



City of Broken Arrow

Request for Action

File #: 20-161, Version: 1

**Broken Arrow City Council
Meeting of: 01-21-2020**

Title:

Consideration, discussion and possible approval of and authorization to execute Resolution No. 1293, a resolution rescinding 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 Facility, (Project No. SW2007), and directing Staff to investigate an alternative location for a downtown stormwater detention facility

Background:

The City of Broken Arrow is in the process of securing land for the construction of a downtown stormwater detention facility. Karen Pax, right of way agent for the City, negotiated a purchase with Dennis Sherwood, the owner of two vacant parcels behind an apartment complex generally located at the Northwest corner of Date Avenue and Commercial Street. The Purchase and Sale Agreement was drafted and provided to Mr. Sherwood. However, despite several attempts, Ms. Pax received no response from Mr. Sherwood. Ultimately, it was determined that condemnation would be necessary to acquire the parcels. On October 15, 2019, the City Council approved Resolution No. 1267, a resolution of necessity to condemn property, which authorized the City Attorney to file a condemnation action in District Court to acquire the property for the public purpose of completing a stormwater detention facility. On October 14, 2019, counsel for Mr. Sherwood provided the City with his appraisal of the property.

After review of the City's appraisal and the Sherwood's appraisal and consideration of other relevant documents and factors, Staff has determined the potential cost of this particular property may preclude it from being the best location for a stormwater detention facility. Staff recommends the rescission of Resolution No. 1267 and requests the Council to direct Staff to pursue an alternative location for a downtown stormwater detention facility.

The attached Resolution No. 1293 rescinds Resolution No. 1267 and directs Staff to investigate an alternative location for a downtown stormwater detention facility.

Cost: \$0
Funding Source: None
Requested By: Mike Kyser, P.E., Interim Director of Engineering and Construction
Approved By: City Manager's Office
Attachments: Resolution No. 1293
Resolution No. 1267

Recommendation:

Approve Resolution No.1293 and authorize its execution.