

## **RESOLUTION**

**RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING CERTAIN PERMANENT AND TEMPORARY EASEMENTS LOCATED IN SECTION 35 OF TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE INDIAN MERIDIAN, OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA; AUTHORIZING, INSTRUCTING, AND DIRECTING THE CITY MANAGER TO ACQUIRE SAID PERMANENT AND TEMPORARY EASEMENTS FOR STREET ENHANCEMENT IMPROVEMENTS AND USES INCIDENTAL THEREOF, FOR PROJECT PC-0705, STREET ENHANCEMENTS, NORTH PORTLAND AVENUE FROM NW 10TH STREET TO RENO AVENUE, BY PURCHASE AND SETTLEMENT OF DAMAGES WITH THE LAND OWNERS; AUTHORIZING, INSTRUCTING AND DIRECTING THE MUNICIPAL COUNSELOR TO CONDEMN SAID PROPERTY FOR SAID PURPOSES IF SAID PERMANENT AND TEMPORARY EASEMENTS CANNOT BE PURCHASED AND THE DAMAGES SETTLED BY AGREEMENT WITH THE LAND OWNERS.**

**WHEREAS**, on this 23rd day of May, 2023, it is deemed necessary and advisable by the City of Oklahoma City to acquire certain permanent and temporary easements located in Oklahoma County, Oklahoma, for Project PC-0705, North Portland Avenue from NW 10<sup>th</sup> Street to Reno Avenue, and uses incidental thereof for the use and the benefit of the City of Oklahoma City; and

**WHEREAS**, said parcels of permanent easements described as follows:

**See Attachment “A” Attached hereto and made a part hereof;**

**WHEREAS**, said parcels of temporary easements described as follows:

**See Attachment “B” Attached hereto and made a part hereof;**

**WHEREAS**, said easements are not owned by the City of Oklahoma City and it is deemed necessary for the City to acquire said described permanent and temporary easements for the purposes of said project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Oklahoma City that the City of Oklahoma City, pursuant to its power of eminent domain, takes immediate steps to acquire the above described permanent and temporary easements for the purposes of constructing,

operating, maintaining, repairing, expanding, and replacing public streets and water and wastewater systems and associated facilities, connections, utilities, sidewalks, drainage, storm water, traffic controls, and appurtenances thereto (collectively Streets and Utility Systems) over, across, under and to said property, including the right of ingress and egress to and from the described easements plus, all right, title and interest in and to all land, soil, earthen material, vegetation, trees, fixtures, and appurtenances with the boundaries of the described easements, incidentally, removed during the use of said easements;

**BE IT FURTHER RESOLVED** that the City Manager of the City of Oklahoma City be, and is hereby instructed, authorized, and directed to immediately negotiate with the owners of the above described real property and purchase said permanent and temporary easements for the purposes described above for said project and settle the damages, if any, the owners thereof will sustain by reason of the appropriation and the taking thereof for the public purposes aforesaid;

**AND BE IT FURTHER RESOLVED** in the event the City Manager is unable to secure the above described permanent easements or any part thereof, the Municipal Counselor of the City of Oklahoma City be, and is hereby authorized, instructed, and directed to institute condemnation proceeding against the owner(s) of said real property under the power of eminent domain for said purposes and to take such further legal steps or proceeding as may, in his judgment, appear to be proper to acquire said permanent and temporary easements for said purposes, and the immediate possession thereof.

**AND BE IT FINALLY RESOLVED**, as it is immediately necessary for the preservation of the peace, health, and safety of the City of Oklahoma City and the inhabitants thereof by reason whereof this resolution shall take effect and be in force from and after its passage, as provided by law.

**ADOPTED** by the Council and signed by the Mayor of The City of Oklahoma City this  
23rd day of May, 2023.

ATTEST:

Amy K. Simpson  
City Clerk



[Signature]  
Vice-Mayor

**Reviewed** for form and legality.

Craig B. Keith  
Assistant Municipal Counselor

# Attachment “A”

OKC PC-0705 Portland Ave. St. Enhancement  
21309  
2023-04-04 dsn/ms

Exhibit 3.0  
Goodhead Homes, LLC  
Right of Way Acquisition

A parcel of land lying in a portion of Block 15, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The East 5.0 feet of the North 167.5 feet of Block Fifteen (15), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 837.5 sq. ft. or 0.02 acres more or less

July 22, 2021

OKC PC-0705 Portland Ave. St. Enhancement  
21309  
2023-04-04 dsn/ms

Exhibit 4.0  
Kuehn, Richard  
Right of Way Acquisition

A parcel of land lying in a portion of Block 15, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The East 5.0 feet of the north 137.5 feet of the South 162.5 feet of said Block Fifteen (15), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 687.5 sq. ft. or 0.016 acres more or less

July 22, 2021

OKC PC-0705 Portland Ave. St. Enhancement  
21309  
2023-04-04 dsn/ms

Exhibit 5.0  
Pinto and Horton  
Right of Way Acquisition

A parcel of land lying in a portion of Block 16, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The East 5.0 feet of the South 137.5 feet of the North 162.5 feet of said Block Sixteen (16), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 687.5 sq. ft. or 0.02 acres more or less

July 22, 2021

OKC PC-0705 Portland Ave. St. Enhancement  
21309  
2023-04-04 dsn/ms

Exhibit 6.0  
Rastin Property, LLC  
Right of Way Acquisition

A parcel of land lying in a portion of Block 16, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The East 5.0 feet of the South 137.5 feet of said Block Sixteen (16), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 687.5 sq. ft. or 0.02 acres more or less

July 22, 2021



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21309  
2023-04-04 dsn/ms

Exhibit 7.0  
Zepak Properties LLC  
Right of Way Acquisition

A parcel of land lying in a portion of Block 17, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The East 5.0 feet of the North 225 feet of said Block Seventeen (17), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 1,125 sq. ft. or 0.02 acres more or less

July 22, 2021

# Attachment “B”

OKC PC-0705 Portland Ave. St. Enhancement  
21309  
2023-04-04 dsn/ms

Exhibit 3.1  
Goodhead Homes, LLC  
Temporary Construction Easement

A parcel of land lying in a portion of Block 15, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, located in the Northeast Quarter of Section 35, Township 12 North, Range 4 West, Oklahoma County, Oklahoma as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 35, Township 12 North, Range 4 West, Oklahoma County, Oklahoma; thence along the East line of said Northeast Quarter on an Oklahoma Coordinate System of 1983, North Zone grid bearing of S00°15'18"E, 807.42 feet; thence perpendicular to said East line S89°44'42"W, 35.00 feet to the Point of Beginning; thence N56°28'11"W, 18.05 feet; thence parallel with said East line N00°15'18"W, 57.96 feet; thence perpendicular to said East line; N89°44'42"E, 15.00 feet; thence parallel with said East line S00°15'18"E, 68.00 feet to the Point of Beginning;

Said parcel contains 944.7 sq. ft. or 0.02 acres more or less

July 22, 2021

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21309  
2023-04-04 dsn/ms

Exhibit 4.1  
Kuehn, Richard  
Temporary Construction Easement

A parcel of land lying in a portion of Block 15, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, located in the Northeast Quarter of Section 35, Township 12 North, Range 4 West, Oklahoma County, Oklahoma as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 35, Township 12 North, Range 4 West, Oklahoma County, Oklahoma; thence along the East line of said Northeast Quarter on an Oklahoma Coordinate System of 1983, North Zone grid bearing of S00°15'18"E, 899.92 feet; thence perpendicular to said East line S89°44'42"W, 35.00 feet to the Point of Beginning; thence S89°44'42"W, 8.00 feet; thence parallel with said East line N00°15'18"W, 28.00 feet; thence perpendicular to said East line; N89°44'42"E, 8.00 feet; thence parallel with said East line S00°15'18"E, 28.00 feet to the Point of Beginning.

Said parcels contain 224 sq. ft. or 0.005 acres more or less

July 22, 2021

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21309  
2023-04-04 dsn/ms

Exhibit 5.1  
Pinto and Horton  
Temporary Construction Easement

A parcel of land lying in a portion of Block 16, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The West 15 feet of the East 20 feet of the South 137.5 feet of the North 162.5 feet of said Block Sixteen (16), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 2,062.5 sq. ft. or 0.05 acres more or less

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Exhibit 6.1

**Rastin Property, LLC**

Temporary Construction Easement

A parcel of land lying in a portion of Block 16, of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

The West 15 feet of the East 20 feet of the North 107.5 feet of the South 137.5 feet of said Block Sixteen (16), of Young's 10th Street Addition, to Oklahoma City, Oklahoma County, Oklahoma, as recorded in Oklahoma County Registrar of Deeds Office.

Said parcel contains 1,612.5 sq. ft. or 0.04 acres more or less

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Exhibit 7.1  
Zepak Properties LLC  
Temporary Construction Easement

A parcel of land lying in a portion of Young's 10th Street Addition to Oklahoma City, Oklahoma County, Oklahoma, located in the Northeast Quarter of Section 35, Township 12 North, Range 4 West, Oklahoma County, Oklahoma as prepared by Michael E. Small, Professional Surveyor, License Number 1770, on April 4, 2023 and being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 35, Township 12 North, Range 4 West, Oklahoma County, Oklahoma; thence along the East line of said Northeast Quarter on an Oklahoma Coordinate System of 1983, North Zone grid bearing of S00°15'18"E, 1344.92 feet; thence perpendicular to said East line S89°44'42"W, 35.00 feet to the Point of Beginning; thence N45°11'10"W, 35.40 feet; thence perpendicular to said East line; N89°44'42"E, 25.00 feet; thence parallel with said East line S00°15'18"E, 25.00 feet to the Point of Beginning.

Said parcel contains 312.5 sq. ft. or 0.01 acres more or less

July 22, 2021