



# City of Broken Arrow

## Request for Action

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**File #:** 17-2019, **Version:** 1

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**Broken Arrow City Council**  
**Meeting of: 04-04-2017**

**To:** Mayor and Council Members  
**From:** Engineering and Construction Department  
**Title:** Consideration, discussion, and possible approval of Resolution No. 998, a Resolution of Necessity to condemn property located at 131 North 9th Street, Broken Arrow, Tulsa County, State of Oklahoma (9th Street Widening Elgin Street to El Paso Street)

**Background:**

The property located at 131 North 9<sup>th</sup> 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 9<sup>th</sup> 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 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.

City Council passed Resolution No. 978 on February 7, 2017, approving a Resolution of Necessity to condemn this property. However, Resolution No. 978 contained an error in the legal description. The present Resolution No. 998 corrects this error in the legal description.

**Cost:** Filing Fees  
**Prepared By:** Trevor A. Dennis, Deputy City Attorney  
**Reviewed By:** Engineering and Construction Department  
Assistant City Manager - Operations  
Legal Department  
**Approved By:** Michael L. Spurgeon, City Manager  
**Attachments:** Resolution No. 998

**Letters dated 10/15/2015, 5/31/2016, 7/25/2016, 12/13/2016  
Parcel Map**

**Recommendation:** Approve Resolution No. 998 and authorize its execution.