

RESOLUTION NO. 978

A Resolution of Necessity to Condemn Property located at 131 North 9th Street, Broken Arrow, Tulsa County, Oklahoma, (9th Street Widening Elgin Street to El Paso Street)

WHEREAS, Amy E. Hefley and Tracy A. Hefley, husband and wife, own or otherwise claim some interest in certain real property generally located on Lot One (1), Block Two (2), Lemon Addition to the City of Broken Arrow, Tulsa County, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the 9th Street Widening Elgin Street to El Paso Street Project; and

WHEREAS, this real property is legally described as follows:

The following Right of Way, Utility Easement, and Temporary Construction Easements are located in the Southwest Quarter of Section 12, Township 18 North 14 East of the Indian Meridian, Tulsa County, Oklahoma.

PERMANENT RIGHT-OF-WAY:

A tract of land that is part of Lot One (1), Block Two (2), Lemon Addition, an 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:

Beginning at a Point that is the Northwest Corner of Lot 1, Block 2, Lemon Addition; thence North 88°46'52" East along the Northerly Line of said Lot 1 for 20.00 Feet; thence South 22°15'08" West for 32.71 Feet; thence South 01°10'07" East Parallel with the Westerly Line of said Lot 1 for 32.67 Feet to a Point on the Southerly Line of said Lot 1; thence South 88°46'52" West along said Southerly Line of Lot 1 for 7.00 Feet to the Southwest Corner of said Lot 1; thence North 01°10'07" West along said Westerly Line of Lot 1 for 62.67 Feet to the Point of Beginning of said Tract of Land. The above described Tract of Land containing 634 Square Feet or 0.015 Acres, more or less.

UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT:

A tract of land that is part of Lot One (1), Block Two (2), Lemon Addition, an 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:

Beginning at a Point that is the Northwest Corner of Lot 1, Block 2, Lemon Addition; thence North 88°46'52" East along the Northerly Line of said Lot 1 for 20.00 Feet to the Point of Beginning of said tract of land; thence South 01°10'07" East Parallel with the Westerly Line of said Lot 1 for 62.67 Feet to a Point on the Southerly Line of said Lot 1; thence South 88°46'52" West along said Southerly Line of Lot 1 for 13.00 Feet; thence North 01°10'07" West parallel with said Westerly Line of Lot 1 for 32.67 Feet to the Point of Beginning of said Tract of Land. The above described Tract of Land containing 620 Square Feet or 0.015 Acres, more or less.

WHEREAS, the parties hereto have duly entered into negotiations for the voluntary purchase of the land in question, 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 in order to allow for completion of the 9th Street Widening Elgin Street to El Paso Street 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 17th day of January, 2017.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney