

## **RESOLUTION NO. 1601**

### **A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED AT THE 12104 S 145TH E AVE, BROKEN ARROW, OKLAHOMA, LOCATED IN SECTION 4, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE ASPEN, TUCSON TO SHREVEPORT ROADWAY IMPROVEMENTS, PARCEL 13.0 (PROJECT NO. ST2031)**

**WHEREAS**, Bonnie E. Blalack Trust, owns or otherwise claim some interest in certain real property identified as Parcels 13.0, located 12104 S 145th E Ave, Broken Arrow, OK 74011 in Section 4, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma; generally located at the Southwest corner of Aspen and Tucson, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire the parcel for the public purpose of the Aspen, Tucson to Shreveport Roadway Improvements; and

**WHEREAS**, this real property is legally described as follows:

#### **PARCEL 13.0 PERMANENT RIGHT-OF-WAY:**

All that part of the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Four (4), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at the Northeast corner of the East Half of the East Half of the Northeast Quarter (E/2 E/2 NE/4) of Section 4, Township 17 North, Range 14 East; thence South 132 feet; thence West 330 feet; thence North 132 feet; thence East 330 feet to the Point of Beginning,

LESS AND EXCEPT a strip, piece or parcel of land lying in part of the NE4 NE4 of Section 4, Township 17 North, Range 14 East, IM, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows:

Commencing at the Northeast corner of said NE4; thence S 88°37'50" W along the North line of said NE4 a distance of 24.75 feet, thence S 01°36'52" E a distance of 24.75 feet to the point of beginning, said point being on the intersection of the Southerly and Westerly section line statutory right of way lines; thence continuing S 01°36'52" along said West statutory right of way line a distance of 107.25 feet, thence S 88°37'50" W a distance of 5.25 feet, thence N 01°36'52" W a distance of 62.24 feet, thence N 46°29'31" W a distance of 35.10 feet, thence S 88°37'50" W a distance of 275.24 feet, thence N 01°36'52" W a distance of 20.25 feet to a point on said South statutory right of way line, thence N 88°37'50" E along said South statutory right of way line a distance of 305.25 feet to point of beginning.

**WHEREAS**, the parties hereto have duly entered negotiations for the voluntary purchase the full parcel fee simple, 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 to allow for the Aspen, Tucson to Shreveport Roadway Improvements 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 3<sup>rd</sup> day of September 2024.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

*Graham Parker*  

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Assistant City Attorney