

# Easement

Version 3.3 released on 6/29/23



*PWA00403*

<b>CITY COUNCIL USE ONLY</b>		<b>CITY CLERK USE ONLY</b>	
Date Received: _____	Tracking #: _____	<input type="checkbox"/> Scanned	Date: <u>04.10.2024</u>
Committee Date: _____	Committee: _____	<input type="checkbox"/> Posted	Item #: <u>2404.00859</u>
1 <sup>st</sup> Agenda Date: _____	Hearing Date: _____		
	2 <sup>nd</sup> Agenda Date: _____		

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

## Primary Details

<b>Board Approval</b>		<b>Other Board Name</b>	<b>City Council Approval</b> <input checked="" type="radio"/> Yes <input type="radio"/> No
<b>Department</b> Public Works	<b>Contact Name</b> Courtney Jones <i>S.P. 5.19.24</i>	<b>Email</b> courtneyjones@cityoftulsa.org	<b>Phone</b> 918-596-9549
<b>Easement Type</b> Sanitary Sewer		<b>Owner-Grantor</b> Home Depot U.S.A., Inc.	
<b>Bid/Project Number</b> IDP 120774	<b>Project Title</b> The Courts at 9100 Sanitary Sewer		<b>Council District</b> 2
<b>Section</b> 17	<b>Township</b> 18	<b>Range</b> 13	<b>Addition</b> HOME DEPOT AT 91 DELAWARE CENTER
<b>Lot</b> 1	<b>Block</b> 1	<b>Address</b> 8880 South Delaware Ave.	
<b>Parcel Number</b> 477	<b>Additional Information/Tracking Number</b>		

## Budget

<b>Contract Types</b> <input checked="" type="radio"/> <b>No Payments Involved</b> <input type="radio"/> Revenue Contracts <input type="radio"/> Expense Contracts	<b>Funding Source(s)</b>	<b>DONATION:</b>	
		<b>TOTAL:</b>	\$0.00

## Approvals

<b>Department:</b> _____	<b>Date:</b> <u>03-22-24</u>
<b>Legal:</b> _____	<b>Date:</b> <u>04/01/2024</u>
<b>Board:</b> _____	<b>Date:</b> _____
<b>Mayor:</b> _____	<b>Date:</b> <u>APR 10 2024</u>
<b>Other:</b> _____	<b>Date:</b> _____

Cassia Carr  
Mayor Pro Tem

## Policy Statement

**Background Information**  
This Sanitary Sewer easement is being donated by Home Depot U.S.A., Inc., a Delaware corporation, as a requirement of IDP 120774. This easement is required for a sanitary sewer extension for a commercial development. PDZ:MSL:swb

**Summation of the Requested Action**  
Mayoral approval and City Council acceptance.

**Other Pertinent Details**

## Processing Information for City Clerk's Office

<b>Post Execution Processing</b> <input type="checkbox"/> Mail vendor copy (add'l signature copies attached) <input checked="" type="checkbox"/> <b>Must be filed with other governmental entity</b> <input type="checkbox"/> Add'l governmental entity approval(s) required	<b>Additional Routing, Processing or Contact Details</b> Original to be picked up by Courtney Jones for further processing. (6-9549)
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## SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **HOME DEPOT U.S.A., INC., a Delaware corporation**, (Grantor) the owner of the legal and equitable title to the following real estate situated in Tulsa County, State of Oklahoma, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS cash in hand paid by the CITY OF TULSA, OKLAHOMA, a municipal corporation, (City) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant and convey unto the said 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 a sanitary sewer 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 premises for the purposes aforesaid and Grantor, for its administrators, 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 the right to remove or otherwise eliminate such violation, and Grantor, its administrators, 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 4<sup>th</sup> day of March, 2024.

CITY OF TULSA  
OFFICE OF CITY CLERK  
175 E 2ND ST - STE 260  
TULSA, OKLAHOMA 74103

**HOME DEPOT U.S.A., INC.,  
a Delaware corporation**

By:   
Name: John Chescavage  
Title: Senior Corporate Counsel

Georgia  
STATE OF ~~OKLAHOMA~~ )  
Cobb ) ss.  
COUNTY OF ~~TULSA~~ )

Before me, the undersigned, a Notary Public, in and for said County and State on this 4th day of March, 2024, personally appeared **John Chescavage**, known to be the identical person who subscribed the name of **HOME DEPOT U.S.A., INC., a Delaware corporation**, to the foregoing as its Senior Corporate Counsel 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 **HOME DEPOT U.S.A., INC., a Delaware corporation**, for the uses and purposes therein set forth.


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

My commission expires:  
11-22-2026




  
Notary Public

**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

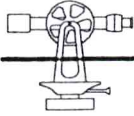
My commission expires:  
\_\_\_\_\_

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:  
\_\_\_\_\_



# WHITE SURVEYING COMPANY

9936 East 55th Place • Tulsa, Oklahoma 74146 • (918) 663-6924 fax (918) 664-8366  
mailing address: P.O. Box 471675 Tulsa, Oklahoma 74147-1675

## SANITARY SEWER EASEMENT HOME DEPOT TRACT

A tract of land in Lot One (1), Block One (1), Home Depot at 91 Delaware Center, a resubdivision of part of Delaware Square, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 6038, said tract being described as follows: Commencing at the most Southerly Southwest corner of said Lot 1, said point being 175.04 feet South 88°34'13" West and 50.00 feet North 00°58'29" West of the Southeast corner of the Southwest Quarter (SW/4) of Section 17, Township 18 North, Range 13 East, of the Indian Base and Meridian; Thence North 00°58'29" West along a Westerly line of said Lot 1 for 461.55 feet to the Point of Beginning; Thence continuing North 00°58'29" West for 15.00 feet; Thence North 88°36'51" East for 2.00 feet; Thence South 00°58'29" East for 15.00 feet; Thence South 88°36'51" West for 2.00 feet to the Point of Beginning. Said tract containing 30 square feet or 0.0007 acres. This description is based on the Oklahoma State Plane Coordinate System NAD 83 (2011) and the South line of the SW/4 being South 88°34'13" West.

### REAL PROPERTY CERTIFICATION

I, Randy K. Shoefstall of White Surveying Company, a Registered Professional Land Surveyor in the State of Oklahoma, certify that the attached legal description is based upon the Oklahoma State Plane Coordinate System, closes in accord with existing records, that the attached drawing is a true representation of the real property as described and meets the minimum technical standards for land surveying of the state of Oklahoma. The last site visit was on June 20, 2022.

2/27/2023  
Date




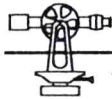
  
Randy K. Shoefstall  
RPLS No. 1676  
White Surveying Company  
C.A. No. 1098

EXHIBIT "A"  
Page 1 of 2

*JBH*  
*JMS*



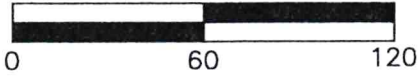
# WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74148 • (918) 863-8924

OK-  
JMS

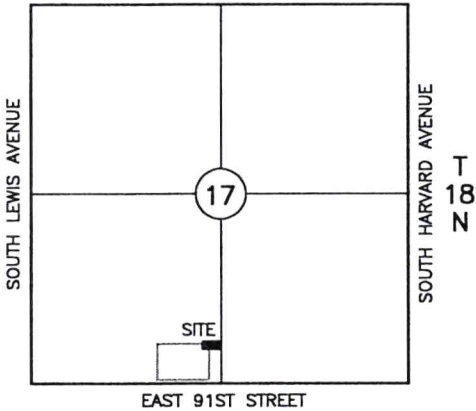


1"=60'



R 13 E

EAST 81ST STREET



## SANITARY SEWER EASEMENT

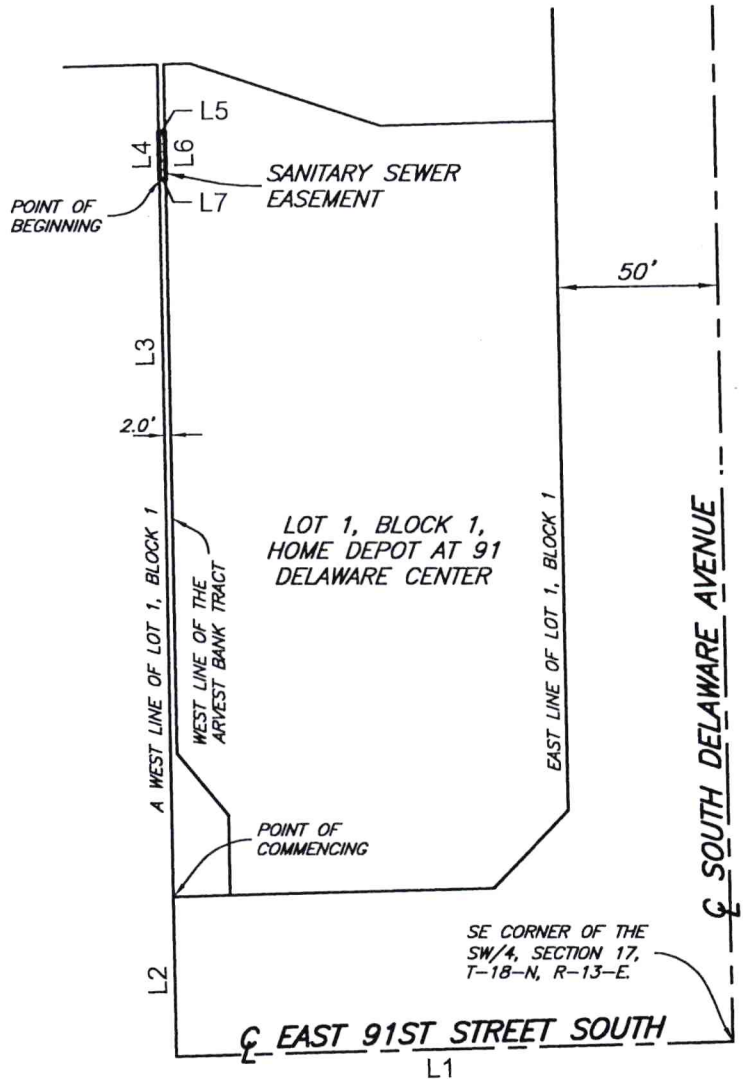
(HOME DEPOT TRACT)

LOT 1, BLOCK 1,

HOME DEPOT AT 91 DELAWARE CENTER

CITY OF TULSA, TULSA COUNTY,

STATE OF OKLAHOMA



THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) AND THE SOUTH LINE OF THE SW/4 BEING SOUTH 88°34'13" WEST.

THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

THE LAST SITE VISIT WAS ON JUNE 20, 2022.

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	175.04	S88°34'13"W
L2	50.00	N00°58'29"W
L3	461.55	N00°58'29"W
L4	15.00	N00°58'29"W
L5	2.00	N88°36'51"E
L6	15.00	S00°58'29"E
L7	2.00	S88°36'51"W



WHITE SURVEYING COMPANY  
CERTIFICATE OF AUTHORIZATION  
NO. CA1098

BY: DATE: 2/27/2023

REGISTERED PROFESSIONAL LAND  
SURVEYOR OKLAHOMA NO. 1676

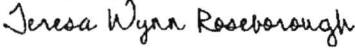
EXHIBIT "A"  
Page 2 of 2

JBH

DELEGATION OF AUTHORITY

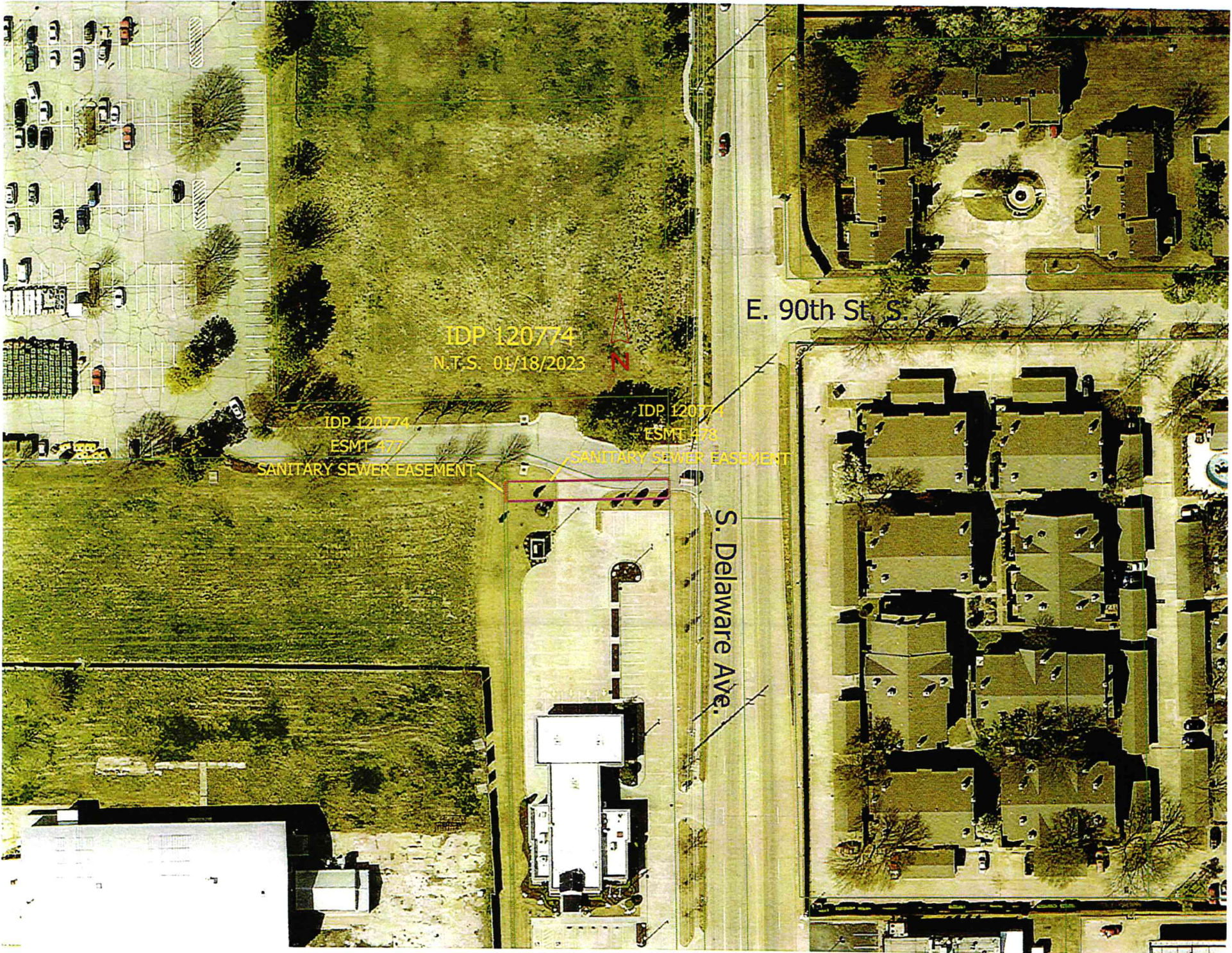
I, Teresa Wynn Roseborough, Executive Vice President, General Counsel and Corporate Secretary of The Home Depot, Inc. (the “Company”) and of its wholly owned subsidiary, Home Depot U.S.A., Inc., do hereby designate each Vice President and Deputy General Counsel and each of Suzanne Russo, John Chescavage and Michael A. Dalton as my designees and authorize each of them acting either alone or together to execute and deliver, or cause to be executed and delivered, any and all contracts, assignments, easements, conveyances, deeds, leases, subleases, agreements, certificates, instruments, or any other documents on behalf of the Company and each of its direct and indirect subsidiaries related to real property owned or leased or to be acquired or leased by the Company or its direct and indirect subsidiaries (the “Documents”) and to take, or cause to be taken, any and all actions in connection therewith as such individual or individuals may consider necessary or desirable, with such necessity or desirability being conclusively evidenced by the actions so taken. Further, I hereby ratify and approve all previous actions taken with respect to the execution and delivery of such Documents in the name of and on behalf of the Company and its direct and indirect subsidiaries.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April 2023.

DocuSigned by:  
  
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Teresa Wynn Roseborough  
Executive Vice President, General  
Counsel and Corporate Secretary



IDP 120774  
N.T.S. 01/18/2023



IDP 120774  
ESMT 477  
SANITARY SEWER EASEMENT

IDP 120774  
ESMT 478  
SANITARY SEWER EASEMENT

E. 90th St. S.

S. Delaware Ave.