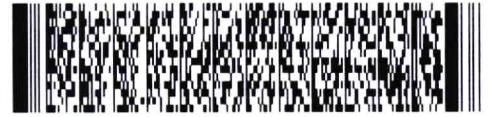


Resolution

Version 2.3 released on 8/3/21

ENO119381



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned Date: 10.26.2022
☐ Posted Item #: 2210.02416

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval

Other Board Name

City Council Approval

☒ Yes ☐ No

Department
Engineering Services

Contact Name
Michelle L. Lester 10/11/2022

Email
mlester@cityoftulsa.org

Phone
918-596-7262

Resolution Type
Condemnation

Owner-Grantor
Wilbert Rollins II

Amount Case Number

TMAPC Number

Council District
1

Description (Subject)
Arterial Street Rehabilitation Apache Street - Peoria Ave to Lewis Ave

Bid/Project Number
144202

Section
19 Township
20

Range
13

Addition
HENSHAW ADDN

Lot
18 Block
2

Address
1727 E 27th St N

Budget

Funding Source(s)

144202.Streets.ArtRhb.4275.42753122.541106: \$0.00

TOTAL: \$0.00

Approvals

Department:

Legal:

Board:

Mayor:

Other:

Date: 10.13.22

Date: 10.20.22

Date: OCT 26 2022

Date:

Date:

Policy Statement

Background Information

Arterial Street Rehabilitation Apache Street - Peoria Ave to Lewis Ave, Project #144202

Owner: Wilbert Rollins II (Deceased) - Parcel 1A

The Engineering Services Department advises that an existing public necessity requires the acquisition of an easement at 1727 E 27th St N, City of Tulsa, Tulsa County. Efforts to procure an easement at market value of \$608.00 could not be completed due to title issues.

The Engineering Services Department has prepared a Resolution authorizing condemnation of the property for consideration and approval, and upon approval, City Legal will commence condemnation proceedings.

Summation of the Requested Action

Mayor approve and the City Council adopt the Resolution

Emergency Clause?

☐ Yes

☒ No

Reason for Emergency Clause

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (add'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

Courney Jones 6-9549

MSL/bh

(Published in the Tulsa Daily Commerce
and Legal News,

_____, 2022)

Resolution No. _____

RESOLUTION

A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR THE TAKING, APPROPRIATION, AND CONDEMNATION OF CERTAIN TRACTS OF LAND IN TULSA COUNTY, STATE OF OKLAHOMA, FOR **PROJECT #144202 ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE** PURPOSES IN CONNECTION WITH THE CONSTRUCTION OF ADDITIONS AND EXTENSIONS TO THE CITY OF TULSA; AUTHORIZING AND DIRECTING PROPER OFFICIALS OF THE CITY OF TULSA TO INSTITUTE PROCEEDINGS TO CONDEMN SAID LANDS; AND DECLARING AN EMERGENCY.

WHEREAS, there has been created a construction project designated as **PROJECT NO. 144202 - ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE**;

WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the construction of **ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE** project at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that **ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE** project be constructed as an extension and improvement to the City of Tulsa.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TULSA, OKLAHOMA AS FOLLOWS:

Section 1. It is hereby declared to be necessary for the public health, safety and convenience of the City of Tulsa to acquire each and all of the following rights, title and interests: (1) a stormwater easement, across, through and under the property, (2) the right to excavate, dredge, cut away and remove, excavated material from the property, (3) title to any excavated materials, and (4) the right to place or relocate dredged or excavated material, all on lands situated in the County of Tulsa, State of Oklahoma, which are more particularly identified as follows:

OWNER: **Wilbert Rollins II**
 1827 FM 2751
 Longview TX 75605

PROPERTY: **1727 E 27th St N**
 Tulsa OK 74110

SEE EXHIBIT "A" as to nature and description of taking

in order to provide a stormwater easement on which to construct **ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE** for the use of the inhabitants of the City of Tulsa, **PROJECT NO. 144202 - ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE**, together with the right of ingress and egress to and from the property, for the purpose of installing, constructing, erecting, maintaining, relaying, and reconstructing of **ARTERIAL STREET REHABILITATION APACHE ST – PEORIA AVE TO LEWIS AVE**.

Section 2. It is hereby found and determined that these rights, title and interests cannot be acquired by negotiation or purchase at their fair market value and for that reason, upon the recommendation of the Mayor and City Council, the City Attorney of the City of Tulsa is authorized and directed to institute the necessary legal proceedings to acquire the rights, title and interests identified in Section 1 of this Resolution, by the exercise of the power of eminent domain, and to take such further action as may be convenient or necessary to acquire the identified property interests.

ADOPTED by the Council this ____ day of _____, 2022

Lori Decter Wright
Chair, City Council

OFFICE OF THE MAYOR

Received by the Mayor this _____ day of _____, 2022, at _____ o'clock,
_____.m.

G. T. Bynum, Mayor

By: Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this _____ day of
_____, 2022, at _____ o'clock, _____.m.

G. T. Bynum, Mayor

(SEAL)
ATTEST:

City Clerk

APPROVED:

City Attorney

OK-MDS



City Engineer

PROJECT NO. _____ 144202
PARCEL NO. _____ 1A
COUNTY _____ TULSA
PAGE _____ 1 of 2

LEGAL DESCRIPTION

PERMANENT EASEMENT

Permanent Stormwater
Easement

A part of Lot Eighteen (18), Block Two (2), HENSHAW ADDITION, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof and being more particularly described as follows:

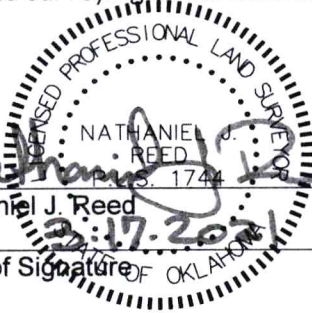
BEGINNING at the Southeast corner of said Lot 18; thence South 88°10'36" West and along the South line of said Lot 18, for a distance of 10.00 feet; thence North 01°14'32" West and parallel with the East line of said Lot 18, for a distance of 135.00 feet to a point on the North line of said Lot 18; thence North 88°10'36" East and along said North line, for a distance of 10.00 feet to the Northeast corner of said Lot 18; thence South 01°14'32" East and along the East line of said Lot 18, for a distance of 135.00 feet to the **POINT OF BEGINNING**.

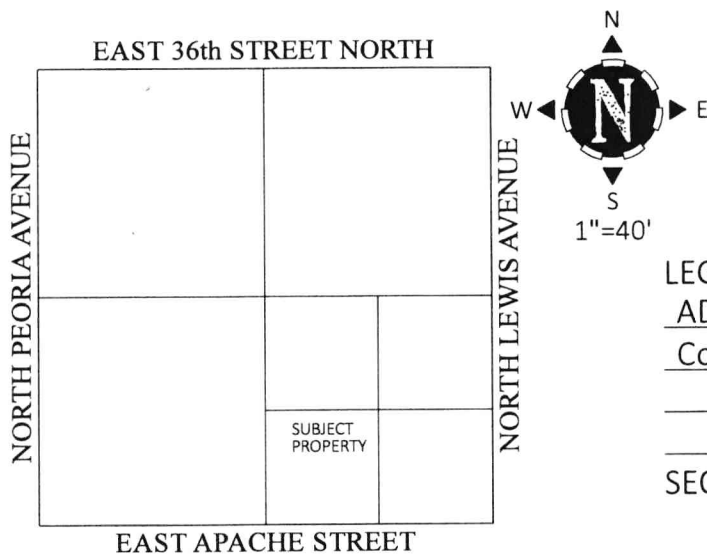
Said tract containing 1,350.00 square feet, being 0.031 acres, more or less.

Bearings are based on Oklahoma State Plane Coordinate System, North 3501, NAD 83 (1993).

REAL PROPERTY CERTIFICATION:

I, Nathaniel J. Reed, certify that the attached legal description closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.


Nathaniel J. Reed
Date of Signature

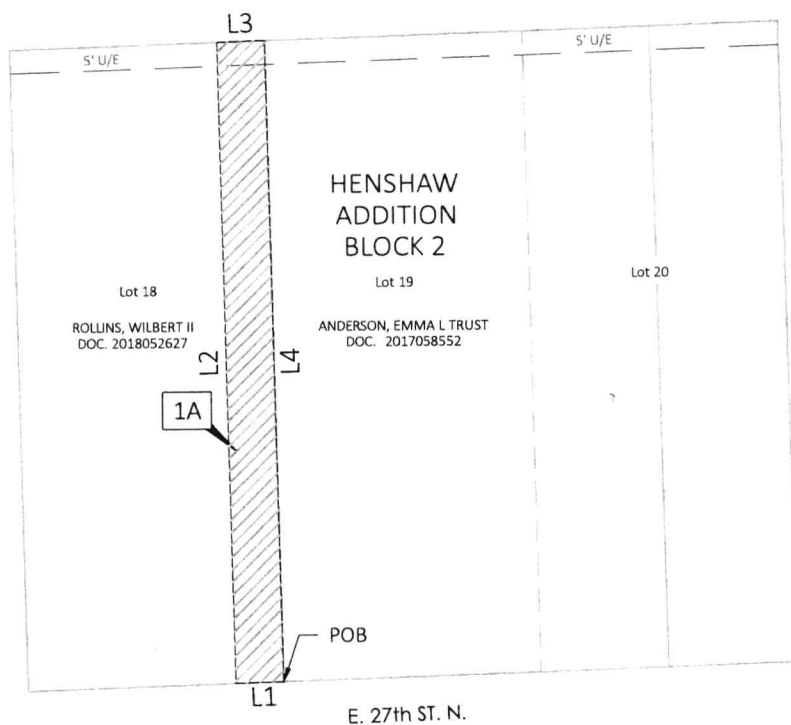


PROJECT NO. 144202
 PARCEL NO. 1A
 COUNTY TULSA
 PAGE 2 of 2

LEGAL DESCRIPTION: Lot 18, Block 2, HENSHAW
ADDITION, a Subdivision in the City of Tulsa, Tulsa
County, State of Oklahoma.

SEC 19 T 20 N R 13 E

BEFORE GROSS	0.00	SF	0.00	ACRES
EXISTING R/W	0.00	SF	0.00	ACRES
PERMANENT EASEMENT	1,350.00	SF	0.031	ACRES



LINE	BEARING	DISTANCE
L1	S 88°10'36" W	10.00'
L2	N 01°14'32" W	135.00'
L3	N 88°10'36" E	10.00'
L4	S 01°14'32" E	135.00'



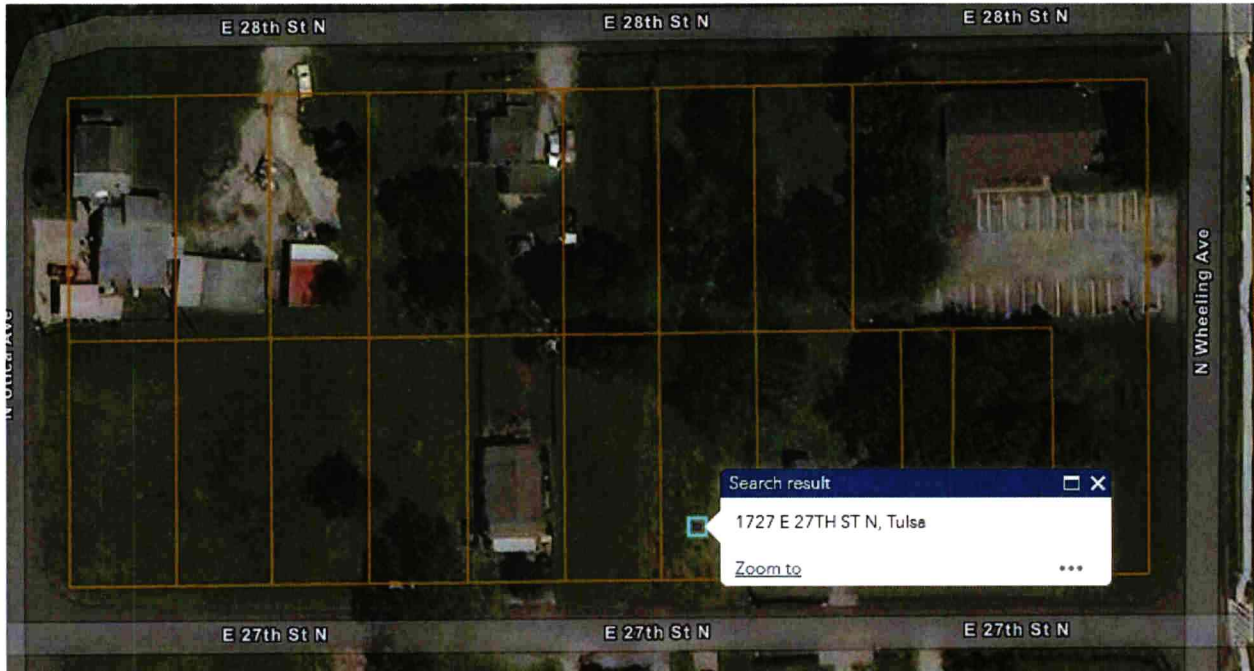
LEGEND

POB Point of Beginning
 POC Point of Commencement

The Basis of Bearing is Oklahoma State Plane Coordinates, North Zone 3501, NAD 83 (1993)

EXHIBIT "A"
 Page 2 of 2

PARCEL 1.A
Project #144202



CONDEMNATION PARCEL STATUS

DATE:	10-11-2022
PROJECT NAME:	#144202 - Arterial Street Rehabilitation Apache St – Peoria Ave to Lewis Ave
PARCELS NO.:	1A
OWNER NAME:	Wilbert Rollins II (Deceased)
PROPERTY ADDRESS:	1727 E 27 th St N
FAIR MARKET VALUE:	\$608.00
OWNER COUNTER:	\$0.00
CITY FINAL OFFER:	\$608.00

REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:

- 7-26-2021 first offer sent, no response
- 10-8-2021 second offer sent, no response
- 1-20-2022 final offer sent, no response
- 3-24-2022 confirmed owner is deceased
- 4-8-2022 sent letter to Administratrix, no response
- 5-5-2022 sent 2nd letter to Administratrix, no response
- 8-3-2022 final offer sent to Administratrix, no response
- 9-2022 several attempts to gain information from the Attorney representing the estate, no response

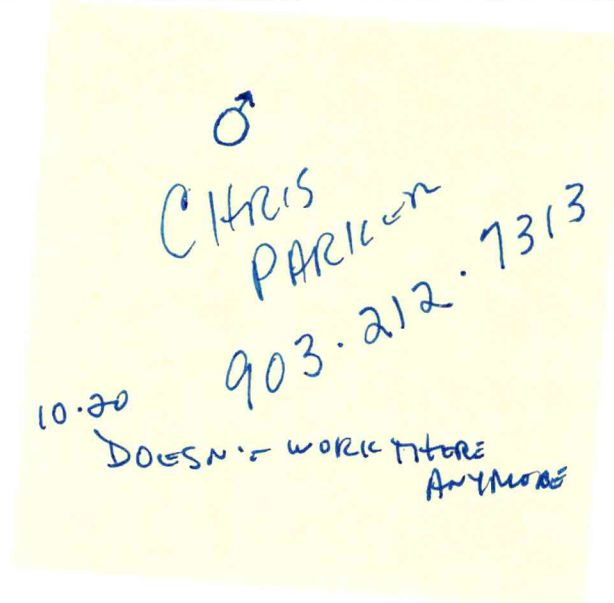
REASON FOR CONDEMNATION:

<input checked="" type="checkbox"/> Project time constraints	<input checked="" type="checkbox"/> No Response	<input checked="" type="checkbox"/> Title Issues
Other (Please explain below)		

OTHER: Please explain. Owner has liens against the property from City of Tulsa, and unpaid property tax.

OTHER COMMENTS:

ACCOUNT STRING: 144202.Streets.ArtRhb.4275.42753122.541106



MUNIS for 144202

As of 9/29/2022

Project string

▲ Project *	144202	...	Apache: Peoria - Lewis Ave
▲ Phase *	Streets	...	Streets
▲ Task *	ArtRhb	...	Arterial Street Rehab
Sub-Task *	4275	...	2014 GO Bond Issue 6
Name *	Apache: Peoria - Lewis Ave		
Short Name *	Apache:P-L		
Status	Active ▼		
Projected date range	07/01/2016	to	06/30/2030
Actual date range		to	

PROJECT STRING BALANCES GL ACCOUNTS

	Project Year 2023		Project Year 2022
Original Budget	.00		2,365,000.00
Transfers - In	.00		.00
Transfers - Out	.00		.00
Revised Budget	2,365,000.00		2,365,000.00
Actual (Memo)	276.00		27,365.71
Encumbrances	26,139.29		.00
SOY Encumbrances	.00		.00
Requisitions	.00		.00
Inception to SOY	27,365.71		.00
Available	2,311,219.00		2,337,634.29
Percent Used	2.27		1.16

PROJECT STRING BALANCES GL ACCOUNTS

Default GL account

Fund	SubFund	Function
Org	Object	Project
42753122	541106	