

RESOLUTION NO. 936

A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL APPROVING AND AUTHORIZING A CONTRACT FOR SALE OF REAL ESTATE FOR REAL PROPERTY LOCATED AT 201 EAST WASHINGTON STREET, IN BROKEN ARROW, OKLAHOMA 74012, TULSA COUNTY, STATE OF OKLAHOMA, APPROVED JULY 5, 2016, BY AND BETWEEN CHAE SONG KO AND YOUNG EUN KO AND THE CITY OF BROKEN ARROW; AND AUTHORIZING THE CITY OF BROKEN ARROW'S EXPENDITURE OF THE SUM OF TWO HUNDRED AND TEN THOUSAND DOLLARS AND ZERO CENTS (\$210,000.00) TO EFFECT SUCH PURCHASE; AS WELL AS REASONABLE AND NECESSARY COSTS, INCLUDING CLOSING COSTS AND ESCROW FUNDS; DESIGNATING REPRESENTATIVES OF THE CITY OF BROKEN ARROW, OKLAHOMA, FOR PURPOSES OF GRANTING CERTAIN APPROVALS AND EXECUTING CERTAIN INSTRUMENTS AS REQUIRED UNDER AND IN CONNECTION WITH SAID CONTRACT FOR SALE OF REAL ESTATE; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City of Broken Arrow has a projected population of 106,708 persons, representing a 31.5% increase from 2000; and

WHEREAS, the City of Broken Arrow is projected to grow by 7.7% through 2020; and

WHEREAS, the City of Broken Arrow Fire Department is an all hazards department responding to a variety of incidents including fire, emergency medical services, hazards material mitigation and other types of specialized rescue; and

WHEREAS, city population will always have an impact on the value of calls and the type of calls a fire department responds to; and

WHEREAS, from 2002 through the present time there has been an approximately 94.7% increase in call volume for fire, emergency medical services, hazards material mitigation and rescue services; and

WHEREAS, it is projected that the Fire Department's anticipated run volume will increase 22% by the year 2018; and

WHEREAS, the National Fire Protection Association (NFPA) has issued a response time standard for the various types of calls the Fire Department will be dispatched to; and

WHEREAS, the Ludwig Study previously approved by the Council has recommended the most logical place for future fire stations; and

WHEREAS, the location of a fire station in a community directly affects the total response time needed to respond to all hazards presented; and

WHEREAS, in support and in consideration of these response times the City of Broken Arrow has entered into an agreement to purchase property located at 201 East Washington for the purposes of building Fire Station No. 7; and

WHEREAS, in support of the City of Broken Arrow's efforts and in the interest of securing the Real Property, the City of Broken Arrow entered into a Contract for Sale of Real Estate with Chae Song Ko and Young Eun Ko the Sellers of the real property; and

WHEREAS, the Real Property, consists of approximately 2.466 acres; and

WHEREAS, the City of Broken Arrow City Council approved a Contract for Sale of Real Estate, on July 5, 2016; and

WHEREAS, the Contract-stated a \$210,000.00 purchase price of the Real Property is supported by a current fair market value appraisal dated March 11, 2016, and valuing the Real Property at \$205,000.00; and

WHEREAS, the sum of \$1,000.00 was previously paid into escrow and shall serve as a credit toward the purchase price; and

WHEREAS, the City Council recognizes that the acquisition of the real property would be of great benefit and in the best interest to the health, safety and welfare of the citizens of the City of Broken Arrow; and

WHEREAS, the City Council deems it appropriate to authorize purchase of the Real Property, authorize the expenditure of the sum of \$210,000.00 to effect such purchase, ratify the payment of \$1,000.00 into escrow, authorize payment of all ancillary costs relating to closing the transaction.

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

1. The City of Broken Arrow is hereby authorized to close the purchase and sale of the Real Property pursuant to the Contract for Sale of Real Estate, to acquire the Real Property for and on behalf of the City and to execute and deliver, for and on behalf of the City, all necessary instruments and agreements reasonably required in connection therewith, following their approval by the City Attorney (whose approval need not be endorsed thereon);
2. The City of Broken Arrow is hereby authorized to expend the sum of \$210,000.00 for such acquisition and related costs, including the costs of closing the transaction;
3. The Mayor of the City is hereby further authorized to approve (upon the recommendation of the City Attorney) the final forms of the closing and purchase of the Real Property, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, at any time prior to the execution and delivery of the Agreement, with any

changes in the form or content of this Resolution to be evidenced by a written supplement hereto which shall be executed by the Mayor and which shall evidence the written prior approval of the City Attorney endorsed thereon, and the signature of the Mayor on such supplement shall be conclusive evidence of the approval thereof by the City Council pursuant to and under the City given under this Section 3.

4. It is the intention of the City Council that the Councilmembers and City Officers shall, and they are hereby *ex officio* authorized and directed to, do any and all lawful acts and deeds to effectuate and carry out the provisions and the purposes of this Resolution, including without limitation and from time to time, the giving of certificates, and instructions under or with respect to the City's performance of the Contract for Sale of Real Estate and the acquisition of the Real Property and such other instruments and documents as are related thereto, in each case following their approval by the City Attorney (whose approval need not be endorsed thereon).
5. All prior transfers made in connection with the preparations for the purchase of the Real Property, including without limitation, those made for the payment of legal services, escrow payments, engineering fees and costs, surveys, appraisals, inspection, and exemption payments are hereby ratified;

Approved and adopted by the Broken City Council, at a special meeting thereof, advance public notice of which was duly given and at which a majority of said Councilmembers were present, this 16th day of August, 2016.

CITY OF BROKEN ARROW, OKLAHOMA

ATTEST: (SEAL)

Mayor

City Clerk

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney