



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	17-1847	<b>Name:</b>	
<b>Type:</b>	General Business	<b>Status:</b>	Passed
<b>File created:</b>	2/13/2017	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	2/21/2017	<b>Final action:</b>	2/21/2017
<b>Title:</b>	Consideration, discussion, and possible approval of and authorization to execute Resolution No. 982, a Resolution of Necessity to condemn property located at 825 East Dallas Street, Broken Arrow, Tulsa County, State of Oklahoma		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 982 - Kitchen, 2. Kitchen Offer Letter Rejection, 3. Tulsa County Assessor Parcel Exhibits Kitchen

Date	Ver.	Action By	Action	Result
2/21/2017	1	Broken Arrow City Council	approved	Pass

**Broken Arrow City Council**

**Meeting of: 02-21-2017**

**To:** Mayor and Council Members  
**From:** Engineering and Construction Department  
**Title:**

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 982, a Resolution of Necessity to condemn property located at 825 East Dallas Street, Broken Arrow, Tulsa County, State of Oklahoma

### Background:

The property located at 825 East Dallas Street, Broken Arrow, Tulsa County, State of Oklahoma is presently owned by Jennifer C. and Todd Kitchen. An informational letter was sent out to all property owners affected by the proposed 9<sup>th</sup> Street widening project from El Paso Street to Elgin Street on October 26, 2015, detailing proposed improvements. In an introductory letter sent out to the land owner dated May 31, 2016, that introduced the new contract right of way agent along with a donation certificate and an offer after appraisal to purchase permanent right of way, utility easement, and temporary construction easement for \$10,200.00. In October 2016, during the design process it was determined that a traffic signal was needed at the intersection of Dallas Street and 9th Street. During this re-design of the intersection, it was clear that the Kitchen's property would not be habitable with this change due to the addition of a right-hand turn lane. With this in mind, on December 12, 2016, an offer for total take and buyout was made in the amount of \$125,000.00 based upon our certified appraisal. After further discussions with the Kitchens, it was determined that a revised appraisal was in order since the appraiser was unable to enter the structure and the outparcel was not examined in full. On January 24, 2017 a revised appraisal was written on this property and recommended for a total take property acquisition the value is \$155,000. On February 14, 2017, the City hand delivered an offer letter to the land owner. The land owner rejected the City's offer in the amount of \$155,000 and increased his asking price from the low \$170,000s to around \$185,000.

Staff recommends proceeding with the condemnation process required to obtain the easements. Acquisition is

necessary to construct the necessary roadway improvements associated with 9<sup>th</sup> Street Widening Elgin Street to El Paso Street as approved by the voters in the 2011 and 2014 General Obligation Bond election.

**Cost:** Estimated to be \$155,000.00 plus court costs

**Prepared By:** Alex M Mills, P.E., CFM, Director of Engineering and Construction

**Reviewed By:** Engineering and Construction Department  
Assistant City Manager - Operations  
Legal Department

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Resolution No. 982  
Offer Letter Rejection  
Tulsa County Assessors Exhibits

**Recommendation:** Approval and authorize execution of Resolution No. 982 directing the Legal Department to initiate a condemnation action to acquire the Parcel.