

RESOLUTION NO. 1188

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY THAT IS GENERALLY LOCATED AT 11406 SOUTH 193RD EAST AVENUE, BROKEN ARROW, IN THE NORTHEAST QUARTER OF SECTION 36, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE COUNTY LINE TRUNK SEWER REPLACEMENT, (PROJECT NO. S.1609)

WHEREAS, Asa Verneal Forbes owns or otherwise claim some interest in certain real property identified as Parcel 16.0 and Parcel 16.1, located on a tract of land in the Northeast Quarter of Section 36, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 11406 S 193rd E Avenue, 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 completing the County Line Trunk Sewer Replacement Project; and

WHEREAS, this real property is legally described as follows:

**PARCEL 16.0
UTILITY EASEMENT:**

A tract of land located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE/4 NE/4 NE/4) of Section Thirty-Six (36), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according the United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Southeast corner of said NE/4; Thence North 01°23'27" West and along the East line of said NE/4, for a distance of 1320.35 feet; Thence South 88°42'50" West, for a distance of 60.00 feet to the POINT OF BEGINNING; Thence continuing South 88°42'50" West, for a distance of 25.25 feet; Thence North 01°23'27" West and parallel with said East line, for a distance of 155.91 feet; Thence North 88°36'33" East and perpendicular to said East line, for a distance of 20.00 feet; Thence North 01°23'27" West and parallel with said East line, for a distance of 145.99 feet; Thence North 88°42'50" East, for a distance of 5.25 feet; Thence South 01°23'27" East and parallel with said East line, for a distance of 301.93 feet to the POINT OF BEGINNING.

**PARCEL 16.1
TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE/4 NE/4 NE/4) of Section Thirty-Six (36), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of

Oklahoma, according the United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Southeast corner of said NE/4; Thence North 01°23'27" West and along the East line of said NE/4, for a distance of 1320.35 feet; Thence South 88°36'33" West and perpendicular to said East line, for a distance of 85.25 feet to the POINT OF BEGINNING; Thence South 88°42'50" West, for a distance of 20.00 feet; Thence North 01°23'27" West and parallel with said East line, for a distance of 175.87 feet; Thence North 88°36'33" East and perpendicular to said East line, for a distance of 30.00 feet; Thence North 01°23'27" West and parallel with said East line, for a distance of 126.00 feet; Thence North 88°42'50" East, for a distance of 10.00 feet; Thence South 01°23'27" East and parallel with said East line, for a distance of 145.99; Thence South 88°36'33" West and perpendicular to said East line, for a distance of 20.00 feet; Thence South 01°23'27" East and parallel with said East line, for a distance of 155.91 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 a necessary taking for a public purpose in order to allow for completion of the County Line Trunk Sewer Replacement Project;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Attorney is authorized to initiate a condemnation action.

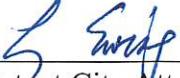
This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 7th day of May 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney