

**RESOLUTION NO. 1051**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GENERAL WARRANTY DEED FOR PARCEL 2, WHICH CONSISTS OF 0.43 ACRES OF PERMANENT RIGHT-OF-WAY FOR 23<sup>RD</sup> STREET, HOUSTON TO KENOSHA, IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 14 EAST, APPROXIMATELY 794 FEET NORTH OF THE INTERSECTION OF 23<sup>RD</sup> STREET AND HOUSTON STREET FROM DON C. COUCH AND MARY HIERONYMUS COUCH, HUSBAND AND WIFE, AUTHORIZING PAYMENT IN THE AMOUNT OF \$25,000.00, AND AUTHORIZING STAFF TO APPLY FOR REIMBURSEMENT OF 80 PERCENT OF THE REVISED NEGOTIATED AMOUNT FOR THE 23<sup>RD</sup> STREET WIDENING FROM HOUSTON TO KENOSHA PROJECT (PROJECT NO. ST0914)**

**WHEREAS**, the right-of way acquisition for the 23<sup>rd</sup> Street, Houston to Kenosha Widening project has been approved for Federal Surface Transportation Program (STP) funding, with the cost to be shared 20% by the City of Broken Arrow and 80% by the Oklahoma Department of Transportation; and

**WHEREAS**, the City of Broken Arrow's contract right-of-way agent, Universal Field Services, has negotiated a payment of \$25,000.00 with Don C. Couch and Mary Hieronymus Couch, Husband and Wife, the property owner of parcel 2, which consists of 0.43 acres generally located in the SE/4 of the SE/4 of Section 12, Township 18 North, Range 14 East, approximately 794 feet north of the intersection of 23<sup>rd</sup> Street and Houston Street in Tulsa County, Oklahoma; and

**WHEREAS**, in accordance with a February 10, 2014 Project Construction, Maintenance, Utility Relocation and Right-of-Way Agreement between the Oklahoma Department of Transportation and the City of Broken Arrow, the City will make the payment to the property owners and thereafter apply for reimbursement to the Oklahoma Department of Transportation for 80% of the purchase cost. The City of Broken Arrows funding for its share of the right-of-way cost will be from the 2014 Streets GO Bond.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, THAT:**

1. The City of Broken Arrow accept the Warranty Deed for parcel 2 from Don C. Couch and Mary Hieronymus Couch, Husband and Wife, and authorize payment in the amount of \$25,000.00 to Don C. Couch and Mary Hieronymus Couch, and authorize the City of Broken Arrow to make application to the Oklahoma Department of Transportation for reimbursement in the amount of \$20,000.00.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 19<sup>th</sup> day of September, 2017.

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney