

Engineering & Construction Department



February 20, 2017

Mr. Terry N. Carter
PO Box 384
Coweta, OK 74229

Dear Mr. Terry Carter:

RE: 37TH STREET (209TH) IMPROVEMENTS-HOUSTON TO ALBANY-PROJECT NO. ST1413-PARCEL #4

The City of Broken Arrow has completed the design phase and is beginning the right of way acquisition phase on the above named project. With a fair market value for the portion to be acquired now completed, the City is able to place a fair market value on the acquisitions and make an offer to you. The following offer is being made by the City subject to City Council approval:

Permanent Right of Way: 2275 sq. ft. @ \$1.50/sq. ft. = \$3412.50
Total Just Compensation Amount (Rounded) = \$3420.00

Enclosed you will find a "Donation Certificate". Donations assist the City in its efforts to make infrastructure improvements. Please indicate on the form your decision to convey this right of way and utility easement either by donation (a) or by receiving compensation (b) and sign.

By your signature on this letter you have accepted the City's offer of \$3420.00. Please return all documents to my attention for further processing. Please contact Kellen Williams if you have any questions about this offer. His direct number is 918-259-7000 ext. 5244. Please respond within 14 days of receipt of this letter.

Respectfully,
CITY OF BROKEN ARROW

Michael L. Spurgeon
City Manager

MLS/KMW

Terry N. Carter, Sr., Owner

GENERAL WARRANTY DEED

This Indenture: Made this 22 day of FEB 2016 between **TERRY N. CARTER, SR.**, party(ies) of the first part, hereinafter called Grantor(s) and the **CITY OF BROKEN ARROW, OKLAHOMA**, a municipal corporation, party of the second part, hereinafter called Grantee.

WITNESSETH: That in consideration of the sum of Ten Dollars (\$10.00) and other goods and considerations, receipt of which is hereby acknowledged, said party grantor does, by these presents, grant, bargain, sell and convey unto Grantee, their heirs and assigns, all of the following described real estate, situated in the County of Wagoner, State of Oklahoma, to wit:

SEE EXHIBIT "A"

EXEMPT FROM DOCUMENTARY STAMPS PURSUANT TO 68 O.S. 3202 (11)

And said Grantor, for themselves and their heirs, executors, and administrators, does hereby covenant, promise and agree to and with said Grantee, at the delivery of these presents that he(she) is lawfully seized in his(her) own right of an absolute and indefeasible estate of inheritance in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of whatsoever nature and kind, EXCEPT: Easements, building restrictions of record and special assessments not yet due; and that Grantor will WARRANT AND FOREVER DEFEND the same unto the said Grantee, its successors or assigns, against said Grantor, his(her) heirs and assigns and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 22 day of FEB, 2016

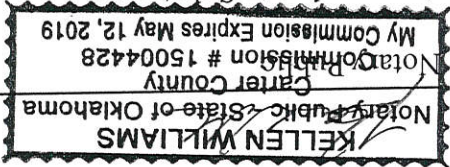
Terry N. Carter, Sr.
Terry N. Carter, Sr., Owner

State of Oklahoma)
)
County of Wagoner)
)

Before me, the undersigned Notary Public, in and for said County and State, on this 22 day of February, 2016, personally appeared **Terry N. Carter, Sr.** known to me to be the identical person(s) who executed the within and foregoing instrument in writing and acknowledged to me that he/she executed the same as his/her and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

My Commission expires: 5/12/19



Approved as to Substance:

City Manager

Approved as to Form:

John Adams

Asst. City Attorney

[Signature]

checked: 03/27/17

Engineer Project: **ST1413 ROAD IMPROVEMENTS: 37TH STREET: HOUSTON TO ALBANY**

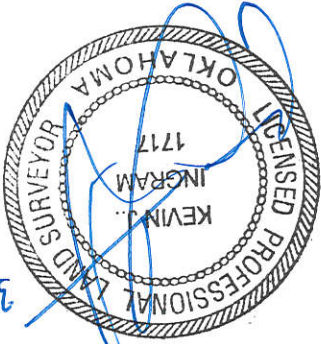
EXHIBIT "A"
Myron R. Carter
RIGHT OF WAY AQUISITION

LEGAL DESCRIPTION:

A tract of land lying in the Northwest Quarter Section 5, Township 18 North, Range 15 East of the Indian Meridian, Wagoner County, Oklahoma, being more particularly described as follows:
Beginning at a point 24.75 feet south and 24.75 feet east of the Northwest corner of said Section 5; thence N88°42'56"E, 70.00 feet along the existing 24.75 foot right of way line; thence S01°23'49"E, 15.00 feet parallel with the west right of way line; thence S62°07'41"W, 78.20 feet to the existing 24.75 foot right of way; thence N01°23'49"W, 50.00 feet along said right of way to the Point of Beginning, except existing right of way.

Said lands lying in the City of Broken Arrow, Wagoner County, Oklahoma and containing 2,275 square feet more or less.
This description was prepared on August 25, 2016 by Kevin J. Ingram, PLS Oklahoma Licensed Surveyor No. 1717
Basis of Bearings: Oklahoma Coordinate System 1983, North Zone Being N01°23'49"W along the west line of the NW ¼ of Sec. 5, T18N, R15E, I.M.

Kevin J. Ingram, PLS
MKEC Engineering, Inc.
1000 W. Wilshire Blvd., Suite 401
Oklahoma City, OK 73116
405-842-8558
Certificate of Authorization Number CA 2958, Expires June 30, 2017



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MKEC

Oklahoma City, OK 405-842-8558
CA - 2958 EXP. 6-30-2017

**CITY OF
BROKEN ARROW**

Where opportunity lives

PARCEL: RIGHT OF WAY

DRAWING: TRACT MAP 40

SCALE: 1"=60'

CHK'D BY: JCM

PROJECT NO. 1603010067

PAGE: 1 of 2

DATE: AUGUST 2016

DRAWN BY: DSN

SCALE: 1"=60'

CHK'D BY: JCM

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, **Terry N. Carter, Sr.**, the Owner(s), of the legal and equitable title to the following described real estate situated in Wagoner County, State of Oklahoma, for and in consideration of the sum of One Dollar (\$1.00), cash in hand, paid by the **City of Broken Arrow**, Oklahoma, and other good and valuable considerations, receipt of which are hereby acknowledged, do(es) hereby grant and convey unto the said City of Broken Arrow, County of Tulsa, State of Oklahoma, a temporary easement, through, over, and under, and across the following described property, situated in said County, to-wit:

SEE EXHIBIT "A"

EXEMPT FROM DOCUMENTARY STAMPS PURSUANT TO 68 O.S. 3202 (11)

for a period of not more than 12 months from the date of the start of construction. This grant of temporary right to use and occupy is given for the purpose of permitting the City of Broken Arrow, its employees, representatives, agents, and/or persons under contract with it, to use said described property for construction of a trunk sewer line.

That the Owner(s) agree that this temporary construction easement shall be binding upon their heirs, executors, administrators and personal representatives during the term hereof and further agree that in the event the premises covered by this temporary construction easement are sold, assigned or conveyed, that the purchaser or grantee thereof will be advised of the existence of this temporary grant and that said sale during said term shall be made subject to the rights herein given.

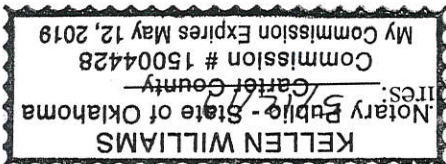
IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 2 day of FEB 2016.

Terry N. Carter, Sr.
Terry N. Carter, Sr., Owner

State of Oklahoma)
§)
County of Wagoner)

Before me, the undersigned, a Notary Public within and for said County and State, on this 22 day of February 2016, personally appeared **Terry N. Carter, Sr.** to me known to be the identical person(s) who executed the within and foregoing instrument as the free and voluntary act and deed of such person for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and



Notary Public Kellen Williams
Approved as to Substance:

Approved as to Form:
Joan Adams
Asst. City Attorney

Engineer: [Signature] checked: 03/27/17
Project: ST1413 ROADWAY IMPROVEMENTS: 37TH STREET: HOUSTON TO ALBANY
City Manager _____

EXHIBIT "A"
Myron R. Carter
TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION:

A tract of land lying in the Northwest Quarter Section 5, Township 18 North, Range 15 East of the Indian Meridian, Wagoner County, Oklahoma, being more particularly described as follows:
The east 10 feet of the west 34.75 feet of the south 40 feet of the north 221.5 feet of said Northwest Quarter.
Said lands lying in the City of Broken Arrow, Wagoner County, Oklahoma and containing 400 square feet more or less.
This description was prepared on August 31, 2016 by Kevin J. Ingram, PLS Oklahoma Licensed Surveyor No. 1717
Basis of Bearings: Oklahoma Coordinate System 1983, North Zone Being N01°23'49"W along the west line of the NW ¼ of Sec. 5, T18N, R15E, I.M.

Kevin J. Ingram, PLS
MKEC Engineering, Inc.
1000 W. Wilshire Blvd., Suite 401
Oklahoma City, OK 73116
405-842-8558
Certificate of Authorization Number CA 2958, Expires June 30, 2017



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Oklahoma City, OK 405-842-8558
CA - 2958 EXP 6-30-2017

PROJECT NO. 1603010067	PAGE: 1 of 2	PARCEL: TEMP. CONSTR. ESMT.	DRAWING: TRACT MAP 4b	SCALE: 1"=60'	CHK'D BY: JCM
REV:					

Myron R. Carter

Myron R. Carter

25977 E. 161 St S.

Coweta, OK 74429-5313

730007463

Basis of Bearings: Oklahoma Coordinate System
1983, North Zone Being $N01^{\circ}23'49''W$ along the
west line of the NW $\frac{1}{4}$ of Sec. 5, T18N, R15E,
1.M.



Temporary Construction Easements = 400 sq. ft.

$$= 400 \text{ sq. ft.}$$

Right of Way Acquisition



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CA - 2958 EXP. 6-30-2017

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BROKEN ARROW

PROJECT NO. 1603010067	ht of Way Acquisition	PAGE: 2 of 2	PARCEL: TEMP. CONSTR. ESMT.	DRAWING: TRACT MAP 4b	REV:
DATE: AUGUST 2016		DRAWN BY: DSN	SCALE: 1:60	CHK'D BY: JCM	