



City of Broken Arrow

Request for Action

File #: 17-1853, 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. 985, a Resolution of Necessity to condemn property located at 312 North 9th Street, Broken Arrow, Tulsa County, State of Oklahoma

Background:

The property located at 312 North 9th Street, Broken Arrow, Tulsa County, State of Oklahoma is presently owned by John H. Bryce and Dorothy W. Bryce, Co-Trustees of the Bryce Revocable Family Trust. 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 June 6, 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 \$15,400.00. On June 14, 2016, John Bryce responded to the City, referencing all three (3) properties that is owned by the Trust, advising that no decisions could be made with more documentation, such as all appraisals, actual engineering drawings and specifications, and accurate survey of all properties, et al.

On September 2, 2016, Kellen Williams (KW), emailed John Bryce (JB) advising he is the new Right of Way Agent for the City of Broken Arrow, offering to set up a meeting so he could determine the issues at hand. JB responded by requesting more documentation similar to previous requests. KW responded and advised that the previous requests were fulfilled by Jeff Westfall, the City's Project Engineer. The preliminary plans they received were the only plans available and that the final plans in relation to right of way will most likely be very similar. He also advised that at this time the City would have Garver USA, our professional design firm who was addressing resident's concerns of concrete drive hammerheads, evaluate the property for accessibility. On September 4, 2016, JB responded by email thanking the City for the possible hammerhead solution and reiterated that he would like more documentation. On September 13, 2016, KW advising JB he will send plans as soon as they are finished. On September 15, 2016, JB requested additional documentation prior to any decisions. On September 27, 2016, KW advised JB that the drawings that he routinely requests will not be available until after the right of way phase was complete since construction plans are not final and sealed until all details are correct. JB responded requesting more documentation and advising that the slope in the driveway creates problems. JB requested that the City acquire at least two (2) of his three (3) properties due to the driveway slope issue and the fact that this issue would damage the property beyond the point of rentals. On February 6, 2017, Mike Craddock (MC) and Kenneth Schwab (KS) had a meeting with Phil Bryce (PB), discussing issues with the properties and the City's intent to condemn both parcels since the asking prices were in excess of 20% to 25% of the appraised values. Later that day KS received an email from PB reiterating that the asking price was between \$105,000 and \$115,000 for Parcel 20. On February 14, 2016, MC hand delivered a letter to PB, the letter was a final offer of \$90,000 for a total take on Parcel 20,

advising that condemnation would proceed if there was no response.

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 to be \$90,000 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. 985
Letters dated
Parcel Map

Recommendation: Approval and authorize execution of Resolution No. 985 directing the Legal Department to initiate a condemnation action to acquire this parcel in its entirety.