

# Resolution

Version 2.3 released on 8/3/21

# ENO119830



### CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
 Committee Date: \_\_\_\_\_  
 1<sup>st</sup> Agenda Date: \_\_\_\_\_

Tracking #: \_\_\_\_\_  
 Committee: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 2<sup>nd</sup> Agenda Date: \_\_\_\_\_

### CITY CLERK USE ONLY

Scanned      Date: 06.07.2023  
 Posted      Item # 2306.01173

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 MFL  
 Michelle L. Lester 5/15/2023

Email  
 mlester@cityoftulsa.org

Phone  
 (918) 596-7266

Resolution Type  
 Condemnation

Owner-Grantor  
 Brass Investor's Group, Inc.

Amount      Case Number

TMAPC Number  
 TMUA-W 23-06

Council District

Description (Subject)  
 Catoosa Waterline - Rolling Hills

Bid/Project Number  
 TMUA-W 23-06

Section      Township  
 6      19

Range  
 15

Addition  
 UNPLATTED

Lot      Block

Address  
 20536 E Admiral Place - Located outside of Tulsa City limits

## Budget

### Funding Source(s)

2331W00015.WaterDist.7400.74003122.541101:

TOTAL: \$0.00

## Approvals

Department: \_\_\_\_\_  
 Legal: \_\_\_\_\_  
 Board: \_\_\_\_\_  
 Mayor: [Signature]  
 Other: \_\_\_\_\_

Date: 05/19/23  
 Date: MAY 30 XXII  
 Date: \_\_\_\_\_  
 Date: JUN 07 2023  
 Date: \_\_\_\_\_

## Policy Statement

### Background Information

Project No. TMUA-W 23-06: Catoosa Waterline - Rolling Hills:

Owners: Brass Investor's Group, Inc. - Parcel 1A (The property is in Wagoner County).

The Engineering Services Department advises than an existing public necessity requires a Waterline Easement on property located in the vicinity of 20536 E Admiral Place. There is a water quality issue at this location which requires the construction of a loop to keep the water from "dead-ending" and becoming stagnant. This Waterline Easement will allow the City of Tulsa to construct this loop. Efforts to purchase the needed property rights for \$12,200.00 could not be completed due to non-agreement with owners. MSL/CJ/tw

### Summation of the Requested Action

Approve the Resolution.

[Signature] 5/15/23

### Emergency Clause?

Yes

No

### Reason for Emergency Clause

This project is needed to address water quality issues.

## 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

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(Published in the Tulsa World,

\_\_\_\_\_, 2023)

Resolution No. \_\_\_\_\_

## **RESOLUTION**

A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR THE TAKING, APPROPRIATION, AND CONDEMNATION OF CERTAIN TRACTS OF LAND IN WAGONER COUNTY, STATE OF OKLAHOMA, FOR **PROJECT NO. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS** 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. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS**;

WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the construction of **PROJECT NO. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS** project at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that **PROJECT NO. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS** 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 waterline easement over, 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 Wagoner, State of Oklahoma, which are more particularly identified as follows:

**OWNER: BRASS INVESTOR'S GROUP, INC.**

c/o William R. Higgins, Esq.

Higgins Law, P.C.

417 W 1<sup>st</sup> St

Claremore, OK 74017;

and

PO Box 1267  
Claremore, OK 74018

**PROPERTY:** 20536 E Admiral Pl  
Catoosa, OK 74015

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

in order to provide a waterline easement on which to construct **PROJECT NO. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS** for the use of the inhabitants of the City of Tulsa, **PROJECT NO. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS**, 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 **PROJECT NO. TMUA-W 23-06, CATOOSA WATERLINE – ROLLING HILLS**.

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.

Section 3. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Resolution shall be in full force and effect immediately from and after its passage, approval and publication.

ADOPTED by the Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Crista Patrick, Council Chair

ADOPTED as an emergency measure and ruled upon separately this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Crista Patrick, Council Chair

**OFFICE OF THE MAYOR**

Received by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock, \_\_\_\_\_m.

\_\_\_\_\_  
G.T. Bynum, Mayor

\_\_\_\_\_  
By: Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock, \_\_\_\_m.


\_\_\_\_\_  
G.T. Bynum, Mayor

(SEAL)

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO SUBSTANCE:**

  
\_\_\_\_\_  
City Engineer

**APPROVED AS TO FORM:**

\_\_\_\_\_ *012-MDS*  
City Attorney

**LEGAL DESCRIPTION**  
BRASS INVESTOR'S GROUP, INC.  
Permanent Easement

A tract land being part of Government Lot 8 and the Southeast Quarter of the Northeast Quarter (SE/4 NE/4) of Section Six (6), Township Nineteen (19) North, Range Fifteen (15) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows;

**COMMENCING** at the Southeast corner of Lot 1, Block 8, ROLLING HILLS ADDITION to Wagoner County, State of Oklahoma, according to the recorded plat thereof, same being the Southwest corner of a parcel described in the Special Warranty Deed, recorded in Book 2378 at Page 287 in the office of the Wagoner County Clerk; thence North 01°49'06" West and along the East line of said Lot 1, same being the West line of said parcel, for a distance of 119.50 feet to the Northeast corner of said Lot 1, same being the **POINT OF BEGINNING**; thence continuing North 01°49'06" West and along the East line ROLLING HILLS ADDITION, same being the West line of said parcel, for a distance of 684.79 feet to the Southeast corner of Lot 21, Block 1, ROLLING HILLS ADDITION; thence North 88°42'33" East being a prolongation of the South line of said Block 1, for a distance of 25.00 feet; thence South 01°49'06" East and parallel with the East line of said ROLLING HILLS ADDITION, same being the West line of said parcel, for a distance of 684.80 feet to a point on the Easterly prolongation of the North line of said Block 8; thence South 88°43'42" West, and along said prolongation of the North line of said Block 8, for a distance of 25.00 feet to the **POINT OF BEGINNING**.

contains 17,119.77 sq.ft. or 0.39 acres, more or less.

**REAL PROPERTY CERTIFICATION:**

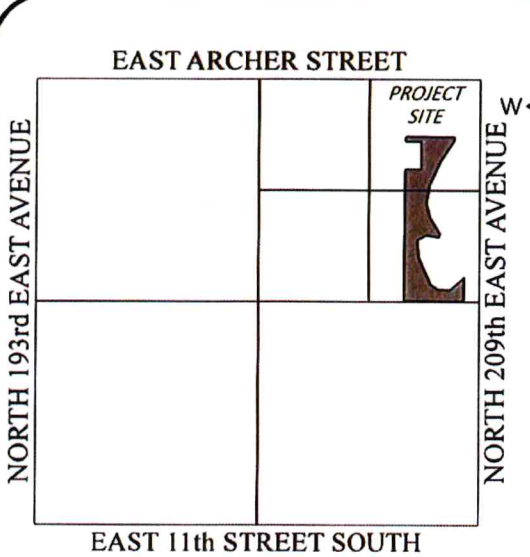
I, Nathaniel J. Reed, certify that the attached legal description closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

  
Nathaniel J. Reed L.S. 1744  
Date of Signature 11-11-2021

 **NATIVE PLAINS**  
Surveying & Mapping, LLC  
A Native American Owned Business  
5807 South Garnett Road, Suite K, Tulsa, Oklahoma, 74146  
Telephone: 918.234.7596. Fax: 918.893.5552  
Certificate of Authorization No. 4916 Expires June 30, 2023

EXHIBIT "A"  
Sheet 2 of 2

PROJECT NO. TMUA-W 23-06  
 PARCEL NO. 1A  
 COUNTY WAGONER  
 PAGE 2 of 2

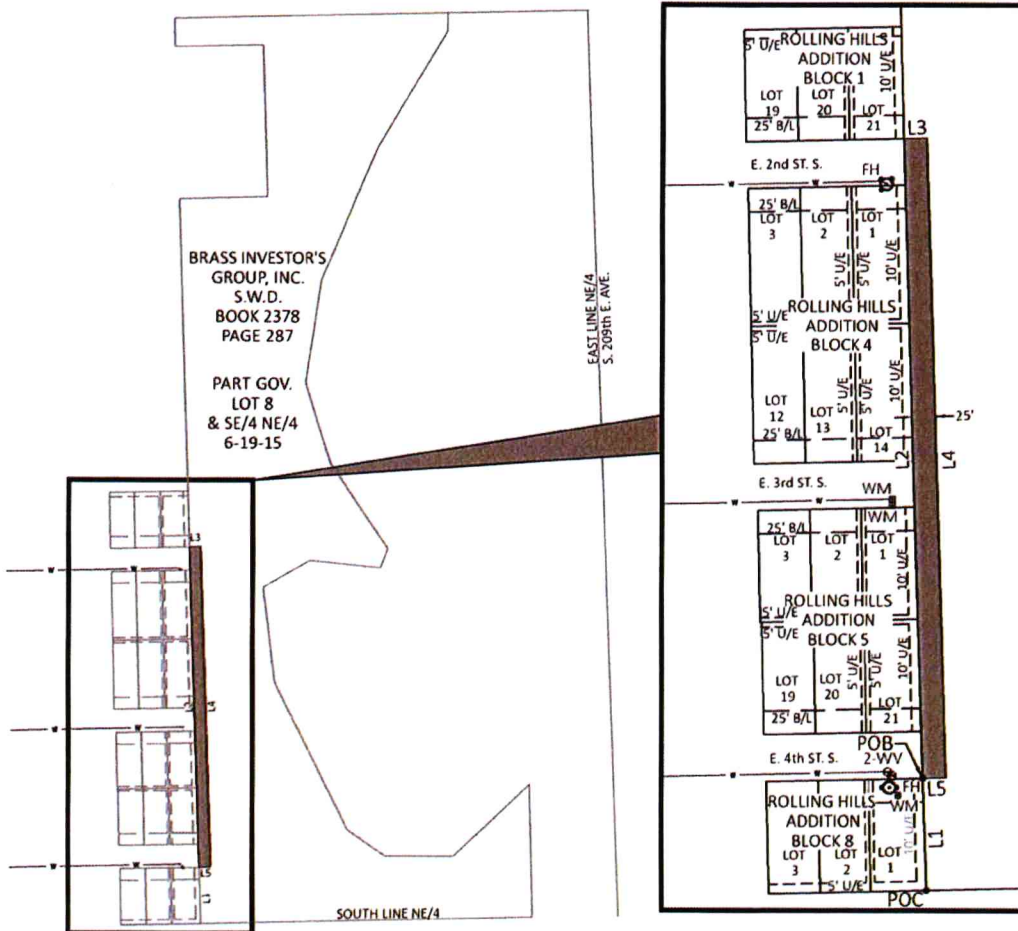


LEGAL DESCRIPTION: A tract of land located in the NE4 of Section 6, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma

SEC 6 T 19 N R 15 E

BEFORE GROSS	627,727.06	SF	14.41	ACRES
REM IN QTR	610,607.29	SF	14.02	ACRES
PERMANENT EASEMENT	17,119.77	SF	0.39	ACRES

LINE	BEARING	DISTANCE
L1	N 01°49'06" W	119.50'
L2	N 01°49'06" W	684.79'
L3	N 88°42'33" E	25.00'
L4	S 01°49'06" E	684.80'
L5	S 88°43'42" W	25.00'



POB Point of Beginning  
 POC Point of Commencement

The Basis of Bearing based upon the Oklahoma State Plane Coordinate System, North Zone 3501, NAD 83 (1993)

# Project Expense Inquiry [City of ...]



Back



Search



Browse



Output



Print



Display



PDF



Excel



Email



Schedule



(0) Attach

## Project string

▲ Project *	2331W00015	...	Dead-End Connections & Extensions	Description
▲ Phase *	WaterDist	...	Water distribution mains	
▲ Task *	Water	...	Water projects	
Sub-Task *	7400	...	TMUA Water Capital Projects	Justification
Name *	Dead-End Connections & Extensi			
Short Name *	DE Con&Ext			
Status	Active			
Projected date range	07/01/2022	to	06/30/2032	Project Available
Actual date range		to		Actual overhead Expense Type

## PROJECT STRING BALANCES GL ACCOUNTS

### Default GL account

Fund	SubFund	Function	Department	Division	Section
Org	Object	Project			
74003122	541101		<input type="checkbox"/> Allow GL Override		

### Budget GL account

Fund	SubFund	Function	Department	Division	Section
Org	Object	Project			
74003122	541101				

# Project Expense Inquiry [City of ...]



Back



Search



Browse



Output



Print



Display



PDF



Excel



Email



Schedule



(0)

Attach

## Project string

Project *	2331W00015	...	Dead-End Connections & Extensions	Description
Phase *	WaterDist	...	Water distribution mains	
Task *	Water	...	Water projects	
Sub-Task *	7400	...	TMUA Water Capital Projects	Justification
Name *	Dead-End Connections & Extensi			
Short Name *	DE Con&Ext			
Status	Active			
Projected date range	07/01/2022	to	06/30/2032	Project Available
Actual date range		to		Actual overhead Expense Type

## PROJECT STRING BALANCES

## GL ACCOUNTS

	Project Year 2023		Project Year 2022		Project Year 2021
Original Budget	350,000.00		.00		
Transfers - In	.00		.00		
Transfers - Out	.00		.00		
Revised Budget	350,000.00		.00		
Actual (Memo)	25,115.81		.00		
Encumbrances	.00		.00		
SOY Encumbrances	.00		.00		
Requisitions	.00		.00		
Inception to SOY	.00		.00		
Available	324,884.19		.00		
Percent Used	7.18		0.00		

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## CONDEMNATION PARCEL STATUS

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**DATE:** 05-04-2023

**PROJECT NAME:** #TMUA-W 23-06 – Catoosa Waterline – Rolling Hills

**PARCELS NO.:** 1A

**OWNER NAME:** Brass Investor’s Group, Inc.

**PROPERTY ADDRESS:** 20536 E Admiral Place (Vacant Land)

**CITY FIRST OFFER:** \$1,170.00

**PROPERTY OWNER RESPONSE:** Offer is rejected

**CITY SECOND OFFER:** \$3,600.00 Appraised Value

**PROPERTY OWNER RESPONSE:** Offer is rejected and threat of injunction

**CITY FINAL OFFER:** \$ 3,600.00 – Easement value

\$ 8,600.00 – Right of Entry value

**\$12,200.00 - TOTAL**

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### **REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:**

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**05-05-2022** First offer letter sent to Property Owner (“PO”).

**05-19-2022** First offer letter packet sent to new address found through ongoing research.

**June of 2022** No response received.

**07-18-2022** Second notice of offer sent out to the original two addresses and a newly acquired address.

**08-01-2022** Offer packet sent to an additional address uncovered through research.

**08-26-2022** Offer packet sent to the Registered Agent for the PO.

**09-06-2022** Visit to the Registered Agent’s office. Registered Agent stated they would attempt contact.

**09-16-2022** Registered Agent stated they have been unable to contact the Property Owner.

**09-25-2022** Spoke with President of the corporate PO. He acknowledged receiving the previous offers. No further response received.

**10-15-2022** Final offer letter sent to PO.

**10-26-2022** Letter from PO’s attorney rejecting COT offer.

**12-08-2022** An independent appraisal was obtained and a revised offer was sent to the PO’s attorney.

**12-19-2022** Letter from PO’s attorney requesting a copy of the appraisal and that fire hoses encroaching onto the subject property be removed.

**12-20-2022** COT removed hoses from the subject property.

**02-02-2023** Letter received from PO’s attorney rejecting the COT’s offer, claiming damages to property due to water runoff, and threatening an injunction.

**02-14-2023** Internal COT meeting. Continued flush out of water is required for health reasons/water quality every 3 days. COT will request a Right of Entry.

**02-24-2023** Meeting with PO’s, their attorney, City Legal, and Right-of-Way.

**03-03-2023** E-mail to PO’s attorney explaining that the hoses had been removed from subject property and reiterating that the water release is required to maintain water quality for the adjacent housing addition. A new solution was proposed to address his client’s concerns while maintaining the safety of the neighborhood water.

**03-05-2023** Continue requests for counteroffer and response.

**04-06-2023** Final offer sent to PO’s attorney

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### **REASON FOR CONDEMNATION:**

Project time constraints

No Response

Title Issues

Other (Please explain below)

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**OTHER:** Please explain.

**OTHER COMMENTS:**

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