



# City of Broken Arrow

## Request for Action

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**File #:** 19-1275, **Version:** 1

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**Broken Arrow City Council**  
**Meeting of: 10-15-2019**

**Title:**

Consideration, discussion and possible approval of and authorization to execute Resolution No. 1267, a Resolution of Necessity to Condemn Property generally located in the Southwest Quarter of Section 11, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Commercial Street Detention, (Project No. SW2007)

**Background:**

The City of Broken Arrow is in the process of securing land for the design of a downtown detention facility in the general area of Commercial and Date. An informational phone call to the property owner, Dennis Sherwood (DS) in October 2018, inquiring if there was an interest in selling 2 vacant parcels behind their apartment complex. DS advised they had recently requested an appraisal. In February 2019, the City ordered an appraisal and received it in March 2019. Karen Pax (KP) made phone contact with DS advising that the appraisal was received and the value was placed at \$3.00 per square foot. DS advised he had an appraisal at \$4.25 per square foot although has not been able to provide this document. On April 8, 2019, DS advised that if the City would offer him \$4.00 per square foot then he would sell to the City. An offer letter was sent April 10, 2019, for the requested \$4.00 per square foot. On April 25, 2019, DS contacted KP advising they were selling their apartment complex and attached land to another buyer. KP monitored land sales from April 26, 2019 - July 10, 2019 with no sales found on this parcel and left multiple messages with no return calls. July 19, 2019, KP mailed final offer letter with landowner's bill of rights. On July 25, 2019, KP received a call from DS inquiring about the landowner's bill of rights. KP explained that when a public entity is attempting to acquire land for public infrastructure that property owners have certain rights. Later that day DS called KP again and left a message that he would accept \$6.50 per square foot. On July 26, 2019, KP advised DS that I was no longer authorized to negotiate the price as the City offered him an amount that he previously requested per Director of Engineering, Alex Mills. At this time DS advised he would sell to the City and to tell him where to go when it was time to sign the documents. On August 26, 2019, KP contacted DS to ask where the real estate sales contract could be delivered, he advised the contract was delivered. DS advised he would return that day. Once again DS quit all contact with KP. On September 9, 2019, KP sent DS a condemnation letter.

The City's right-of-way agent has attempted unsuccessfully to negotiate with DS for Parcel 1, generally located at Northwest corner of Date Avenue and Commercial Street, Broken Arrow, Oklahoma, also known as Lots 7 - 15, Block 1, Homestead Addition, in the Southwest Quarter of Section 11, Township 18 North, Range 14 East. The attached Resolution of Necessity No. 1267 authorizes that condemnation proceed on Parcel 1, for Fee Simple.

**Cost:** \$83,175.00 plus costs

**Funding Source:** Stormwater Capital Fund.

**Requested By:** Kenneth D. Schwab, P.E., Assistant City Manager - Operations

**Approved By:** City Manager's Office

**Attachments:** Resolution No. 1267  
Right of Way Agent's Report  
Offer Letter  
Real Estate Sales Contract  
Parcel 1, Homestead Plat, Lots 7-15, Block 1

**Recommendation:**

Approve Resolution No. 1267 and authorize its execution.