

RESOLUTION NO. 1183

A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY GENERALLY LOCATED AT 13101 SOUTH 177TH EAST AVENUE, BROKEN ARROW, IN THE NORTHWEST QUARTER OF SECTION 12, T-17-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE COUNTY LINE TRUNK SEWER REPLACEMENT, (PROJECT NO. S.1609, S.1609A)

WHEREAS, Gene Woodward and Esther Gray, own or otherwise claim some interest in certain real property identified as Parcel 32.0, 32.1, 7A, located on a tract of land in the Northwest Quarter of Section 12, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 13101 S 177th E Avenue, Broken Arrow, Oklahoma; and

WHEREAS, The Broken Arrow City Council desires to acquire this property for the public purpose of completing the County Line Trunk Sewer Replacement Project; and

WHEREAS, this real property is legally described as follows:

PARCEL 32:

PERMANENT UTILITY EASEMENT:

A tract of land located in the Northwest Quarter (NW/4) of Section Twelve (12), Township Seventeen (17) North, Range Fifteen (15) 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 Northwest corner of said NW/4; Thence North 88°40'36" East and along the North line of said NW/4, for a distance of 353.68 feet; Thence South 01°19'24" East and perpendicular to said North line, for a distance of 89.82 feet to a point on the South Right of Way for East 131st Street South, same being the POINT OF BEGINNING; Thence North 85°45'36" East and along said South Right of Way, for a distance of 115.80 feet to a point on the West line of an existing Sewer Easement (Book 4827, Page 1348); Thence South 01°45'56" East and along said West line, for a distance of 179.78 feet; Thence North 35°16'00" West, for a distance of 209.60 feet to the POINT OF BEGINNING.

PARCEL 32.1

TEMPORARY CONSTRUCTION EASEMENT:

A tract of land located in the Northwest Quarter (NW/4) of Section Twelve (12), Township Seventeen (17) North, Range Fifteen (15) 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 Northwest corner of said NW/4; Thence North 88°40'36" East and along the North line of said NW/4, for a distance of 318.72 feet; Thence South 01°19'24" East and perpendicular to said North line, for a distance of 91.60 feet to a point on the South Right of Way for East 131st Street South, same being the POINT OF BEGINNING; Thence North 85°45'36" East and along said South Right of Way, for a distance of 35.01 feet; Thence South 35°16'00" East for a distance of 209.60 feet to a point on the West line of an existing Sewer Easement (Book 4827, Page 1348); Thence South 01°45'56" East and along said West line, for a distance of 54.35 feet; Thence North 35°16'00" West, for a distance of 272.96 feet to the POINT OF BEGINNING.

PARCEL 7A

TEMPORARY CONSTRUCTION EASEMENT:

A tract of land that is a part of the Northwest Quarter of the Northwest Quarter (NW4, NW4), of Section Twelve (12), Township Seventeen North (T17N), Range Fourteen East (R14E) of the Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Commencing from the Northwest Corner of Section 12; Thence along the North line of the Northwest Quarter of Section 12, N88°40'35"E a distance of 413.50 feet; Thence S01°19'25"E a distance of 86.72 feet to a point on the Tulsa County dedicated right of way as filed in book 4004, page 627 at the office of the Tulsa County Clerk, being the Point of Beginning; Thence along said right of way, N85°45'35"E a distance of 100.11 feet; Thence S01°30'04"E a distance of 303.40 feet; Thence S20°12'19"E a distance of 308.71 feet; Thence S00°02'58"E a distance of 183.06 feet; Thence S88°43'27"W a distance of 100.02 feet; Thence N00°02'58"W a distance of 167.43 feet; Thence N20°12'19"W a distance of 307.41 feet; Thence N01°30'04"W a distance of 315.08 feet to the Point of Beginning.

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 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 19th day of February 2019.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney