

## **RESOLUTION NO. 1187**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY THAT IS GENERALLY LOCATED BEHIND 12720 SOUTH 185<sup>TH</sup> EAST AVENUE, BROKEN ARROW, IN THE SOUTHWEST QUARTER OF SECTION 1, T-17-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE COUNTY LINE TRUNK SEWER REPLACEMENT, (PROJECT NO. S.1609)**

**WHEREAS**, Margaret E. Crawford owns or otherwise claim some interest in certain real property identified as Parcel 2.1, 2.2, located on a tract of land in the Southwest Quarter of Section 1, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 12720 S 185<sup>th</sup> E Avenue, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire a Temporary Construction Easement for the public purpose of completing the County Line Trunk Sewer Replacement Project; and

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

### **PARCEL 2.1**

#### **TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land located in the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) of Section One (1), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according the United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of said SW/4; Thence South 01°28'08" East and along the East line of said SW/4, for a distance of 661.80 feet; Thence South 88°47'30" West, for a distance of 1040.53 feet to the POINT OF BEGINNING; Thence South 04°48'51" West, for a distance of 9.67 feet; Thence South 40°07'55" West, for a distance of 277.15 feet; Thence South 47°21'33" West, for a distance of 121.72 feet; Thence North 01°31'58" West, for a distance of 26.51 feet; Thence North 47°21'33" East, for a distance of 103.00 feet; Thence North 40°07'41" East, for a distance of 269.55 feet; Thence North 04°48'51" East, for a distance of 1.20 feet; Thence North 88°47'30" East, for a distance of 20.11 feet to the POINT OF BEGINNING.

### **PARCEL 2.2**

#### **TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land located in the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) of Section One (1), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according the United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of said SW/4; Thence South 01°28'08" East and along the East line of said SW/4, for a distance of 661.80 feet; Thence South 88°47'30" West, for a distance of 970.14 feet to the POINT OF BEGINNING; Thence South 04°48'51" West, for a distance of 39.31feet; Thence South 40°07'41" West, for a distance of 303.88 feet; Thence South 47°21'33" West, for a distance of 96.80 feet; Thence South 88°46'21" West, for a distance of 60.47 feet; Thence North 47°21'33" East, for a distance of 139.62 feet; Thence North 40°07'41" East, for a distance of 288.62 feet; Thence North 04°48'51" East, for a distance of 22.35 feet; Thence North 88°47'30" East, for a distance of 40.22 feet to the POINT OF BEGINNING.

**WHEREAS**, the parties hereto have duly entered into negotiations for the voluntary purchase of a Temporary Construction Easement 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 County Line Trunk Sewer Replacement 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 19<sup>th</sup> day of February 2019.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney