

RESOLUTION NO. 980

A Resolution of Necessity to Condemn Property located at 800 East Dallas Street, Broken Arrow, Tulsa County, Oklahoma, (9th Street Widening Elgin Street to El Paso Street)

WHEREAS, PACCAR, Inc. aka/PACCAR Broken Arrow Winch Division, own or otherwise claim some interest in certain real property generally located on a tract of land that is part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; according to the U.S. Government survey thereof, 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 Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 11, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma.

PERMANENT RIGHT-OF-WAY:

A tract of land that is part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; according to the U.S. Government survey thereof, said tract of land being described as follows:

Commencing at the Southeast corner of the NE/4 SE/4; thence North 01°10'07" West along the Easterly line of said NE/4 SE/4 for 50.00 Feet; thence South 88°32'24" West Parallel with and Southerly line of said NE/4 SE/4 for 30.00 Feet to the Point of Beginning of said Tract of Land; thence continuing South 88°32'24" West Parallel with said Southerly line for 32.00 Feet; thence North 01°10'07" West Parallel with said Easterly line for 45.00 Feet; thence North 88°32'24" East Parallel with said Southerly line for 24.00 Feet; thence North 01°10'07" West Parallel with said Easterly line for 481.00 Feet; thence North 88°32'24" East Parallel with said Southerly line for 8.00 Feet; thence South 01°10'07" East Parallel with said Easterly line for 526.00 Feet to the Point of Beginning of said Tract of Land. The above described Tract of Land containing 5,288 Square Feet or 0.121 Acres, more or less.

UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT:

A tract of land that is part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; according to the U.S. Government survey 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.

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 21st day of February, 2017.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney