

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, FLORENCIO AND PASCUALA SANTIBANEZ, husband and wife, the following described real estate, "Grantor," in consideration of the sum of One Dollar (\$1.00), cash in hand paid by the City of Broken Arrow, Oklahoma and other good and valuable considerations, receipt of which is hereby acknowledged, do hereby assign(s), grant(s) and convey(s) to the City of Broken Arrow, Tulsa County, Oklahoma, a municipal corporation, its successors and assigns, "Grantee," an easement and right of way over and across the following described real property and premises, situated in TULSA County, State of Oklahoma to wit:

SEE EXHIBIT "A"

with right of ingress and egress to and from the same, for the purpose of constructing, operating, and replacing utility lines and appurtenances.

Grantor agrees not to build or construct any building or buildings upon the permanent easement area. However, Grantor expressly reserves the right to build and construct sidewalks, streets and driveways, water mains, gas lines, electrical lines and other public service facilities across said premises herein described.

There is further granted the right to remove any tree or parts of trees, which in the judgment of the City may interfere with the construction of the applicable utilities.

PROVIDED, that the said Grantor, his/her heirs, executors, administrators and assigns, shall fully use and enjoy the said premises except as may be necessary for the purposes herein granted to the City, its successors or assigns.

TO HAVE AND TO HOLD such easement and right of way unto the City of Broken Arrow, Oklahoma, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 1 day of July 2016.

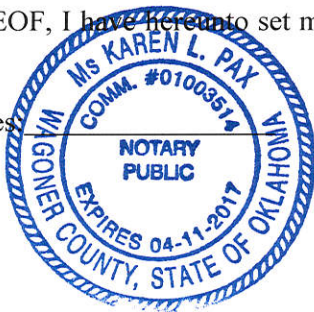
By: Florencio Santibanez  
Florencio Santibanez  
Pascuala Santibanez  
Pascuala Santibanez

State of Oklahoma )  
County of Tulsa ) §

Before me, the undersigned, a Notary Public within and for said County and State, on this 7th day of July, 2016, personally appeared FLORENCIO AND PASCUALA SANTIBANEZ, husband and wife, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as a free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission expires



[Signature]  
Notary Public

Approved as to Form:  
[Signature]  
Assistant City Attorney

Approved as to Substance:  
\_\_\_\_\_  
City Manager

Attest:

Engineer: [Signature] checked: 08/08/16  
Project: 9th Street widening, Elgin to El Paso, project # ST1210. 28

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

**PARCEL 28**  
**OWNER: SANTIBANEZ, FLORENCIO & PASCUALA**  
**PERPETUAL UTILITY EASEMENT LEGAL DESCRIPTION**

A TRACT OF LAND THAT IS PART OF LOTS FIVE (5) AND SIX (6), BLOCK ONE (1), EAST HASKELL ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 1, EAST HASKELL ADDITION; THENCE SOUTH 01°10'07" EAST ALONG THE EASTERLY LINE OF SAID LOT 5 FOR 14.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 01°10'07" EAST ALONG THE EASTERLY LINE OF SAID LOT 5 AND LOT 6 FOR 67.00 FEET; THENCE SOUTH 88°32'20" WEST PARALLEL WITH AND 21.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SAID LOT 6 FOR 15.00 FEET; THENCE NORTH 01°10'07" WEST PARALLEL WITH THE EASTERLY LINE OF SAID LOT 6 AND LOT 5 FOR 67.00 FEET; THENCE NORTH 88°32'20" EAST PARALLEL WITH AND 14.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SAID LOT 5 FOR 15.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 1,005 SQUARE FEET OR 0.023 ACRES, MORE OR LESS.

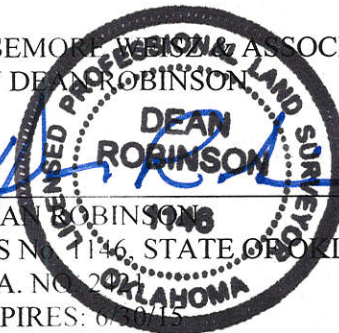
**REAL PROPERTY CERTIFICATION**

I, DEAN ROBINSON, OF SISEMORE WEISZ & ASSOCIATES, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

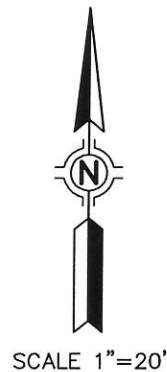
1/9/13  
DATE

SISEMORE WEISZ & ASSOCIATES, INC.  
BY DEAN ROBINSON

DEAN ROBINSON  
PLS NO. 1146, STATE OF OKLAHOMA  
C. A. NO. 221  
EXPIRES: 6/30/15



K.: \10720.04\FARCEL MAF3\FARCEL-Z8.DWG



PHONE: (918) 665-3600  
FAX: (918) 665-8668  
EXP. DATE 6/30/15  
FILE NO. 1814.1100