

RESOLUTION NO. 1159

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE NW/4 OF SECTION 20, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE WASHINGTON STREET IMPROVEMENTS, GARNETT TO OLIVE, (PROJECT NO. ST1616)

WHEREAS, Nghi Uy Troung and Diem Thuy Khoa Nguyen, own or otherwise claim some interest in certain real property identified as Parcels 19, 19A, located on a tract of land in the Northwest Quarter of Section 20, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located 1 parcel east of 11520 East 91st Street So., Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the Washington Street Improvements -- Garnett Road to Olive Avenue Project; and

WHEREAS, this real property is legally described as follows:

PARCEL 19:

PERMANENT RIGHT-OF-WAY:

A part of the East Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (E/2 NE/4 NW/4 NW/4) of Section 20, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at the Northwest Corner of Section 20, Township 18 North, Range 14 East, Tulsa County; Thence along the North line of the Northwest Quarter, N88°41'38"E a distance of 988.01 feet; Thence along the West line of the East Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 20, S01°24'45"E a distance of 50.00 feet to the Point of Beginning; Thence parallel with the North Line of the Northwest Quarter of Section 20, N88°41'38"E a distance of 131.74 feet; Thence S01°24'54"E a distance of 10.00 feet; Thence S88°41'38"W a distance of 131.74 feet; Thence N01°24'45"W a distance of 10.00 feet to the Point of Beginning, containing 1,317 square feet or 0.0302 acres.

Bearings based on Oklahoma State Plane Grid Zone North

PARCEL 19A:

TEMPORARY CONSTRUCTION EASEMENT:

A part of the East Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (E/2 NE/4 NW/4 NW/4) of Section 20, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at the Northwest Corner of Section 20, Township 18 North, Range 14 East, Tulsa County; Thence along the North line of the Northwest Quarter, N88°41'38"E a distance of 988.01 feet; Thence along the West line of the East Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 20, S01°24'45"E a distance of 60.00 feet to the Point of Beginning; Thence parallel with the North Line of the Northwest Quarter of Section 20, N88°41'38"E a distance of 131.74 feet; Thence S01°24'54"E a distance of 10.00 feet; Thence S88°41'38"W a distance of 131.74 feet; Thence N01°24'45"W a distance of 10.00 feet to the Point of Beginning, containing 1,317 square feet or 0.0302 acres.

Bearings based on Oklahoma State Plane Grid Zone North

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 completion of the Washington Street Improvements – Garnett Road to Olive Avenue Project;

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 2nd day of January 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney