

## **RESOLUTION NO. 984**

### **A Resolution of Necessity to Condemn Property located at 310 South 9th Street, Broken Arrow, Tulsa County, Oklahoma, (9<sup>th</sup> Street Widening Elgin Street to El Paso Street)**

**WHEREAS**, Rebecca Lynn Howeth and Naomi R. Chasteen, Co-Trustees of the Carl E. Chasteen and Naomi R. Chasteen Revocable Trust, own or otherwise claim some interest in certain real property generally located on a tract of land that is all of Lot Three (3), Block One (1), East Haskell 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 9<sup>th</sup> 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 11, Township 18 North 14 East of the Indian Meridian, Tulsa County, Oklahoma.

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

A tract of land that is part of Lots Three (3) and Four (4), 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:

Beginning at a Point that is the Northeast Corner of Lot 3, Block 1, East Haskell Addition; thence South 01°10'07" East along the Easterly line of said Lot 3 and Lot 4 for 67.00 Feet; thence South 88°32'20" West Parallel with and 7.00 Feet Southerly of the Northerly line of said Lot 4 for 5.00 Feet; thence North 01°10'07" West Parallel with the Easterly line of said Lot 4 and Lot 3 for 67.00 Feet to a Point on the Northerly line of said Lot 3; thence North 88°32'20" East along said Northerly line for 5.00 Feet to the Point of Beginning of said Tract of Land. The above described Tract of Land containing 335 Square Feet or 0.008 Acres, more or less.

#### **UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land that is part of Lots Three (3) and Four (4), 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 a Point that is the Northeast Corner of Lot 3, Block 1, East Haskell Addition; thence South 88°32'20" West along the Northerly line of said Lot 3 for 5.00 Feet to the Point of Beginning of said Tract of Land; thence South 01°10'07" East Parallel with the Easterly line of said Lot 3 and Lot 4 for 67.00 Feet; thence South 88°32'20" West Parallel with and 7.00 Feet Southerly of the Northerly Line of said Lot 4 for 10.00 Feet; thence North 01°10'07" West Parallel with the Easterly Line of said Lot 4 and Lot 3 for 67.00 Feet to a Point on the Northerly Line of said Lot 3; thence North 88°32'20" East along said Northerly Line for 10.00 Feet to the Point of said Beginning Tract of Land. The above described Tract of Land containing 670 Square Feet or 0.015 Acres, more or less.

#### **TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land that is part of Lots Three (3) and Four (4), 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 a Point that is the Northeast Corner of Lot 3, Block 1, East Haskell Addition; thence South 88°32'20" West along the Northerly line of said Lot 3 for 15.00 Feet to the Point of Beginning of said Tract of Land; thence South 01°10'07" East Parallel with the Easterly line of said Lot 3 and Lot 4 for 67.00 Feet; thence South 88°32'20" West Parallel with and 7.00 Feet Southerly of the Northerly Line of said Lot 4 for 10.00 Feet; thence North 01°10'07" West Parallel with the Easterly Line of said Lot 4 and Lot 3 for 67.00 Feet to a Point on the Northerly Line of said Lot 3; thence North 88°32'20" East along said Northerly Line for 10.00 Feet to the Point of said Beginning Tract of Land. The above described Tract of Land containing 670 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 9<sup>th</sup> 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 21<sup>st</sup> day of February, 2017.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney