

RESOLUTION NO. 989

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO DISCLAIM ANY INTEREST IN PROPERTY LOCATED NEAR 12315 SOUTH GARNETT ROAD, BROKEN ARROW, OKLAHOMA 74011, IN A CONDEMNATION ACTION ENTITLED CITY OF TULSA, OKLAHOMA V. GILLEAN, ET AL, FILED BY THE CITY OF TULSA IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, STATE OF OKLAHOMA, CASE NO. CJ-2017-491 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 February 8, 2017, 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:

Parcel 3.A – A Permanent Sanitary Sewer Easement

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4, NW/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 NORTHWEST CORNER OF SAID NW/4, NW/4 THENCE S01°41'49.90"E ALONG THE WEST SECTION LINE OF SAID SECTION 5, A DISTANCE OF 653.48 FEET; THENCE N89°21'39.08"E A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING; THENCE N89°21'39.08"E A DISTANCE OF 25.00 FEET; THENCE S01°41'49.90"E PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER A DISTANCE OF 661.01 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (1/16 LINE); THENCE S88°24'12.45"W ALONG SAID SOUTH LINE A DISTANCE OF 25.00 FEET TO A POINT ON THE EAST LINE OF A 25.25' EASEMENT DESCRIBED IN BOOK 4146, PAGE 999 IN THE OFFICE OF THE TULSA COUNTY CLERK; THENCE N01°41'49.90"W ALONG SAID EAST LINE OF 25.25 EASEMENT AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 5 A DISTANCE OF 661.42 FEET TO THE POINT OF BEGINNING. CONTAINING: 0.38 OF AN ACRE OR 16,530.35 SQUARE FEET, MORE OR LESS.

and

Parcel 3.1 – A Temporary Construction Easement

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4, NW/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 NORTHWEST CORNER OF SAID NW/4, NW/4, THENCE S01°41'49.90"E ALONG THE WEST LINE OF SAID NW/4, NW/4 A DISTANCE OF 653.48 FEET; THENCE N89°21'39.08"E A DISTANCE OF 75.01 FEET SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°21'39.08"E A DISTANCE OF 20.00 FEET; THENCE S01°41'49.90"E PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 5 A DISTANCE OF 660.67 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (1/16 LINE); THENCE S88°24'12.45"W ALONG SAID SOUTH LINE A DISTANCE OF 20.00 FEET; THENCE N01°41'49.90"W PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 5 A DISTANCE OF 661.01 FEET TO THE POINT OF BEGINNING. CONTAINING: 0.30 OF AN ACRE OR 13,216.77 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 23, 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 12315 South Garnett Road, Broken Arrow, Oklahoma, 74011 in a condemnation action entitled City of Tulsa, Oklahoma v. Gillean et al, Case No. CJ-2017-491; 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 12315 South Garnett Road, Broken Arrow, Oklahoma 74011 in a condemnation action entitled City of Tulsa, Oklahoma v. Gillean et al, filed by the City of Tulsa in the District Court in and for Tulsa County, State of Oklahoma, Case No. CJ-2017-491 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 7th day of March, 2017.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

Deputy City Attorney