

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 91st 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.

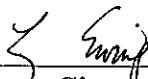
This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 2nd day of January, 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney