

## **RESOLUTION NO. 1163**

### **A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 15 EAST, WAGONER COUNTY, STATE OF OKLAHOMA FOR THE 23RD STREET: HOUSTON TO KENOSHA, WIDENING PROJECT. PARCEL 9 (PROJECT NO. ST0914)**

**WHEREAS**, CWP, Inc., own or otherwise claim some interest in certain real property identified as Parcel 9, located in the Northwest Quarter of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, generally located on the north side of College Street, east of 23<sup>rd</sup> Street and south of State Highway 51, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire Parcel 9 including improvements for the public purpose of completing the 23<sup>rd</sup> Street Improvements between Houston and Kenosha Streets; and

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

#### **PARCEL 9:**

A tract of land for Right of Way situated on Government Lot 2, Section 7, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the Official U.S. Government Survey thereof, more particularly described as follows:

Commencing at the SW corner of said Gov't Lot 2; thence N 01°20'24" W along the West line of said Lot 2, a distance of 150.50 feet; thence N 88°39'36" E, a distance of 24.75 feet to the POINT OF BEGINNING; thence N 01°20'24" W, a distance of 190.05 feet; thence S 43°48'09" E, a distance of 0.37 feet to a point that is 25.00 feet Easterly of said West line; thence N 01°20'24" W and parallel with said West line, a distance of 99.92 feet; thence S 52°35'24" E, a distance of 142.57 feet to a point that is 50.00 feet Northerly of the South line of said Lot; thence S 88°51'57" W and parallel with said South line, a distance of 237.33 feet; thence N 27°54'24" W, a distance of 168.68 feet to the POINT OF BEGINNING, Containing 95,532 Square Feet or 2.19 Acres, more or less.

Basis of bearing is an assumed bearing of North 01°20'24" West along the West line of Government Lot 2 of Section 7, T18N, R-15-E, Wagoner County, Oklahoma.

**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 the completion of the 23<sup>rd</sup> Street Improvements between Houston and Kenosha Streets;

**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 5<sup>th</sup> day of November, 2018.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

Asst. City Attorney Lesli Myers