



City of Broken Arrow

Request for Action

File #: 19-391, Version: 1

**Broken Arrow City Council
Meeting of: 04-02-2019**

Title:

Consideration, discussion, and possible approval of Resolution No. 1203, a Resolution of the Broken Arrow City Council, approving and authorizing execution of a certain Contract for Sale and Exchange of Real Estate by and among the City of Broken Arrow and the Independent School District No. 3 of Tulsa County, Oklahoma, a/k/a Broken Arrow Public Schools (the “District”), designating representatives of the City Council for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract; authorizing the acceptance of a General Warranty Deed from the District conveying all right, title and interest in the approximate 54.403 acres of identified as a tract of land that is part of Lot One (1), Block One (1), BAPS Elementary + ECDC - West Florence Street, and addition to the City of Broken Arrow, Tulsa County, State of Oklahoma; authorizing the conveyance of a General Warranty Deed to the District conveying all right, title and interest in the approximate 38.734 acres of city-owned property identified as a tract of land that is part of the Northwest Quarter (NW/4) and part of the Southwest Quarter (SW4) in Section Twenty (20), Township Eighteen (18) North, Range Fifteen (15) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma and containing other provisions relating thereto

Background:

In 2010, Broken Arrow Municipal Authority (“Authority”) purchased approximately 80 acres of land (“Land”) located at 21500 East 96th Street, Broken Arrow, Wagoner County, pursuant to a Lease Purchase Agreement. It was initially contemplated that BAMA would either use the property for its own purposes or declare it surplus and transfer it to the City. The City is interested in constructing a park near 111th between Aspen and Olive. The Broken Arrow School District owns land near 111th between Aspen and Olive that they no longer have needs for the land. However, the District is needing approximately 43 acres of property to build a school in the area of this Land to construct an elementary school.

In 2015, the City entered into a Memorandum of Understanding in which a portion of the Land would be given to the School District to be used for an elementary school and the City was to use the remainder. In exchange, the School District agreed to provide the City land so the City could construct a park in accordance with the next phase of the City’s Master Park Plan. Title 11, Section 22-159 of the Oklahoma Statutes specifically authorizes municipalities to support public school systems located within its corporate limits, including, without limitation, the expenditure of municipal revenues for consideration or improvement of public school facilities. Additionally, Title 11, Section 22-125 of the Oklahoma Statutes authorizes the City to make gifts of any real estate belonging to the municipality to any school district located in the municipality. Title 70, Section 5-117(11), authorizes the Board of Education for a School District to convey real property to a local political subdivision without consideration. Further, Title 60, Section 381, authorizes the City and Schools to take title of

real property each is gifting the other.

Resolution No. 1203, authorizes the City to enter into a Contract for Sale and Exchange of Real Estate with the District. It further authorizes the City to accept real property from the District and transfer a portion of city-owned land to the District.

Cost: Recording Fees

Funding Source: General Fund

Requested By: Trevor Dennis, City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Contract for Sale and Exchange of Real Estate
Resolution No. 1203

Recommendation:

Approve Resolution No. 1203 and authorize its execution.