

## **RESOLUTION NO. 1235**

**A RESOLUTION OF NECESSITY TO CONDEMN PROPERTY GENERALLY LOCATED AT 11100 S 193RD EAST AVENUE, BROKEN ARROW, IN THE NORTHEAST QUARTER OF SECTION 36, 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**, SF Properties, LLC, an Oklahoma limited liability company, own or otherwise claim some interest in certain real property identified as Parcel 19.0 and 19.1, located on a tract of land in the Northeast Quarter of Section 36, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; generally located at 11100 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 19.0 UTILITY EASEMENT:**

A tract of land located in the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Thirty-Six (36), 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 Northeast corner of said NE/4; Thence South 01°23'27" East and along the East line of said NE/4, for a distance of 24.93 feet; Thence South 88°36'33" West and perpendicular to said East line, for a distance of 60.00 feet to the POINT OF BEGINNING; Thence South 01°23'27" East and parallel with said East line, for a distance of 304.29 feet; Thence South 88°36'33" West and perpendicular to said East line, for a distance of 19.71 feet; Thence North 01°23'27" West and parallel with said East line, for a distance of 304.32 feet; Thence North 88°40'20" East and parallel with the North line of said NE/4, for a distance of 19.71 feet to the POINT OF BEGINNING.

### **PARCEL 19.1 TEMPORARY CONSTRUCTION EASEMENT:**

A tract of land located in the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Thirty-Six (36), 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 Northeast corner of said NE/4; Thence South 01°23'27" East and along the East line of said NE/4, for a distance of 24.93 feet; Thence South 88°37'29" West, for a distance of 79.71 feet to the POINT OF BEGINNING; Thence South 01°23'27" East and parallel with said East line, for a distance of 304.32 feet; Thence South 88°36'33" West and perpendicular to said East line, for a distance of 10.00 feet; Thence North 01°23'27" West and parallel with said East line, for a distance of 304.33 feet; Thence North 88°40'20" East and parallel with the North line of said NE/4, for a distance of 10.00 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.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney