



City of Broken Arrow

Request for Action

File #: 17-1845, Version: 1

**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. 980, a Resolution of Necessity to condemn property located at 800 E Dallas Street, Broken Arrow, Tulsa County, State of Oklahoma

Background:

The property located at 800 East Dallas Street, Broken Arrow, Tulsa County, State of Oklahoma is presently owned by Paccar, Inc. Winch Division. An informational letter was sent out to all property owners affected by the proposed 9th 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 \$20,500.00. City personnel have had several meetings and communications with chief representatives of Paccar, beginning with a project information meeting held at the City's Operations Office Building on November 16, 2012. Selected engineering plan sheets have also been provided to Paccar as requested for their information on to the design of the project. Anticipated impacts to the company's campus as a result of the designed improvements have been discussed with company representatives and staked in the field upon their request. On December 2, 2016, Paccar and City officials met at Paccar to discuss various topics. In that meeting the City expressed that in order for the construction of the project to move forward in the time frame required, the City gave a hard deadline of January 31, 2017 to complete the acquisition documents or the City would begin the condemnation process. Paccar understood the time table and acknowledged that the matter should be resolved according to the time frame allotted. On February 9, 2017, a week past the deadline, the City met with Paccar. Paccar indicated that the company's process to execute the acquisition documents has not begun and would effectively take a substantial amount of time to complete. The City simply does not have the time required as expressed by Paccar without experiencing substantial delays with respect to start of construction of this project.

Staff recommends proceeding with the condemnation process required to obtain the permanent right-of-way and easements. Acquisition is necessary to construct the necessary 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: Estimated \$20,500 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. 980
Parcel Maps

Recommendation: Approval and authorize execution of Resolution No. 980 directing the Legal Department to initiate a condemnation action to acquire the easements.