



City of Broken Arrow

Request for Action

File #: 16-1428, **Version:** 1

Broken Arrow City Council
12-06-16

To: Mayor and City Council
From: Engineering and Construction Department
Title:

Acceptance of a General Warranty Deed for Parcel 5, which consists of 0.16 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the Northwest Quarter of the Northwest Quarter of Section 18, Township 18 North, Range 15 East, at the Southeast Corner of 23rd Street and Houston Street, from Don C. and Mary H. Couch, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)

Background:

The Warranty Deed for Parcel 5 of the 23rd Street, Houston to Kenosha, that the City Council approved at their meeting of November 7, 2016, showed the parcel being conveyed to the Oklahoma Department of Transportation (ODOT), when it should have been conveyed to the City of Broken Arrow. The error was discovered too late to obtain the property owners' signatures in time for the November 7 Council meeting. The corrected Warranty Deed, signed by the property owners, is attached.

The City's contract right-of-way agent, Universal Field Services has negotiated a payment of \$7,000.00 with Don C. and Mary H. Couch, husband and wife, the property owners of Parcel 5, which consists of 0.16 acres generally located at the southeast corner of 23rd Street and Houston Street. In accordance with a February 10, 2014, Project Construction, Maintenance, Utility Relocation, and Right-of-Way Agreement Between the Oklahoma Department of Transportation and the City of Broken Arrow, the City will make the payment to the property owners and apply for reimbursement of ODOT's 80% share. Payment to the property owners was on the November 7, 2016, City Council claims list, but the check is being held pending this ratification. Staff recommends that the Council ratify the acceptance of the Warranty Deed.

Funding for the City's share of the Right of Way cost will be from the 2014 Streets General Obligation Bond.

Cost: \$7,000.00 (\$5,600.00 to be reimbursed by ODOT)
Prepared By: Alex M. Mills, P.E., Director of Engineering and Construction
Reviewed By: Finance Department
Assistant City Manager - Operations
Legal Department

Approved By: Michael L. Spurgeon, City Manager

**Attachments: ODOT Form 324a
General Warranty Deed**

Recommendation:

Accept the General Warranty Deed from Don C. and Mary H. Couch.