

RESOLUTION NO. 964

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO DISCLAIM ANY INTEREST IN PROPERTY LOCATED NEAR 12631 SOUTH GARNETT ROAD, BROKEN ARROW, OKLAHOMA 74011, IN A CONDEMNATION ACTION ENTITLED CITY OF TULSA, OKLAHOMA V. EVERSOLE ET AL, FILED BY THE CITY OF TULSA IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, STATE OF OKLAHOMA, CASE NO. CJ-2016-4006 TO ACQUIRE A SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION OF THE RMUA-ES-2009-10 C3 FORCE MAIN IMPROVEMENTS HAIKEY CREEK LIFT STATION REHABILITATION PROJECT

WHEREAS, on November 3, 2016, pursuant to the provisions of 11 O.S. § 22-104, the City of Tulsa filed a Petition for Condemnation seeking a permanent sanitary sewer easement on the following property:

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4) (SW/4) OF SECTION FIVE (5), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5, THENCE N01°42'36.75"W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 5, A DISTANCE OF 1328.20 FEET THIS BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, THIS LINE ALSO BEING THE NORTH LINE OF THE WILLOW SPRINGS WEST ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED FINAL PLAT THEREOF; THENCE N88°21'51.92"E ALONG SAID NORTH LINE A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST LINE OF A 10.00 FOOT WIDE SEWER EASEMENT DESCRIBED IN BOOK 4790, PAGE 1447 IN THE OFFICE OF THE TULSA COUNTY CLERK, SAID POINT BEING THE POINT OF BEGINNING; THENCE N01°42'36.75"W ALONG EAST LINE OF SAID SEWER EASEMENT AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 5, A DISTANCE OF 1328.28 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE N88°17'23.25"E ALONG NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE 15.00 FEET; THENCE S01° 42' 36.75"E PARALLEL TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 5, A DISTANCE OF 1328.30 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, THIS ALSO BEING THE NORTH LINE OF SAID WILLOW SPRINGS WEST ADDITION; THENCE S88°21'51.92"W ALONG NORTH LINE OF SAID WILLOW SPRINGS WEST ADDITION A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING: 0.46 OF AN ACRE OR 19,924.31 SQUARE FEET, MORE OR LESS.

WHEREAS, the City of Broken Arrow had previously annexed certain portions of this area, namely through Ordinance No. 208, dated June 7, 1966, recorded at Book 3721, Page 155 in the office of the Tulsa County Clerk, re-recorded at Book 4389; Ordinance No. 272 dated February 6, 1968, recorded at Book 3837, Page 640 in the office of the Tulsa County Clerk; Ordinance 503, dated September 4, 1973, recorded at Book 4087, Page 261 in the office of the Tulsa County Clerk; and Ordinance No. 1547, dated March 20, 1989, recorded at Book 5173, Page 1403 in the office of the Tulsa County Clerk; and

WHEREAS, the City of Broken Arrow has no sewer, water or other utilities at this location; and

WHEREAS, the RMUA-ES-2009-10C3 Force Main Improvements Haikey Creek Lift Station Rehabilitation is part of an RMUA project for which the City of Broken Arrow will benefit; and

WHEREAS, the Legal Department and City Staff recommend that the City Council authorize the City Attorney to disclaim any interest in the property located near 12631 South Garnett Road, Broken Arrow, Oklahoma, 74011 in a condemnation action entitled City of Tulsa, Oklahoma v. Eversole et al, Case No. CJ-2016-4006; and

WHEREAS, it is the desire of the Council to authorize the City Attorney to file a Disclaimer in the above captioned matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Broken Arrow, Oklahoma, that the City Attorney is authorized to disclaim any interest in property located near 12631 South Garnett Road, Broken Arrow, Oklahoma 74011 in a condemnation action entitled City of Tulsa, Oklahoma v. Eversole et al, filed by the City of Tulsa in the District Court in and for Tulsa County, State of Oklahoma, Case No. CJ-2016-4066 to acquire a sanitary sewer easement and temporary construction easement for the construction of the RMUA-ES-2009-10 C3 Force Main Improvements Haikey Creek Lift Station Rehabilitation project.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 6th day of December, 2016.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

Deputy City Attorney