'04"E a distance of 14.27 feet to the Point of Beginning, containing 402 square feet or 0.0092 acres.

Bearings based on Oklahoma State Plane Grid Zone North

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 completion of the Washington Street Improvements – Garnett Road to Olive Avenue 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 2nd day of January 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney