

## **RESOLUTION NO. 1172**

### **A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, 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**, Joe and Rebecca Wilson, own or otherwise claim some interest in certain real property identified as Parcel 4, 4A, located on a tract of land in the Southwest Quarter of Section 17, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 11709 E 91<sup>st</sup> Street, 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 4:**

#### **FEE SIMPLE PERMANENT RIGHT-OF-WAY:**

A part of the Southeast Quarter of the Southwest Quarter (SE/4 SW/4) of Section 17, 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 17, Township 18 North, Range 14 East, Tulsa County; Thence along the South Line of the Southwest Quarter of Section 17, N88°41'38"E a distance of 1527.25 feet; Thence N01°18'22"W a distance of 50.00 feet to the Point of Beginning; Thence parallel with the South Line of the Southwest Quarter of Section 17, N88°41'38"E a distance of 210.00 feet to a point on the West Right of Way line for South Butternut Avenue; Thence along said Right of Way line, N01°18'22"W a distance of 25.00 feet; Thence S43°41'38"W a distance of 14.14 feet ; Thence S88°41'38"W a distance of 200.00 feet; Thence S01°18'22"E a distance of 15.00 feet to the Point of Beginning, containing 3200 square feet, 0.0735 acres.

Bearings based on Oklahoma State Plane Grid Zone North

#### **PARCEL 4A:**

#### **TEMPORARY CONSTRUCTION EASEMENT:**

A part of the Southeast Quarter of the Southwest Quarter (SE/4 SW/4) of Section 17, 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 17, Township 18 North, Range 14 East, Tulsa County; Thence along the South Line of the Southwest Quarter of Section 17,

N88°41'38"E a distance of 1527.25 feet; Thence along the West line of a tract of land described in a General Warranty Deed filed as Book 5800, Page 2359 at the office of the Tulsa County Clerk, N01°18'22"W a distance of 65.00 feet to the Point of Beginning; Thence parallel with the South line of the Southwest Quarter, N88°41'38"E a distance of 92.75 feet; Thence N01°18'22"W a distance of 15.00 feet; Thence S88°41'38"W a distance of 92.75 feet; Thence S01°18'22"E a distance of 15.00 feet to the Point of Beginning, containing 1391 square feet, 0.0319 acres.

**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 2<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney