

Easement

Version 3.3 released on 6/29/23

PW0120302

**CITY COUNCIL USE ONLY**

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

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____**CITY CLERK USE ONLY**☐ Scanned

Date: 02.21.2024

☐ Posted

Item #: 2402.00418

*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**

Public Works

Contact Name

Courtney Jones

Email

courtneyjones@cityoftulsa.org

Phone

918-596-9549

Easement Type

Utility

Owner-Grantor

Woodland Hills Mall, LLC

Bid/Project Number

IDP 7771

Project Title**Section**

1

Township

18

Range

13

Council District

7

Addition

WOODLAND HILLS MALL

Lot**Block****Address**

7021 S Memorial Dr.

Parcel Number**Additional Information/Tracking Number****Budget****Contract Types**☒ No Payments Involved☐ Revenue Contracts☐ Expense Contracts**Funding Source(s)****DONATION:****TOTAL:**

\$0.00

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 02.09.24

Date: 02/12/2024

Date: FEB 21 2024

Date: _____

Policy Statement**Background Information**

This utility easement is being donated by Woodland Hills Mall, LLC, a Delaware limited liability company as a requirement of IDP 7771. The IDP for this project consisted of public sewer and waterline relocations as well as private sewer to facilitate a commercial development. PDZ:MSL:swb

Summation of the Requested Action

Mayoral approval and City Council acceptance.

Other Pertinent Details

The easement is being processed after an internal audit of files which have been on hold due to various technical issues. After consultation with City Legal, Development Services and Public Works, it was determined that this easement should be processed "as is" to protect the City's infrastructure.

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, Processing or Contact Details**

Original to be picked up by Courtney Jones for further processing. (6-9549)

A24-0698

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **WOODLAND HILLS MALL, LLC, a Delaware limited liability company**, (Grantor), the owner of the legal and equitable title to the following described real estate, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant and convey to the CITY OF TULSA, OKLAHOMA, a municipal corporation, (City), a perpetual easement through, over, under, and across the following described property:

See Exhibit "A"

for the purpose of permitting the City to construct all public utilities thereon, through, over, under, and across said property, together with all necessary and convenient appurtenances thereto; and to use and maintain the same and of affording the City, its officers, agents, employees, and/or all persons under contract with it, the right to enter upon said premises and strip of land for the purpose of surveying, excavating for, constructing, operating, repairing, and maintaining of such construction.

The City is hereby given and granted the exclusive possession of said above described premises for the purposes aforesaid and Grantor, for itself and its successors and assigns, covenants and agrees that no building, structure, fence, wall or other above ground obstruction will be placed, erected, installed or permitted upon the above described land; and further covenants and agrees that in the event the terms of this paragraph are violated by the Grantor or any person in privity with it, such violation will be promptly corrected and eliminated immediately upon receipt of notice from City, or City shall have right to remove or otherwise eliminate such violation, and Grantor, its successors and assigns, shall promptly pay the actual cost thereof.

TO HAVE AND TO HOLD such easement and right-of-way unto the City, its successors or assigns, forever.

Dated this 30 day of June, 2015.

WOODLAND HILLS MALL, LLC,
a Delaware limited liability company

By: USC WOODLAND, INC.,
a Delaware corporation, Managing Member

By: 

Name: John Rulli

Title: Senior Executive Vice President and
Chief Administrative Officer

CITY OF TULSA
OFFICE OF CITY CLERK
175 EAST 2ND STREET - SUITE 260
TULSA, OKLAHOMA 74103

STATE OF INDIANA)
) ss.
COUNTY OF MARION)

Before me, the undersigned, a Notary Public, in and for said County and State on this 30th day of June, 2015, personally appeared JOHN RULLI, to me known to be the identical person who subscribed the name of USC WOODLAND, INC., a Delaware corporation, Managing Member of WOODLAND HILLS MALL, LLC, a Delaware limited liability company, to the foregoing instrument as its Senior Executive Vice President and Chief Administrative Officer of USC WOODLAND, INC., and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such Corporation as Managing Member of such limited liability company, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Michelle Y. Watkins
Notary Public

My commission expires:

1-11-2017



MICHELLE Y. WATKINS, Notary Public
My Commission Expires 01-11-2017
Resident of Johnson County

APPROVED AS TO FORM:


Asst. City Attorney

APPROVED AS TO SUBSTANCE:


Director

ACCEPTED BY CITY COUNCIL:

Date: _____

BY: _____
Name: Jeannie Cue
Title: Chair

APPROVED BY MAYOR:

CITY OF TULSA, OKLAHOMA,
a municipal corporation

Date: _____

BY: _____
Name: G. T. Bynum
Title: Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said County and State, on the _____ day of _____, 2024, personally appeared Jeannie Cue, to me known to be the identical person who accepted the within and foregoing instrument as Chair of the City Council of the City of Tulsa, Oklahoma, and acknowledged to me that she accepted the within and foregoing instrument as her free and voluntary act and deed and as the free and voluntary act and deed of the City Council of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

Notary Public

My commission expires:

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said County and State, on the _____ day of _____, 2024, personally appeared G. T. Bynum, to me known to be the identical person who approved the within and foregoing instrument as Mayor of the City of Tulsa, Oklahoma, and acknowledged to me that he approved the within and foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

Notary Public

My commission expires:



UTILITY EASEMENT EXHIBIT "A"

A TRACT OF LAND LYING IN WOODLAND HILLS MALL AND ALSO IN THE SOUTHWEST QUARTER (SW/4) OF SECTION ONE (1), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13), EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION ONE (1); THENCE N90°00'00"E AND ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION ONE (1) FOR A DISTANCE OF 1991.99 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 599.45 FEET; THENCE S89°44'17"W FOR A DISTANCE OF 52.43 FEET TO THE **POINT OF BEGINNING**; THENCE S89°54'49"W FOR A DISTANCE OF 287.12 FEET; THENCE N00°19'52"W FOR A DISTANCE OF 56.22 FEET; THENCE N90°00'00"E FOR A DISTANCE OF 20.12 FEET; THENCE S00°08'53"E FOR A DISTANCE OF 36.19 FEET; THENCE N89°54'47"E FOR A DISTANCE OF 34.14 FEET; THENCE N00°10'21"E FOR A DISTANCE OF 88.62 FEET; THENCE S45°00'54"E FOR A DISTANCE OF 28.19 FEET; THENCE S00°10'21"W FOR A DISTANCE OF 58.65 FEET; THENCE N89°55'08"E FOR A DISTANCE OF 58.78 FEET; THENCE S45°00'54"E FOR A DISTANCE OF 14.99 FEET; THENCE N89°40'08"E FOR A DISTANCE OF 145.34 FEET; THENCE S04°42'20"W FOR A DISTANCE OF 20.08 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 0.20 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON MARCH 24, 2015 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW/4) OF SECTION ONE (1) AS BEING N90°00'00"E.

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE UTILITY EASEMENT DESCRIBED, AND THAT THE SURVEY OF THE UTILITY EASEMENT MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 24TH DAY OF MARCH, 2015.



FILE: 150610-LG-A

Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2016

Bennett Surveying, Inc.
PO Box 848
Chouteau, OK 74337
918-475-7484

EXHIBIT "A"

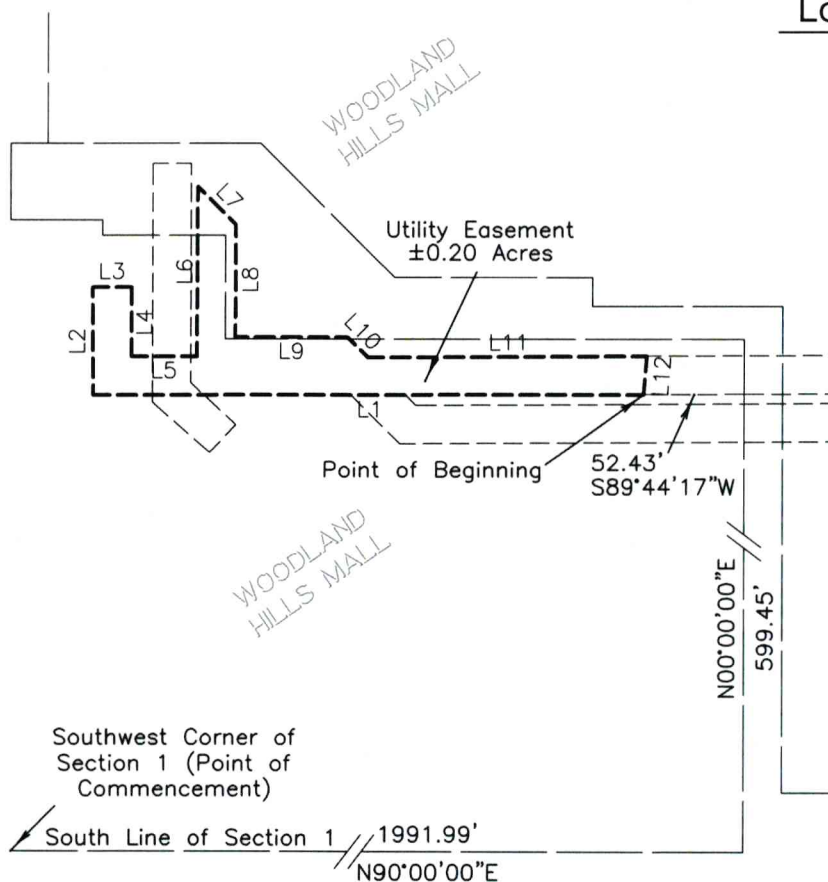
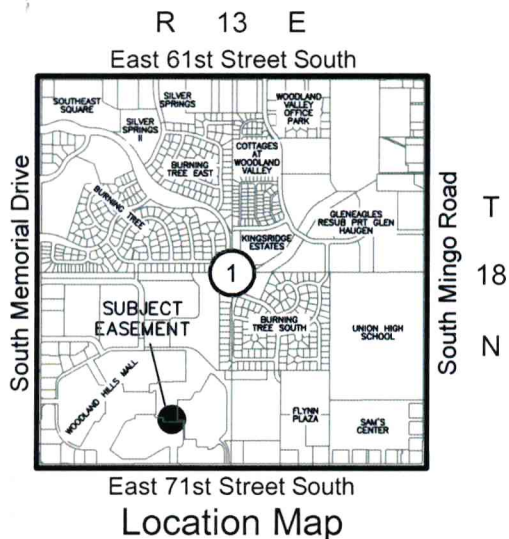
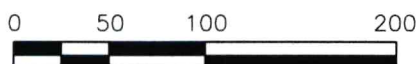
UTILITY EASEMENT EXHIBIT "A"

HW

JS



Scale: 1"=100'



Line Table		
Line #	Length	Direction
L1	287.12	S89°54'49"W
L2	56.22	N00°19'52"W
L3	20.12	N90°00'00"E
L4	36.19	S00°08'53"E
L5	34.14	N89°54'47"E
L6	88.62	N00°10'21"E
L7	28.19	S45°00'54"E
L8	58.65	S00°10'21"W
L9	58.78	N89°55'08"E
L10	14.99	S45°00'54"E
L11	145.34	N89°40'08"E
L12	20.08	S04°42'20"W

FILE: 150610LG-A

Notes

1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 1, T-18-N, R-13-E AS N90°00'00"E.
2. SEE EXHIBIT "A" PAGE 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATE.

**BENNETT
SURVEYING, INC.**

P.O. BOX 848, CHOATEAU, OK 74337
PHONE: (918) 476-7484 FAX: (918) 476-7485
C.A. NO.: 4502 EXP. DATE: 6/30/16

EXHIBIT "A"