

RESOLUTION NO. 1274

A RESOLUTION OF THE CITY OF BROKEN ARROW (CITY), DECLARING APPROXIMATELY 1.77 ACRES OF LAND SITUATED AT 2200 W. NORFOLK DR., BROKEN ARROW, OK 74011, IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, SURPLUS AND AUTHORIZING TRANSFER TO THE BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY (BAEDA), AN OKLAHOMA PUBLIC TRUST OF WHICH THE CITY OF BROKEN ARROW IS THE SOLE BENEFICIARY; AND APPROVING AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS NECESSARY TO ACCOMPLISH THE DECLARATION OF SURPLUS AND TRANSFER OF TITLE, INCLUDING A GENERAL WARRANTY DEED; AND CONTAINING OTHER PROVISIONS RELATING THERETO

WHEREAS, in 2009, Broken Arrow Municipal Authority (“Authority”) purchased real property legally described as Lot One (1), Block One (1), ASPEN CREEK TOWNE CENTRE I, an Addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded Plat thereof, more particularly described as 2200 W. Norfolk Dr., Broken Arrow, Tulsa County; and

WHEREAS, the City intended to construct a new fire station and corresponding infrastructure improvements on a parcel of the land located immediately north of the Creek Turnpike (Liberty Parkway) and west of Aspen Avenue; and

WEHREAS, on May 3, 2019, BAEDA transferred the land near the Creek Turnpike to the City for the construction of the fire station, and

WHEREAS, the City platted the land into two parcels of land and constructed a fire station on one parcel of the land; and

WHEREAS, the remaining parcel of land, consisting of approximately 1.77 acres is not being utilized by the City; and

WHEREAS, pursuant to Oklahoma State Statute and the Broken Arrow Code of Ordinances, the City finds it to be in the best interest of the citizens of Broken Arrow to declare the real property surplus; and

WHEREAS, the Authority was created under a certain Trust Indenture dated November 19, 1973, as amended March 11, 1982; August 4, 1983, and March 18, 2014 (the "Authority Trust Indenture"), as a public trust for the use and benefit of its sole beneficiary, the City, under authority of and pursuant to Title 60, Oklahoma Statutes, §§176, et seq.; and

WHEREAS, among the Authority Trust Indenture’s stated purposes are those of promoting and encouraging the development of industry and commerce within and without the territorial limits of the City by instituting, furnishing, providing and supplying property, improvements and services for the City and for the inhabitants, owners and occupants of property, and governmental, industrial, commercial and mercantile entities, establishments and enterprises within and without the City; promoting the general convenience, general welfare and public safety of the residents of the City; acquiring by purchase real property useful in instituting, furnishing, providing, or supplying any of the aforementioned property, improvements and services; complying with the terms and conditions of contracts made in connection with or for the acquisition of any of said

properties; receiving funds, property and other things of value from, among others, the City; and participating in programs of the State and others which are to the advantage of the City and the Authority's undertakings; and

WHEREAS, the City further deems it appropriate to the execution and delivery a General Warranty Deed to BAEDA, 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 CITY COUNCIL OF THE CITY OF
BROKEN ARROW, OKLAHOMA, THAT:**

1. The approximate 1.77 acres of real property within the City of Broken Arrow, Tulsa County, State of Oklahoma; according to the recorded plat thereof, is hereby declared surplus.
2. Transfer of the real property legally described above to BAEDA is hereby approved and authorized.
3. The Mayor or Vice Mayor is hereby authorized to execute a General Warranty Deed or any other Deeds or instrument necessary to accomplish this transfer.
4. It is the intention of the Council Members that the Mayor and Vice Mayor 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 execution of the a General Warranty Deed, 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 Members were present, this 1st day of October, 2019.

CITY OF BROKEN ARROW, OKLAHOMA

Mayor

APPROVED AT TO FORM:

ATTEST: (SEAL)

Deputy City Attorney

City Clerk