



# City of Broken Arrow

## Request for Action

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**File #: 17-1849, Version: 1**

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**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. 984, a Resolution of Necessity to condemn property located at 310 South 9th Street, Broken Arrow, Tulsa County, State of Oklahoma

**Background:**

The property located at 310 South 9th Street, Broken Arrow, Tulsa County, State of Oklahoma is presently owned by Carl E. Chasteen and Naomi R. Chasteen Revocable Trust, Rebecca Lynn Howeth and Naomi R. Chasteen, Co-Trustees. 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 \$8,100.00. On January 4, 2017, the City received a letter from a Lewis Lorenz, the attorney for The Co-Trustee Rebecca Howeth. Mr. Lorenz advises that they respectfully decline the City's offer. The City has sent another letter to Ms. Howeth, Co-Trustee offering the same offer and advising of pending condemnation.

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 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 \$81,000 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. 984  
Parcel Map Exhibits

**Recommendation:** Approval and authorize execution of Resolution No. 984 directing the Legal Department to initiate a condemnation action to acquire the permanent right-of-way and easements.