

RESOLUTION NO. 1173

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE KENOSHA STREET IMPROVEMENTS, MAIN STREET TO DATE AVENUE, (PROJECT NO. ST1409)

WHEREAS, K&S Investments, LLC, an Oklahoma limited liability company, own or otherwise claim some interest in certain real property identified as Parcel 11, located on a tract of land in the Northwest Quarter of Section 11, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 405 E Kenosha Street, Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the Kenosha Street Improvements – Main Street to Date Avenue Project; and

WHEREAS, this real property is legally described as follows:

PARCEL 11:

FEE SIMPLE PERMANENT RIGHT-OF-WAY:

A tract of land that is the South 13.50 feet of the North 30.25 feet of the West 40.00 feet of Lot 12 of Block 3, "North Side Addition" an addition to the City of Broken Arrow filed as Plat #509 at the office of the Tulsa County Clerk, being a subdivision of part of the Northwest Quarter (NW4) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof being more particularly described as follows:

Point of Beginning on the West Line of said Lot 12 of Block 3 "North Side Addition", Plat #509, Tulsa County, being 6.78 feet from the Southwest Corner of said Lot 12 of Block 3; Thence along the West Line of said Lot 12 of Block 3, N01°13'30"W a distance of 13.50 feet to the Southwest Corner of a dedicated right of way as filed in Book 4161, Page 451, Tulsa County; Thence along the South Line of said dedicated right of way, N88°32'24"E a distance of 40.00 feet; Thence along the East Line of the West 40.00 feet of said Lot 12, S01°13'30"E a distance of 13.50 feet; Thence S88°32'24"W a distance of 40.00 feet to the Point of Beginning, containing 540 square feet or 0.0124 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 Kenosha Street Improvements – Main Street to Date 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