

RESOLUTION NO. 1213

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF REAL ESTATE FOR REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ALBANY AND OLIVE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 14 EAST, TULSA COUNTY, STATE OF OKLAHOMA INCLUDING STRUCTURES AND IMPROVEMENTS; AND AUTHORIZING THE BROKEN ARROW MUNICIPAL AUTHORITY'S EXPENDITURE OF THE SUM OF \$400,000 PLUS CLOSING COSTS TO JANG'S FR, LLC TO EFFECT SUCH PURCHASE; DESIGNATING REPRESENTATIVES OF THE CITY OF BROKEN ARROW, OKLAHOMA FOR PURPOSES OF GRANTING CERTAIN APPROVALS AND EXECUTING CERTAIN INSTRUMENTS AS REQUIRED UNDER AND IN CONNECTION WITH SAID CONTRACT FOR REAL ESTATE FOR THE SECONDARY TULSA WATER CONNECTION, BOOSTER PUMP STATION PROJECT (WL1611A)

WHEREAS, Jang's FR, LLC own the unplatted property at the Southwest corner of Albany and Olive; and

WHEREAS, the Broken Arrow Municipal Authority desires to acquire this property for the public purpose of constructing a secondary Tulsa water connection and booster pump station; and

WHEREAS, the real property is legally described as follows:

A tract of land that is located in the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Five (5), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, containing 1.5182 acres or 66,046 square feet more or less; and

WHEREAS, the City of Broken Arrow's right-of-way agent has negotiated a payment in the amount of \$400,000.00 plus closing costs, to Jang's FR, LLC, the property owner, which consists of 1.5182 acres generally located on the Southwest corner of Albany and Olive; and

NOW, THEREFORE, BE IT RESOLVED BY THE BROKEN ARROW MUNICIPAL AUTHORITY, THAT:

1. The Contract for the sale of real estate is hereby approved, authorized and accepted. The Contract and closing shall be executed for and on the behalf of the City by the Chairman or Vice Chairman, as the case may be, and attested by the Secretary. The Contract for the Sale of the Real Estate is hereby authorized for execution and delivery, subject to minor changes, insertions and omissions and such filling of blanks therein as may be approved and made in the form thereof by the officer of the City executing the same pursuant to this section. The execution of the Contract for the Sale of Real Estate for and on behalf of the other parties thereto by their respective authorized officers and for and on behalf of the Authority by the Chairman or Vice Chairman as the case may be, with an official seal of the Authority affixed and attested by the signature of the Secretary, shall be conclusive evidence of the approval of any changes, insertions, omissions and filling of blanks;

2. The Broken Arrow Municipal Authority is hereby authorized to close the purchase and sale of the Real Property pursuant to the Contract for Sale of Real Estate, to acquire the Real Property for and on behalf of the Authority and to execute and deliver, for and on behalf of the City, all necessary instruments and agreements reasonably required in connection therewith, following their approval by the City Attorney (whose approval need not be endorsed thereon);

3. The Broken Arrow Municipal Authority is hereby authorized to expend the sum of \$400,000.00 for such acquisition and is authorized to expend monies for all closing costs and any other cost related to the purchase and closing of this transaction;

4. The Chairman or Vice Chairman is hereby authorized to approve (upon the recommendation of the City Attorney) the final forms of the purchase and closing of the Real Property, and minor changes, insertions and deletions therein, as well as in the form and content of this Resolution, with any changes in the form or content of the Resolution to be evidence by a written supplement hereto which shall be executed by the Chairman or Vice Chairman and shall evident the written prior approval of the City Attorney endorsed thereon, and the signature of the Chairman or Vice Chairman on such supplement shall be conclusive evidence of the approval thereof by the Authority pursuant to and under the Authority given under the Section 4;

5. It is the intention of the Broken Arrow Municipal Authority that the Authority Members and City Officers 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 without limitation and from time to time, the giving of certificates, and instructions under or with respect to the Authority's performance of the Contract for Sale of Real Estate and the acquisition of the Real Property and such other instruments and documents as are related thereto, in each case following their approval by the City Attorney (whose approval need not be endorsed thereon);

6. All prior transfers made in connection with the preparations for the purchase of the Real Property, including without limitation, those made for the payment of legal services, escrow payments, engineering fees and costs, surveys, appraisals, inspections and exemption payments are hereby ratified;

This Resolution is approved in open meeting by the Broken Arrow Municipal Authority on this 7th day of May, 2019.

ATTEST:

(seal) SECRETARY

CHAIRMAN

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY