



City of Broken Arrow

Request for Action

File #: 17-1811, Version: 1

**Broken Arrow City Council
Meeting of: 02-07-2017**

To: Mayor and Council Members
From: Department of Engineering and Construction
Title: Consideration, discussion, and possible approval of and authorization to execute Resolution No. 978, a Resolution of Necessity to condemn property located at 131 North 9th Street, Broken Arrow, Tulsa County, State of Oklahoma

Background:

The property located at 131 North 9th Street, Broken Arrow, Tulsa County, State of Oklahoma is presently owned by Amy E. and Tracy A. Hefley. An informational letter was sent out to this property owner affected by the proposed 9th Street widening project from El Paso Street to Elgin Street on November 10, 2015, detailing the improvements. An introductory letter was sent 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, a utility easement, and a temporary easement for \$16,150.00. On June 15, 2016, the right of way agent and several engineers visited onsite with the property owner at their request for more information. On July 25, 2016, a response was received via email from the property owner advising of a counter offer in the amount of a total buyout for \$113,000.00. In another attempt, a letter dated December 13, 2016, the City offered \$16,150.00 for the needed easements. On or about January 26, 2017, the City received a rejection from the owner. The offer letter was marked on all pages "Rejected".

Staff recommends proceeding with the condemnation process required to obtain the right of way and easements. Acquisition is necessary to construct the roadway improvements associated with 9th Street Widening Elgin Street to El Paso Street as approved by the voters in the 2011 and 2014 General Obligation Bond election.

Cost: Filing Fees

Prepared By: Alex M Mills, P.E., CFM, Assistant City Manager

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

Approved By: Michael L. Spurgeon, City Manager

**Attachments: Resolution No. 978
Letters dated 10/15/2015, 5/31/2016, 7/25/2016, 12/13/2016
Parcel Map**

Recommendation: Approve Resolution No. 978 and authorize its execution.