



# City of Broken Arrow

## Request for Action

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**File #: 18-121, Version: 1**

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**Broken Arrow City Council  
Meeting of: 01-02-2017**

**To: Mayor and City Council  
From: Engineering and Construction Department  
Title:**

**Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1069, a Resolution of Necessity to Condemn Property located in the NW/4 of the SW/4 of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, for the 23rd Street, Houston to Kenosha, Widening Project (Project No. ST0914), generally located at 2400 East College Street, Broken Arrow, Oklahoma**

### **Background:**

The right-of-way acquisition for the 23<sup>rd</sup> Street, Kenosha to Houston, widening project has been approved for federal Surface Transportation Program (STP) funding, to be cost shared 20%-80% (City-Oklahoma Department of Transportation (ODOT)). The City's contract right-of-way agent, Universal Field Services, has attempted unsuccessfully to negotiate with Abatement Systems, Inc., for Parcel 16, generally located on the southwest corner of East College Street and Old Highway 51 in Section 7, Township 18 North, Range 15 East. In accordance with a February 10, 2014, Project Construction, Maintenance, Utility Relocation, and Right-of-Way Agreement Between the Oklahoma Department of Transportation and the City of Broken Arrow, the City will make the right-of-way payments and ODOT will reimburse the City for 80 percent of the cost. The attached Resolution of Necessity No. 1064 recommends that condemnation proceed on Parcel 16.

Funding for the City's share of the Right of Way cost will be from the 2014 Streets GO Bond. The appraised value of the property is \$254,304.00. Said amount was offered to the above named parties and they rejected this offer but did not make a counter offer.

**Cost: \$254,304.00. plus cost of condemnation with final cost to be determined per ODOT Agreement**

**Prepared By: Alex M. Mills, P.E., Director of Engineering and Construction**

**Reviewed By: Finance Department  
Assistant City Manager - Operations  
Legal Department**

**Approved By: Michael L. Spurgeon, City Manager**

**Attachments:**      **Resolution of Necessity No. 1069**  
                         **Right-of-Way Agent's Report**  
                         **Memorandum of Meeting with Abatement Services**  
                         **Warranty Deeds**  
                         **Location Map**

**Recommendation:**

Approve Resolution No. 1069 and authorize its execution.