

RESOLUTION NO. 1203

A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL, APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN CONTRACT FOR SALE AND EXCHANGE OF REAL ESTATE BY AND AMONG THE CITY OF BROKEN ARROW AND THE INDEPENDENT SCHOOL DISTRICT NO. 3 OF TULSA COUNTY, OKLAHOMA, A/K/A BROKEN ARROW PUBLIC SCHOOLS (THE “DISTRICT”), DESIGNATING REPRESENTATIVES OF THE CITY COUNCIL FOR PURPOSES OF GRANTING CERTAIN APPROVALS AND EXECUTING CERTAIN INSTRUMENTS AS REQUIRED UNDER AND IN CONNECTION WITH SAID CONTRACT; AUTHORIZING THE ACCEPTANCE OF A GENERAL WARRANTY DEED FROM THE DISTRICT CONVEYING ALL RIGHT, TITLE AND INTEREST IN THE APPROXIMATE 54.403 ACRES OF IDENTIFIED AS A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), BAPS ELEMENTARY + ECDC – WEST FLORENCE STREET, AND ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA; AUTHORIZING THE CONVEYANCE OF A GENERAL WARRANTY DEED TO THE DISTRICT CONVEYING ALL RIGHT, TITLE AND INTEREST IN THE APPROXIMATE 38.734 ACRES OF CITY-OWNED PROPERTY IDENTIFIED AS A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) AND PART OF THE SOUTHWEST QUARTER (SW4) IN SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA AND CONTAINING OTHER PROVISIONS RELATING THERETO

WHEREAS, in 2010, Broken Arrow Municipal Authority (“Authority”) purchased approximately 81.5 acres of land (“Land”) located at 21500 East 96th Street, Broken Arrow, Wagoner County, pursuant to a Lease Purchase Agreement; and

WHEREAS, it was initially contemplated that BAMA would either use the property for its own purposes or declare it surplus and transfer it to the City; and

WHEREAS, the City is interested in constructing a park near 111th between Aspen and Olive. The Broken Arrow School District owns land near 111th between Aspen and Olive that they no longer have needs for the land. However, the District is needing approximately 43 acres of property to build a school in the area of this Land to construct an elementary school; and

WHEREAS, in 2015, the City entered into a memorandum of understanding in which a portion of the Land would be given to the School District to be used for an elementary school and the City was to use the remainder. In exchange, the School District agreed to provide the City land so the City could construct a park in accordance with the next phase of the City’s Master Park Plan; and

WHEREAS, Title 11, Section 22-159 of the Oklahoma Statutes specifically authorizes municipalities to support public school systems located within its corporate limits, including, without limitation, the expenditure of municipal revenues for consideration or improvement of public school facilities; and

WHEREAS, Title 11, Section 22-125 of the Oklahoma Statutes authorizes the City to make gifts of any real estate belonging to the municipality to any school district located in the municipality; and

WHEREAS, Title 70, Section 5-117(11), authorizes the Board of Education for a School District to convey real property to a local political subdivision without consideration; and

WHEREAS, Title 60, Section 381, authorizes the City and Schools to take title of real property each is gifting the other; and

WHEREAS, the City Council deems it appropriate to execute the Contract for Sale and Exchange of the real property; and

WHEREAS, the City Council further deems it appropriate to transfer real property as described in the attached Exhibit "A" to the District and to accept a General Warranty Deed conveying all right, title, and interest in the real property as described in the attached Exhibit "B", and determines that such actions are in the best interests of the City and the health, safety and welfare of the City and residents within and near the City.

NOW THEREFORE BE IT RESOLVED BY THE TRUSTEES OF THE BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY, THAT:

1. The Contract for Sale and Exchange of Real Estate is hereby approved and shall be executed substantially in the form thereof submitted at the meeting at which this Resolution was approved and as finally approved by the Mayor or Vice Mayor, as the case may be, and shall be executed for and on behalf of the City by the Mayor or Vice Mayor, as the case may be, and attested by the City Clerk, and on behalf of the other parties thereto by their respective authorized officers.
2. The transfer of the real property as described in the attached Exhibit "A" to the Independent School District No. 1, a/k/a the Broken Arrow Public School District is hereby approved and authorized. The Mayor or Vice Mayor is hereby authorized to execute a General Warranty Deed or any other Deed or instrument necessary to accomplish this transfer.
3. The City of Broken Arrow hereby accepts all right, title and interest in the real property more specifically described in the attached Exhibit "B". The Mayor or Vice Mayor is hereby authorized to approve and accept the General Warranty Deed or other document conveying this real property.
4. All prior transfers made in connection with preparations for and the preparation of the Contract for Sale and Exchange of Real Estate, including, without limitation, those made for the payment of legal services, engineering fees and costs, surveys, appraisals, and inspection payments are hereby approved and ratified.
5. It is the intention of the City Council Members that the officers of the City and the City shall, and they are hereby ex officio authorized and directed to do any and all lawful acts and deeds to effectuate and carry out the provisions and the purposes of this Resolution,

including acceptance of the General Warranty Deed, and approval and execution of the Agreement for the Purchase and Sale of Real Property, and such other instruments and documents as are related thereto.

Approved and adopted by the Broken Arrow City Council, at a regular meeting thereof, advance public notice of which was duly given and at which a majority of said Council Members were present, this 2nd day of April, 2019.

CITY OF BROKEN ARROW

ATTEST: (SEAL)

Craig Thurmond, Mayor

City Clerk

APPROVED AS TO FORM AND LEGALITY:

Deputy City Attorney