

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY WATER UTILITIES TRUST DECLARING A TRACT OF REAL PROPERTY ON THE FUTURE WEST ELM CREEK RESERVATION, OUTSIDE OF THE INUNDATION AREA AND OUTSIDE OF THE SIX HUNDRED AND SIXTY FEET RESERVED PURSUANT TO OKLAHOMA STATUTES TITLE 11, SECTION 37-104 FOR WATER QUALITY PROTECTION, AS SURPLUS TO AND ABANDONED FOR THE WATER UTILITY PURPOSE, AND APPROVING THE SALE OF SUCH REAL PROPERTY, MORE PARTICULARLY DESCRIBED ON ATTACHMENT “A,” “AS IS” BY THE OKLAHOMA CITY WATER UTILITIES TRUST TO THE CITY OF OKLAHOMA CITY FOR THE SALES PRICE OF \$5,000,000; RESOLUTION OF THE OKLAHOMA CITY WATER UTILITIES TRUST AUTHORIZING AND DIRECTING THE CHAIRMAN AND SECRETARY, AFTER RECEIPT OF THE SALES PRICE OF \$5,000,000 BY THE OKLAHOMA CITY WATER UTILITIES TRUST, TO EXECUTE THE ATTACHED WARRANTY DEED, ATTACHED AS ATTACHMENT “B”; AND RESERVING CERTAIN EASEMENTS AS MAY BE NECESSARY.

WHEREAS, August 1, 1960, The City of Oklahoma City (City) created the Oklahoma City Municipal Improvement Authority (OCMIA), a public trust, to lease, operate and maintain the Oklahoma City water system; and

WHEREAS, on September 6, 1960, The City leased the Oklahoma City water system, to the OCMIA “together with the rights-of-way, real estate and interests therein, licenses, easements and other rights and privileges appertaining or related thereto”; and

WHEREAS, April 17, 1990, OCMIA changed its name to the Oklahoma City Water Utilities Trust (OCWUT); and

WHEREAS, since the creation of OCMIA, now OCWUT, OCWUT has operated and maintained the trust estate and the leasehold with utility ratepayer funds; and

WHEREAS, funds were expended by OCWUT for authorized water utility purposes including the provision of an adequate supply of quality drinking water for the residence of Oklahoma City by purchasing real property for the future West Elm Creek reservoir and reservation; and

WHEREAS, the primary purpose of the future West Elm Creek reservoir and reservation is to provide an adequate supply of quality drinking water for the residents of Oklahoma City; and

WHEREAS, the real property more particularly described on **Attachment “A,”** is outside of the six hundred and sixty (660) feet reserved pursuant to Oklahoma Statutes Title 11, Section 37-104 for water quality protection, may be determined surplus to and abandoned for the water utility purposes; and

WHEREAS, OCWUT and The City may declare this real property to be surplus to the needs for which it was purchased and may sell the tract for fair market value with the proceeds paid to OCWUT for utility and water purposes; and

WHEREAS, The City and OCWUT hereby declare said real property, more particularly described on **Attachment “A,”** which is incorporated herein by reference, as abandoned and surplus to the water system and the water utility purpose; and

WHEREAS, as the public purpose for this tract is changing from a water utilities public purpose to a public safety public purpose, the transfer of the tract requires the payment of fair market value, the proceeds of which must be used for water utilities purposes; and

WHEREAS, The City offered to purchase the tract for fair market value of \$5,000,000 as was determined by an appraisal and the cost of the City’s costs to extend wastewater facilities of sufficient size to serve the real property and the basin; and

WHEREAS, OCWUT desires to sell the real property to The City, as set forth on **Attachment “B”**; and

WHEREAS, this transaction related to this real property has historically been used for water utility purposes is being presented at public meetings of The City and OCWUT, and

WHEREAS, this real property is outside the proposed inundation area and outside the six hundred and sixty foot reservation for water quality protection this property is not necessary for the future West Elm Creek reservoir or reservation and is therefore surplus to the water utility purposes and may be abandoned and sold for fair market value; and

WHEREAS, The City and OCWUT declare this real property to be surplus and abandoned for water utility purposes and authorize the sale of the real property, described on **Attachment “A”** by OCWUT to The City for fair market value, being \$5,000,000.

NOW, THEREFORE, BE IT JOINTLY RESOLVED by The City of Oklahoma City and Oklahoma City Water Utilities Trust, based upon the recitations set forth herein, that they do hereby declare a tract of real property on the future West Elm Creek reservation, outside of the inundation area and outside the six hundred and sixty feet reserved pursuant to Oklahoma Statutes Title 11, section 37-104 for water quality protection, as surplus to and abandoned for the water utility purpose, and approve the sale of such real property, more particularly described on **Attachment “A,”** “as is” by Oklahoma City Water Utilities Trust to The City of Oklahoma City for a sales price of \$5,000,000; and

BE IT RESOLVED by Oklahoma City Water Utilities Trust that they do hereby authorize and direct the Chairman and Secretary, after receipt of the sales price of \$5,000,000 by Oklahoma City Water Utilities Trust, to execute the attached Warranty Deed, attached as **Attachment “B”**; and

LASTLY, BE IT JOINTLY RESOLVED by The City of Oklahoma City and Oklahoma City Water Utilities Trust, based upon the recitations set forth herein, they do hereby reserve certain easements as may be necessary.

ADOPTED by the Council and signed by the Mayor of The City of Oklahoma City this 10TH day of SEPTEMBER, 2024.

ATTEST:

Amy K. Simpson
CITY CLERK



David Holt
MAYOR

ADOPTED by the Trustees and signed by the Chairman of the Oklahoma City Water Utilities Trust this 10TH day of SEPTEMBER, 2024.

ATTEST:

Amy K. Simpson
SECRETARY



Joe Cook
CHAIRMAN

REVIEWED for form and legality.

Patrick Mann
ASSISTANT MUNICIPAL COUNSELOR

ATTACHMENT "A"

SURFACE AND SURFACE RIGHTS ONLY

A tract of land being a part of the Northeast and Southeast Quarters of Section 34 Township 11 North Range 2 West of the Indian Meridian Oklahoma County Oklahoma and more particularly described as follows:

Beginning at the Southeast corner of said Southeast Quarter

Thence S 89°48'33" W along the South line of said Southeast Quarter a distance Of 1900.00 Feet;

Thence N 00°49'13" W a distance Of 1285.83 Feet to the South line of the OG&E easement as recorded in Book 3749 Page 212;

Thence N 89°32'11" E along said South line of the OG&E easement a distance Of 637.09 Feet to the East line of the OG&E easement as recorded in Book 4471 Page 906;

Thence N 00°46'26" W along said east line of the OG&E easement a distance Of 2598.07 Feet to the South line of the tract of land described in a Warranty Deed to Department of Highways of the State of Oklahoma recorded in Book 3914 Page 1815;

The next Six calls being along the South line of said Warranty Deed to Department of Highways of the State of Oklahoma

Thence N 89°55'24" E a distance Of 240.90 Feet;

Thence S 78°41'59" E a distance Of 127.54 Feet;

Thence N 89°55'25" E a distance Of 795.31 Feet;

Thence S 00°49'27" E a distance Of 632.79 Feet;

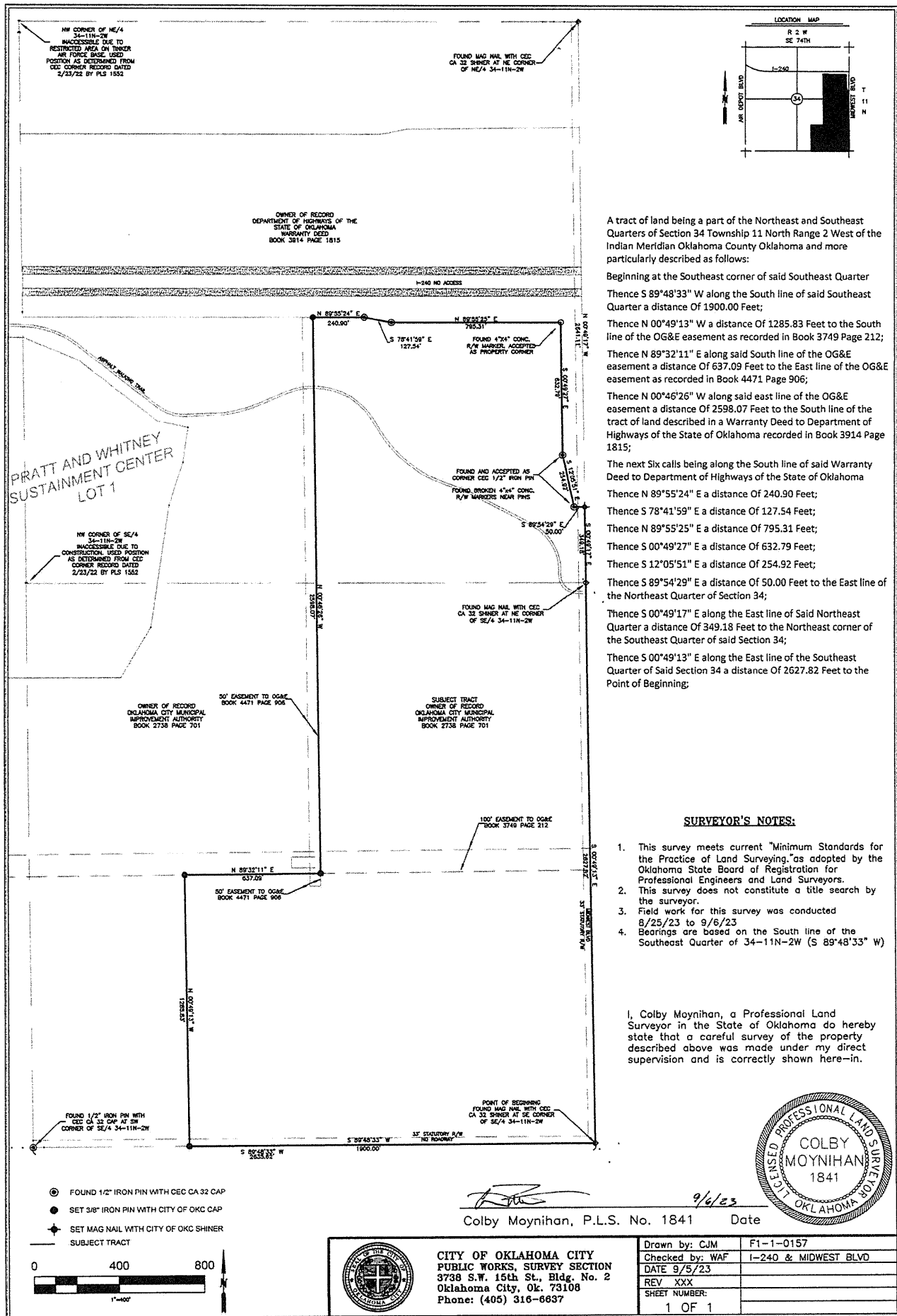
Thence S 12°05'51" E a distance Of 254.92 Feet;

Thence S 89°54'29" E a distance Of 50.00 Feet to the East line of the Northeast Quarter of Section 34;

Thence S 00°49'17" E along the East line of Said Northeast Quarter a distance Of 349.18 Feet to the Northeast corner of the Southeast Quarter of said Section 34;

Thence S 00°49'13" E along the East line of the Southeast Quarter of Said Section 34 a distance Of 2627.82 Feet to the Point of Beginning.

LESS AND EXCEPT all the oil, gas and other minerals in and under the above described real property, which have hereto been reserved or conveyed or which are reserved by the Grantor herein.



A tract of land being a part of the Northeast and Southeast Quarters of Section 34 Township 11 North Range 2 West of the Indian Meridian Oklahoma County Oklahoma and more particularly described as follows:

Beginning at the Southeast corner of said Southeast Quarter

Thence S 89°48'33" W along the South line of said Southeast Quarter a distance Of 1900.00 Feet;

Thence N 00°49'13" W a distance Of 1285.83 Feet to the South line of the OG&E easement as recorded in Book 3749 Page 212;

Thence N 89°32'11" E along said South line of the OG&E easement a distance Of 637.09 Feet to the East line of the OG&E easement as recorded in Book 4471 Page 906;

Thence N 00°46'26" W along said east line of the OG&E easement a distance Of 2598.07 Feet to the South line of the tract of land described in a Warranty Deed to Department of Highways of the State of Oklahoma recorded in Book 3914 Page 1815;

The next Six calls being along the South line of said Warranty Deed to Department of Highways of the State of Oklahoma

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Thence S 00°49'27" E a distance Of 632.79 Feet;

Thence S 12°05'51" E a distance Of 254.92 Feet;

Thence S 89°54'29" E a distance Of 50.00 Feet to the East line of the Northeast Quarter of Section 34;

Thence S 00°49'17" E along the East line of Said Northeast Quarter a distance Of 349.18 Feet to the Northeast corner of the Southeast Quarter of said Section 34;

Thence S 00°49'13" E along the East line of the Southeast Quarter of Said Section 34 a distance Of 2627.82 Feet to the Point of Beginning;

SURVEYOR'S NOTES:

1. This survey meets current "Minimum Standards for the Practice of Land Surveying," as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.
2. This survey does not constitute a title search by the surveyor.
3. Field work for this survey was conducted 8/25/23 to 9/6/23
4. Bearings are based on the South line of the Southeast Quarter of 34-11N-2W (S 89°48'33" W)

I, Colby Moynihan, a Professional Land Surveyor in the State of Oklahoma do hereby state that a careful survey of the property described above was made under my direct supervision and is correctly shown here-in.



**Attachment “B”
Warranty Deed**



The City of Oklahoma City
Office of City Clerk
200 North Walker Ave.
Oklahoma City, Oklahoma 73102
Documentary Tax Exemption 68 §3202(11)
Project: MB-1473

D# 3269

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That the CITY OF OKLAHOMA CITY WATER UTILITIES TRUST, an Oklahoma public trust, formerly known as the Oklahoma City Municipal Improvement Authority, ("Grantor") for and in consideration of Ten and no/100 Dollars and other valuable considerations paid in hand, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto THE CITY OF OKLAHOMA CITY, an Oklahoma municipal corporation ("Grantee") the following described real property and premises situate in Oklahoma County, State of Oklahoma, which is attached and incorporated by reference to wit:

SURFACE AND SURFACE RIGHTS ONLY

See Attachment "A"

LESS AND EXCEPT all of the oil, gas and other minerals in and under the above described real property, which have hereto been reserved or conveyed or which are reserved by the Grantor herein.

Together with all the appurtenances thereunto belonging and warrant the title to the same.

TO HAVE AND TO HOLD the above described premises unto the Grantee, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

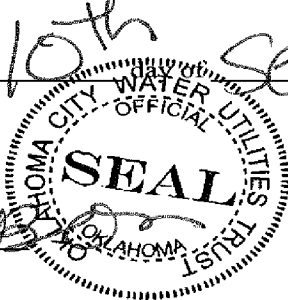
EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

Right of First Refusal The Grantee agrees to grant to the Grantor the right of first refusal to purchase the property if the Grantee no longer needs the property for any reason and desires to surplus and sell the property. The Grantor has the first right to purchase the property at an agreed upon price with the Grantee. If the Grantor does not purchase the property, then Grantee shall be free to sell the property to a third party.

Signed and delivered this 10th September, 2024.

ATTEST:

Amy K. Simpson
Secretary



THE CITY OF OKLAHOMA CITY
WATER UTILITIES TRUST

BY: Jim Couch

Chairman

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA, SS.

The foregoing instrument was acknowledged before me this 10th day of September, 2024 by Jim Couch, Chairman of the Oklahoma City Water Utilities Trust, on behalf of the trust.

My Commission expires: 1/10/27

Commission No.: 23000492



Sharon D. Jones
Notary Public

ACCEPTED by The City of Oklahoma City

This 10th day of September, 2024

Omey K. Simpson
City Clerk



REVIEWED for form and legality:

Tatiana Nann
Assistant Municipal Counselor

ATTACHMENT "A"

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