

RESOLUTION

RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING A CERTAIN PERMANENT EASEMENT LOCATED IN SECTION 23 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 EASEMENT FOR PUBLIC IMPROVEMENTS AND USES INCIDENTAL THEREOF, FOR PROJECT PC-0613 STREET ENHANCEMENT, PORTLAND AVENUE FROM NW 23RD STREET TO NW 36TH STREET, 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 EASEMENT CANNOT BE PURCHASED AND THE DAMAGES SETTLED BY AGREEMENT WITH THE LAND OWNERS.

WHEREAS, on this 15TH day of AUGUST, 2023, it is deemed necessary and advisable by the City of Oklahoma City to acquire a permanent easement located in Oklahoma County, Oklahoma, for Project PC-0613, Street Enhancement, Portland Avenue from NW 23rd Street to NW 36th, and uses incidental thereof for the use and the benefit of the City of Oklahoma City; and

WHEREAS, said parcel of Fee Title property described as follows:

See Attachment "A" 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 easement 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 easement 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 easement plus, all

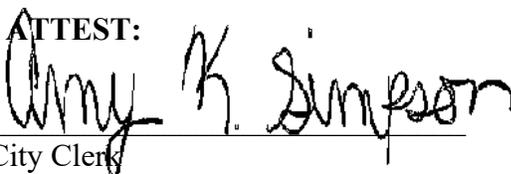
right, title and interest in and to all land, soil, earthen material, vegetation, trees, fixtures, and appurtenances with the boundaries of the described easement, incidentally, removed during the use of said easement;

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 easement 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 easement 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 owners 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 15TH day of AUGUST, 2023.

ATTEST:

City Clerk




Mayor

Reviewed for form and legality.

Craig Keith
Assistant Municipal Counselor