

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, HUGH, PHILLIP, STEVEN, AND GARY McELROY AND PATRICIA POUND, the Owner(s), of the legal and equitable title to the following described real estate situated in TULSA 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"

for a period of not more than 12 MONTHS FROM 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 street improvements for the Florence Street Improvements, Olive to Aspen, project # ST1410.

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 30th day of October, 2018.

Hugh Gene McElroy
HUGH McELROY

State of Oklahoma)
) s.
County of Tulsa)

Before me, the undersigned, a Notary Public within and for said County and State, on this 30th day of October, 2018, personally appeared HUGH GENE McELROY, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purposes therein set forth.

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



KAREN L. PAX
Notary Public
Wagoner County
State of Oklahoma
Commission # 01003514
Expires: April 11, 2021

[Signature]
Notary Public

Approved as to Form:

[Signature]
Assistant City Attorney

Approved as to Substance:

[Signature]
Michael L. Spurgeon, City Manager

Attest:

Engineer: WSC checked: 11-5-18

[Signature]
City Clerk

Patricia A. Pound
Patricia Ann Pound

Phillip G. McElroy
Phillip Gene McElroy

Steven Ray McElroy
Steven Ray McElroy

State of Oklahoma)
)§
County of TULSA)

Before me, the undersigned, a Notary Public within and for said County and State, on this 19, day of OCTOBER, 2018, personally appeared Patricia Ann Pound, to me known to be the identical person who executed the within and foregoing instrument as the free and voluntary act and deed of such person(s) 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 above written.

[Signature]
Notary Public
#17000246
010621

State of Oklahoma)
)§
County of TULSA)

Before me, the undersigned, a Notary Public within and for said County and State, on this 19, day of OCTOBER, 2018, personally appeared Phillip Gene McElroy, to me known to be the identical person who executed the within and foregoing instrument as the free and voluntary act and deed of such person(s) 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 above written.

[Signature]
Notary Public
#17000246
010621

State of Oklahoma)
)§
County of TULSA)

Before me, the undersigned, a Notary Public within and for said County and State, on this 19, day of OCTOBER, 2018, personally appeared Steven Ray McElroy, to me known to be the identical person who executed the within and foregoing instrument as the free and voluntary act and deed of such person(s) 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 above written.

[Signature]
Notary Public
#17000246
010621

Gary Don McElroy
Gary Don McElroy

Christina Marie McElroy
Christina Marie McElroy

State of Oklahoma)
County of Tulsa)§

Before me, the undersigned, a Notary Public within and for said County and State, on this 29th day of October, 2018, personally appeared Gary Don McElroy, to me known to be the identical person who executed the within and foregoing instrument as the free and voluntary act and deed of such person(s) 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 above written.

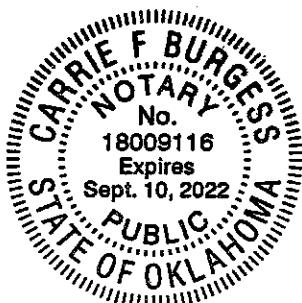


Carrie F. Burgess
Notary Public

State of Oklahoma)
County of Tulsa)§

Before me, the undersigned, a Notary Public within and for said County and State, on this 29th day of October, 2018, personally appeared Christina Marie McElroy, to me known to be the identical person who executed the within and foregoing instrument as the free and voluntary act and deed of such person(s) 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 above written.



Carrie F. Burgess
Notary Public

EXHIBIT A

Page 1 of 2

LEGAL DESCRIPTION

Part of the SW/4 of Section 28
T-18-N R-14-E

**Hugh Gene McElroy, Virginia Willeen McElroy
Patricia Ann Pound, Phillip Gene McElroy,
Steven Ray McElroy and Gary Don McElroy**

Temporary Construction Easement

A tract of land lying in the Southwest Quarter (SW/4) of Section 28, Township 18 North, Range 14 East, I.M., Tulsa County, Oklahoma. Said tract of land being described by metes and bounds as follows:

Commencing at the Southeast Corner of the Southwest Quarter (SW/4) of Section 28;

Thence S 88°34'42" W on the South line of said Southwest Quarter (SW/4) a distance of 167.80 feet;

Thence N 01°25'18" W and departing the South line of said Southwest Quarter (SW/4) a distance of 40.00 feet to a point on the Northerly Permanent Right of Way line of Florence Street, said point being the point of beginning;

Thence S 88°34'42" W on said Northerly Permanent Right of Way line of Florence Street a distance of 25.00 feet;

Thence N 01°25'18" W and departing said Northerly Permanent Right of Way line of Florence Street a distance of 25.00 feet;

Thence N 88°34'42" E on a line parallel with and 65.00 feet North of the South line of said Southwest Quarter (SW/4) a distance of 25.00 feet;

Thence S 01°25'18" E a distance of 25.00 feet to the point of beginning.

Said tract contains 0.01 acres (625.0 sq. ft.) of land as described.

Real Property Certification

I, Brian C. Bird, certify that the attached legal description closes in accordance with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.



Brian C. Bird
Oklahoma P.L.S. # 1869
CEC Corporation
Certificate of Authorization No. 32
CA Expiration Date: June 30, 2018



