

## **RESOLUTION NO. 1236**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY GENERALLY LOCATED AT 11000 S 193RD EAST AVENUE, BROKEN ARROW, IN THE SOUTHEAST QUARTER OF SECTION 25, T-18-N, R-14-E OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA, FOR THE COUNTY LINE TRUNK SEWER REPLACEMENT, (PROJECT NO. S.1609)**

**WHEREAS**, Snead Family 2010, LLC, an Oklahoma limited liability company, own or otherwise claim some interest in certain real property identified as Parcel 20.0 and 20.1, located on a tract of land in the Southeast Quarter of Section 25, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 11000 S 193<sup>rd</sup> East Avenue, Broken Arrow, Oklahoma; and

**WHEREAS**, The Broken Arrow City Council desires to acquire a Utility Easement and 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 20.0 UTILITY EASEMENT:**

A tract of land located in the South Half of the Southeast Quarter (S/2 SE/4) of Section Twenty-Five (25), Township Eighteen (18) 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 Southeast corner of said SE/4; Thence North 01°18'24" East and along the East line of said SE/4, for a distance of 24.75 feet; Thence South 88°40'20" West and parallel with the South line of said SE/4, for a distance of 85.00 feet to the POINT OF BEGINNING; Thence continuing South 88°40'20" West and parallel with said South line, for a distance of 35.00 feet; Thence North 01°18'24" West and parallel with the East line of said SE/4, for a distance of 890.88 feet; Thence North 10°03'32" East, for a distance of 76.12 feet; Thence North 01°18'24" West and parallel with said East line, for a distance of 329.79 feet; Thence North 88°41'51" East, for a distance of 40.00 feet; Thence South 01°18'24" East and parallel with said East line, for a distance of 30.04 feet; Thence South 01°33'34" West, for a distance of 200.00 feet; Thence South 01°18'24" East and parallel with said East line, for a distance of 100.00 feet; Thence South 04°25'57" West, for a distance of 100.00 feet; Thence South 01°18'24" East and parallel with said East line, for a distance of 866.00 feet to the POINT OF BEGINNING.

### **PARCEL 20.1 TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land located in the South Half of the Southeast Quarter (S/2 SE/4) of Section Twenty-Five (25), Township Eighteen (18) 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 Southeast corner of said SE/4; Thence North 01°18'24" West and along the East line of said SE/4, for a distance of 24.75 feet; Thence South 88°40'20" West and parallel with the South line of said SE/4, for a distance of 120.00 feet to the POINT OF BEGINNING; Thence continuing South 88°40'20" West and parallel with said South line, for a distance of 40.00 feet; Thence North 01°18'24" West and parallel with the East line of said SE/4, for a distance of 890.90 feet; Thence North 09°29'50" East, for a distance of 80.02 feet; Thence North 01°18'24" West and parallel with said East line, for a distance of 325.81 feet to a point on the North line of the S/2 SE/4; Thence North 88°41'51" East and along said North line, for a distance of 40.00 feet; Thence South 01°18'24" East and parallel with said East line, for a distance of 329.79 feet; Thence South 10°03'32" West, for a distance of 76.12 feet; Thence South 01°18'24" East and parallel with said East line, for a distance of 890.88 feet to the POINT OF BEGINNING.

**WHEREAS**, the parties hereto have duly entered into negotiations for the voluntary purchase of a Utility Easement and 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 3<sup>rd</sup> day of June 2019.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

  
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Assistant City Attorney