

RESOLUTION

RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING CERTAIN PERMANENT EASEMENTS LOCATED IN SECTION 10 OF TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE INDIAN MERIDIAN, OKLAHOMA CITY, CANADIAN COUNTY, OKLAHOMA; AUTHORIZING, INSTRUCTING, AND DIRECTING THE CITY MANAGER TO ACQUIRE SAID PERMANENT EASEMENTS FOR STREET WIDENING IMPROVEMENTS AND USES INCIDENTAL THEREOF, FOR PROJECT PC-0558, STREET WIDENING AND IMPROVEMENTS, SW 15TH STREET FROM SOUTH MUSTANG ROAD TO JOHN KILPATRICK TURNPIKE, 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 EASEMENTS CANNOT BE PURCHASED AND THE DAMAGES SETTLED BY AGREEMENT WITH THE LAND OWNERS.

WHEREAS, on this 27th day of September, 2022, it is deemed necessary and advisable by the City of Oklahoma City to acquire certain permanent easements located in Canadian County, Oklahoma, for Project PC-0558, SW 15th Street from South Mustang Road to John Kilpatrick Turnpike, 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 easements are not owned by the City of Oklahoma City and it is deemed necessary for the City to acquire said described permanent 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 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 easement(s) 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(s), incidentally, removed during the use of said easement(s);

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 owner(s) of the above described real property and purchase said permanent 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 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 27th day of September, 2022.

ATTEST:

Amy K Simpson
City Clerk



David Holt
Mayor

Reviewed for form and legality.

Patrick Mann
Assistant Municipal Counselor

ATTACHMENT "A"

PARCEL NO. 4
PROJECT NO. PC-0558

PC-0558
Parcel No. 4

Permanent Right of Way Easement

An Easement located in part of the Northwest Quarter of Section 10 Township 11 North Range 5 West I.M. Canadian County, Oklahoma. Said Easement being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter;
Thence S 89°19'38" E on the North line of said Northwest Quarter a distance of 500.00 feet;
Thence S 00°40'22" W a distance of 33.00 feet to a point on the South Statutory Right of Way line of SW 15th Street, said point being the point of beginning;
Thence S 89°19'38" E on said Statutory Right of Way line a distance of 819.37 feet to a point on the East line of the Northwest Quarter of said Northwest Quarter;
Thence S 00°22'21" E on said East line of the Northwest Quarter of said Northwest Quarter a distance of 21.00 feet;
Thence N 89°19'38" W on a line being parallel with and 54.00 feet South of the North line of said Northwest Quarter a distance of 819.86 feet to a point on the Southerly Present Right of Way line of SW 15th street;
Thence N 00°40'22" E on said Southerly Present Right of Way line a distance of 21.00 feet to the point of beginning.

Containing 0.40 Acre (17,210.7 Sq. Ft.), more or less.

Basis of Bearing:

Grid North as established by Oklahoma State Plane System,
NAD 83 (2011), North zone

This Description was prepared by:

Darren M. Smith, PLS #1552
CEC Corporation, CA #32
04-12-2022

 CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-22	DATE: 04/12/2022
	CEC PROJECT #: 190095
	SW 15th STREET
	PARCEL 4
PERMANENT RIGHT OF WAY EASEMENT ATTACHMENT "A" PROJECT NO. <u>PC-0558</u>	

Attachment "A"

PARCEL NO. 9
PROJECT NO. PC-0558

PC-0558

Parcel No. 9

Utility Easement

A tract of land located in part of the Northwest Quarter of Section 10 Township 11 North Range 5 West I.M. Canadian County, Oklahoma. Said Easement being more particularly described as follows:

Commencing at the Northwest Corner of said Northwest Quarter;

Thence S 89°19'38" E on the North line of said Northwest Quarter a distance of 964.45 feet;

Thence S 00°40'22" W a distance of 54.00 feet to a point on the Southerly Permanent Right of Way line of SW 15th Street, said point being the point of beginning;

Thence S 89°19'38" E on said Permanent Right of Way line a distance of 7.94 feet to a point on the West line of a City of Oklahoma City Wastewater Easement described in Book 3337 Page 114 filed for record at the Canadian County Clerk's office;

Thence S 01°33'19" E on the West line of said Easement a distance of 22.88 feet;

Thence N 89°33'12" W a distance of 36.00 feet;

Thence N 50°25'00" E a distance of 35.60 feet to the point of beginning.

Containing 0.012 Acre (502.983 Sq. Ft.), more or less.

Basis of Bearing:

Grid North as established by Oklahoma State Plane System,
NAD 83 (2011), North zone

This Description was prepared by:

Darren M. Smith, PLS #1552

CEC Corporation, CA #32

04-11-2022

 CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-22	DATE: 04/11/2022
	CEC PROJECT #: 190095
	SW 15th STREET
	PARCEL 9
UTILITY EASEMENT Attachment "A" PROJECT NO. <u>PC-0558</u>	

Attachment "A"

PARCEL NO. 16
PROJECT NO. PC-0558

PC-0558

Parcel No. 16

Utility Easement

A tract of land located in part of the Northwest Quarter of Section 10 Township 11 North Range 5 West I.M. Canadian County, Oklahoma. Said Easement being more particularly described as follows:

Commencing at the Northwest Corner of said Northwest Quarter;

Thence S 89°19'38" E on the North line of said Northwest Quarter a distance of 1149.34 feet;

Thence S 00°40'22" W a distance of 54.00 feet to a point on the Southerly Permanent Right of Way line of SW 15th Street, said point being the point of beginning;

Thence S 89°19'38" E on said Permanent Right of Way line a distance of 170.41 feet to a point on said South Permanent Right of Way line and the East line of a property described in Book 2962 Page 379 filed for record at the Canadian County Clerk's Office;

Thence S 00°22'21" E on the East line of said property a distance of 43.77 feet;

Thence N 81°48'49" W a distance of 155.04 feet;

Thence N 36°01'09" W a distance of 29.29 feet to the point of beginning.

Containing 0.12 Acres (5,356.35 Sq. Ft.), more or less.

Basis of Bearing:

Grid North as established by Oklahoma State Plane System,
NAD 83 (2011), North zone

This Description was prepared by:

Darren M. Smith, PLS #1552

CEC Corporation, CA #32

04-12-2022

 CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-22	DATE: 04/12/2022
	CEC PROJECT #: 190095
	SW 15th STREET
	PARCEL 16
UTILITY EASEMENT Attachment "A" PROJECT NO. <u>PC-0558</u>	