

**RESOLUTION NO. 1009**

**A RESOLUTION APPROVING, AUTHORIZING AND ACCEPTING A CONTRACT FOR SALE OF REAL ESTATE FOR REAL PROPERTY LOCATED AT LOT 1, BLOCK 6, AMENDED PLAT OF PART OF ANGUS ACRES 2<sup>ND</sup> ADDITION, A SUBDIVISION OF PART OF NW/4 OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, INCLUDING STRUCTURES AND IMPROVEMENTS; AND AUTHORIZING THE CITY OF BROKEN ARROW'S EXPENDITURE OF THE SUM OF \$175,635.00 TO CHARLES F. CAMERON LIVING REVOCABLE TRUST TO EFFECT SUCH PURCHASE, FOR OWNER RELOCATION AND OWNER MOVING EXPENSES, AS WELL AS REASONABLE AND NECESSARY COSTS; DESIGNATING REPRESENTATIVES OF THE CITY OF BROKEN ARROW, OKLAHOMA FOR PURPOSES OF GRANTING CERTAIN APPROVALS AND EXECUTING CERTAIN INSTRUMENTS AS REQUIRED UNDER AND IN CONNECTION WITH SAID CONTRACT FOR SALE OF REAL ESTATE; AND AUTHORIZING CITY STAFF TO APPLY TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT FOR EIGHTY PERCENT OF THE ACQUISITION OF THIS PROPERTY FOR THE 23<sup>RD</sup> STREET WIDENING FROM HOUSTON TO KENOSHA PROJECT (PROJECT NO. ST0914)**

**WHEREAS**, the Charles F. Cameron Living Revocable Trust owns 2002 East Sidney Avenue, Broken Arrow;

**WHEREAS**, the Broken Arrow City Council desires to acquire this property for the public purpose of constructing the 23<sup>rd</sup> Street Widening from Houston to Kenosha Project;

**WHEREAS**, this real property is legally described as follows:

Lot one (1), Block six (6), amended plat of part of Angus Acres 2<sup>nd</sup> Addition, a subdivision of part of NW/4 of Section 7, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, subject property contains 20,300 square feet or 0.47 acres, more or less. Basis of bearing is not applicable.

**WHEREAS**, the acquisition of this Real Property is part of an Oklahoma Department of Transportation and Federal Highway Administration program subject to the requirements of the Uniform Relocation Assistance Act, 49 C.F.R. Part 24;

**WHEREAS**, the acquisition of this property is part of the 23<sup>rd</sup> Street Widening Project from Houston to Kenosha (Project No. ST0914) that has been approved for federal Surface Transportation Program (STP) funding, with the cost to be shared 20% by the City of Broken Arrow and 80% by the Oklahoma Department of Transportation; and

**WHEREAS**, in support of the City of Broken Arrow's efforts and in the interest of securing the Real Property, the City of Broken Arrow's contract right-of-way agent, Universal Field Services, has entered an agreement with Charles F. Cameron Living Revocable Trust to purchase the Real Property in the amount of \$65,002.00, \$108,433.00 for owner relocation costs, and \$2,200 for moving expenses, for a total of \$175,635.00 to Charles F. Cameron Living Trust;

**WHEREAS**, the Agreement for the City of Broken Arrow to pay the amount of \$175,635.00 is supported by a current fair market appraisal dated February 1, 2016 valuing the property at \$65,002.00 and Relocation Claim Package dated March 9, 2017 showing \$108,422.00 for owner relocation costs;

**WHEREAS**, in accordance with the February 10, 2014 Project Construction, Maintenance, Utility Relocation and Right-of-Way Agreement between the Oklahoma Department of Transportation and the City of Broken Arrow, the City will pay Charles F. Cameron Living Revocable Trust \$175,635.00 to purchase the Real Property, for owner relocation costs and moving expenses;

**WHEREAS**, it is anticipated that the Oklahoma Department of Transportation will reimburse the City of Broken Arrow \$140,508.00 of the \$175,635.00 acquisition, owner relocation costs and moving expenses;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, THAT:**

1. The Contract for the sale of real estate is hereby approved, authorized and accepted. The Contract and closing shall be executed for and on behalf of the City by the Mayor or Vice Mayor, as the case may be, and attested by the City Clerk. The Contract for the Sale of Real Estate is hereby authorized for execution and delivery, subject to minor changes, insertions and omissions and such filling of blanks therein as may be approved and made in the form thereof by the officer of the City executing the same pursuant to this section. The execution of the Contract for the Sale of Real Estate for and on behalf of the other parties thereto by their respective authorized officers and for and on behalf of the City by the Mayor or Vice Mayor as the case may be, with an official seal of the City affixed and attested by the signature of the City Clerk, shall be conclusive evidence of the approval of any changes, insertions, omissions and filling of blanks;
2. The City of Broken Arrow is hereby authorized to close the purchase and sale of the Real Property pursuant to the Contract for Sale of Real Estate, to acquire the Real Property for and on behalf of the City and to execute and deliver, for and on behalf of the City, all necessary instruments and agreements reasonably required in connection therewith, following their approval by the City Attorney (whose approval need not be endorsed thereon);
3. The City of Broken Arrow is hereby authorized to expend the sum of \$175,635.00 for such acquisition, owner relocation costs, moving expenses and is authorized to expend monies for all closing costs and any other cost related to the purchase and closing of this transaction;
4. The Mayor or Vice Mayor is hereby authorized to approve (upon the recommendation of the City Attorney) the final forms of the purchase and closing of the Real Property, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, with any changes in the form or content

of this Resolution to be evidenced by a written supplement hereto which shall be executed by the Mayor or Vice Mayor and shall evidence the written prior approval of the City Attorney endorsed thereon, and the signature of the Mayor on such supplement shall be conclusive evidence of the approval thereof by the City Council pursuant to and under the City given under this Section 4;

5. It is the intention of the City Council that the Councilmembers and City Officers shall, and they are hereby *ex officio* authorized and directed to, do any and all lawful acts and deeds to effectuate and carry out the provisions and the purposes of this Resolution, including without limitation and from time to time, the giving of certificates, and instructions under or with respect to the City's performance of the Contract for Sale of Real Estate and the acquisition of the Real Property and such other instruments and documents as are related thereto, in each case following their approval by the City Attorney (whose approval need not be endorsed thereon);
6. All prior transfers made in connection with the preparations for the purchase of the Real Property, including without limitation, those made for the payment of legal services, escrow payments, engineering fees and costs, surveys, appraisals, inspection and exemption payments are hereby ratified.
7. City Staff are directed to apply for reimbursement to the Oklahoma Department of Transportation in the amount of \$140,508.00.

Approved and adopted by the Broken Arrow City Council at a regularly scheduled meeting, advance public notice of which was duly given and at which a majority of said Councilmembers were present, this 4<sup>th</sup> day of April, 2017.

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MAYOR

ATTEST:

\_\_\_\_\_  
(seal) CITY CLERK

APPROVED AS TO FORM:

  
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ASSISTANT CITY ATTORNEY