

Easement

Version 3.3 released on 6/29/23



PWO120460

CITY COUNCIL USE ONLY

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

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____**CITY CLERK USE ONLY**☐ ScannedDate: 04.24.2024☐ PostedItem #: 2404.00989**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
Detention

Owner-Grantor
Independent School District No. 1 of Tulsa County, Oklahoma

Bid/Project Number
IDP 122441

Project Title
Webster High School Band Room & Green House Additions

Council District
2

Section
22

Township
19

Range
12

Addition
CLINTON HOMESITES

Lot
18 - 26 & 8-15

Block
2 & 5

Address
1919 West 40th Street South

Parcel Number
444

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: 4/3/2024Date: APR 11 XXIV

Date: _____

Date: APR 24 2024

Date: _____

Policy Statement**Background Information**

This Detention Easement is being donated by Independent School District No. 1 of Tulsa County, Oklahoma, successor by name change to The Board of Education of the City of Tulsa, as a requirement of IDP 122441. This IDP includes changes to the public storm system, detention pond, drives and sidewalks for a parking lot expansion and new construction at a high school campus. PDZ: _____ MSL: MSL 4/3/24 swb

Summation of the Requested Action

Mayoral approval and City Council acceptance.

Other Pertinent Details**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)

A24-1719

DETENTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **INDEPENDENT SCHOOL DISTRICT NO. 1 OF TULSA COUNTY, OKLAHOMA, successor by name change to THE BOARD OF EDUCATION OF THE CITY OF TULSA**, (Grantor), is the owner of the legal and equitable title to the following described real estate situated in the City of Tulsa, Tulsa County, State of Oklahoma, to wit:

Lots Four (4) through Twenty-three (23), in Block One (1), and Lots Seven (7) through Twenty-six (26), in Block Two (2), and all of Blocks Three (3) and Four (4), and Lots Eight (8) through Twenty-seven (27), in Block Five (5), and vacated streets adjacent thereof, and the West Ten (10) feet of vacated alley adjacent to Lots Eight (8) and Twenty-seven (27), Block 5 on the East thereof, all in Clinton Homesites Addition to Red Fork, now an Addition to the City of Tulsa, Tulsa County, Oklahoma.

(hereinafter referred to as First Property) and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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, situated in said County, to wit:

See Exhibit "A"

(hereinafter described as Second Property).

The area described as Second Property is hereby established by grant of the Grantor, and the City is hereby given and granted the possession of said Second Property, as a Stormwater Detention Easement as a perpetual easement for the purpose of permitting the flow, conveyance, and discharge of stormwater runoff from First Property and from properties outside First Property. Drainage facilities constructed in said Stormwater Detention Easement shall be in accordance with standards prescribed by the City. Said Stormwater Detention Easement shall be maintained by the Grantor, its successors and assigns, at its cost in accordance with standards prescribed by the City. Maintenance of the Stormwater Detention Easement shall include mowing and removal of any obstacles that impede the flow of water over and through the Stormwater Detention Easement. In the event said Grantor, its successors and assigns, should fail to adequately and properly maintain said Stormwater Detention Easement and facilities the City may enter upon said area, perform said maintenance, and the cost of performing said maintenance shall be paid by said Grantor, its successors and assigns.

In the event said Grantor, its successors and assigns, fails to pay the cost of said maintenance or any part thereof within thirty (30) days after completion of said maintenance, said costs shall be

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

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a lien against First Property, for which payment has not been made, which lien may be foreclosed by City. No fence, wall, planting, building, or other obstruction may be placed or maintained in said Stormwater Detention Easement without approval of the City. However, the Stormwater Detention Easement can be used by the Grantor, its successors and assigns, for landscaping, and other purposes so long as the flow, conveyance, and discharge of stormwater runoff is not hindered or obstructed.

The City is hereby given and granted the exclusive possession of Second Property for the purposes aforesaid and Grantor, for 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 the 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 7th day of March, 2023.

**INDEPENDENT SCHOOL DISTRICT NO. 1
OF TULSA COUNTY, OKLAHOMA,
successor by name change to THE BOARD
OF EDUCATION OF THE CITY OF TULSA**

By: _____

Name: Stacey Woolley

Title: President-Board of Education

Approved as to Form: EPD

Attest:

Susan Bzyne
Clerk-Board of Education

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Acknowledged before me this 7 day of March, 2023, by Stacey Woolley, as President of the Board of Education of Independent School District No. 1 of Tulsa County, Oklahoma, successor by name change to the Board of Education of the City of Tulsa, on behalf of the School District.

B Dawn Hamilton
Notary Public

My Commission Expires:



APPROVED AS TO FORM:

Shirley (M. SWINEY)
SENIOR ASSISTANT City Attorney

APPROVED AS TO SUBSTANCE:

[Signature]
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:

**LEGAL DESCRIPTION
DETENTION EASEMENT EXHIBIT**

A TRACT OF LAND LYING IN LOTS EIGHTEEN THROUGH TWENTY-SIX, (18-26) BLOCK TWO (2) AND LOTS EIGHT THROUGH FIFTEEN (8-15), BLOCK 5 AND A PORTION OF THE LAND BETWEEN LOTS EIGHTEEN THROUGH TWENTY-SIX, (18-26), BLOCK TWO (2) AND LOTS EIGHT THROUGH FIFTEEN (8-15), BLOCK FIVE (5), ALL IN CLINTON HOMESITES, ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF LOT SEVENTEEN (17) OF BLOCK 2 OF SAID CLINTON HOMESITES; THENCE N01°11'11"W FOR A DISTANCE OF 36.78 FEET; THENCE N89°06'10"E FOR A DISTANCE OF 79.65 FEET TO THE POINT OF BEGINNING; THENCE N89°06'10"E FOR A DISTANCE OF 155.46 FEET; THENCE N00°57'19"W FOR A DISTANCE OF 104.24 FEET; THENCE N89°00'47"E FOR A DISTANCE OF 260.01 FEET; THENCE S01°25'47"W FOR A DISTANCE OF 223.09 FEET; THENCE S19°27'29"W FOR A DISTANCE OF 46.61 FEET; THENCE S88°56'38"W FOR A DISTANCE OF 62.79 FEET; THENCE N44°54'04"W FOR A DISTANCE OF 15.89 FEET; THENCE N89°54'04"W FOR A DISTANCE OF 110.49 FEET; THENCE S00°03'57"W FOR A DISTANCE OF 29.62 FEET; THENCE N90°00'00"W FOR A DISTANCE OF 135.31 FEET; THENCE N40°37'20"W FOR A DISTANCE OF 43.12 FEET; THENCE N36°37'06"E FOR A DISTANCE OF 21.12 FEET; THENCE N37°00'54"W FOR A DISTANCE OF 73.65 FEET; THENCE N24°37'13"W FOR A DISTANCE OF 31.04 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 38.45 FEET TO THE POINT OF BEGINNING;

SAID AREA CONTAINING 1.14 ACRES, MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON FEBRUARY 22, 2024 BY R. WESLEY BENNETT, PLS #1562 WITH THE BEARINGS BASED ON THE SOUTH LINE OF BLOCK 5, CLINTON HOMESITES AS N89°07'08"E.

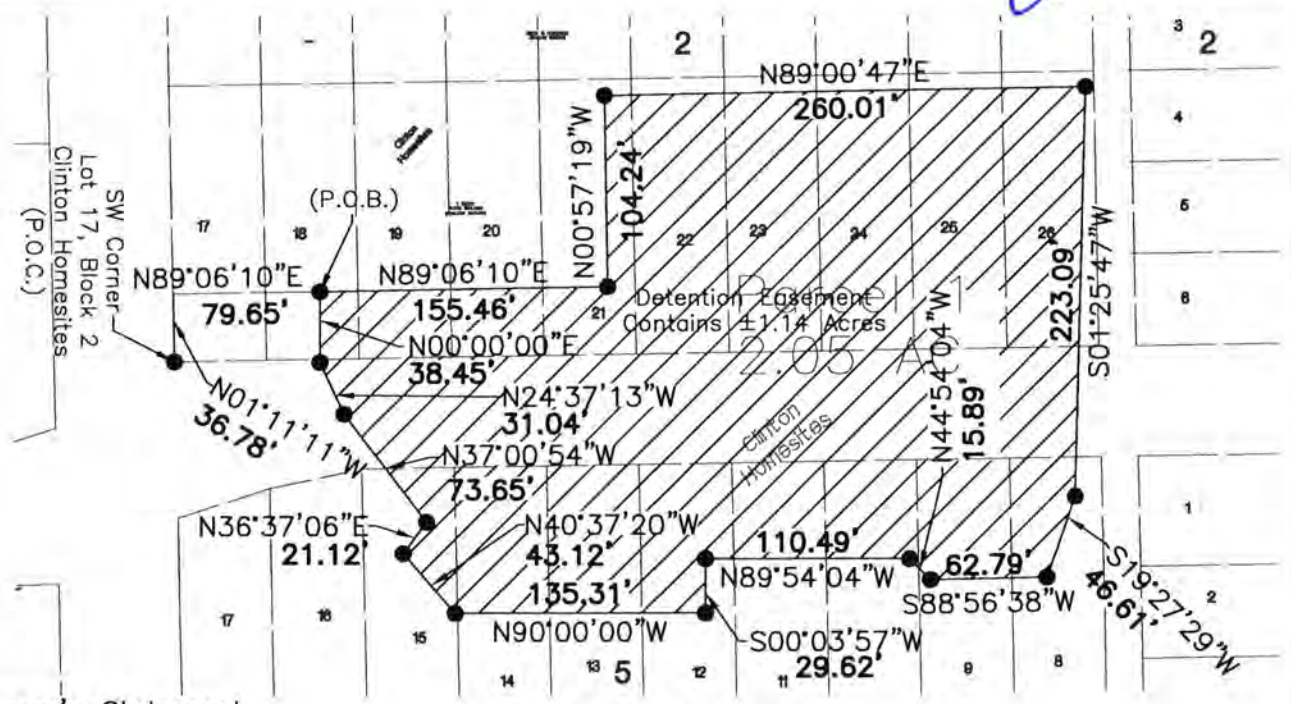
ER
TIVE,

A circular seal for a Registered Professional Land Surveyor. The outer ring contains the text "REGISTERED PROFESSIONAL LAND SURVEYOR" at the top and "OKLAHOMA" at the bottom. The center of the seal contains the name "R. WESLEY BENNETT" and the number "1562".

R. Wally Bruce

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EB3



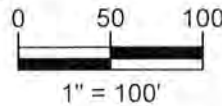
Surveyor's Statement

I, R. WESLEY BENNETT HEREBY CERTIFY THAT THE ABOVE REPRESENTS A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS PLAT OF SURVEY 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 22ND DAY OF FEBRUARY, 2024.

Notes

1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE SOUTH LINE OF BLOCK 5, CLINTON HOMESITES AS N89°07'08"E.
2. SEE EXHIBIT PAGE 1 & 2 OF 3 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATE.
3. SITE WAS VISITED 12-6-22



LEGEND

- P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
 = EASEMENT AREA

- = SET 3/8" IRON PIN WITH
"WALLACE CA 1460" CAP



wallace
design
collective

wallace design collective pc
structural-civil-landscape-survey
123 north martin Luther king jr. blvd
tulsa, oklahoma 74103
918.584.5858
oklahoma ca1460
exp: 6-30-25



Location Map

BY:

R. WESLEY BENNETT, R.P.L.S. No.1562

FEBRUARY 22, 2024

DATE OF STATEMENT

**Detention
Easement Exhibit**
OF
PART OF THE SE/4, SECTION 22,
TOWNSHIP 19 NORTH, RANGE 12 EAST

**City of Tulsa,
Tulsa County, OK**

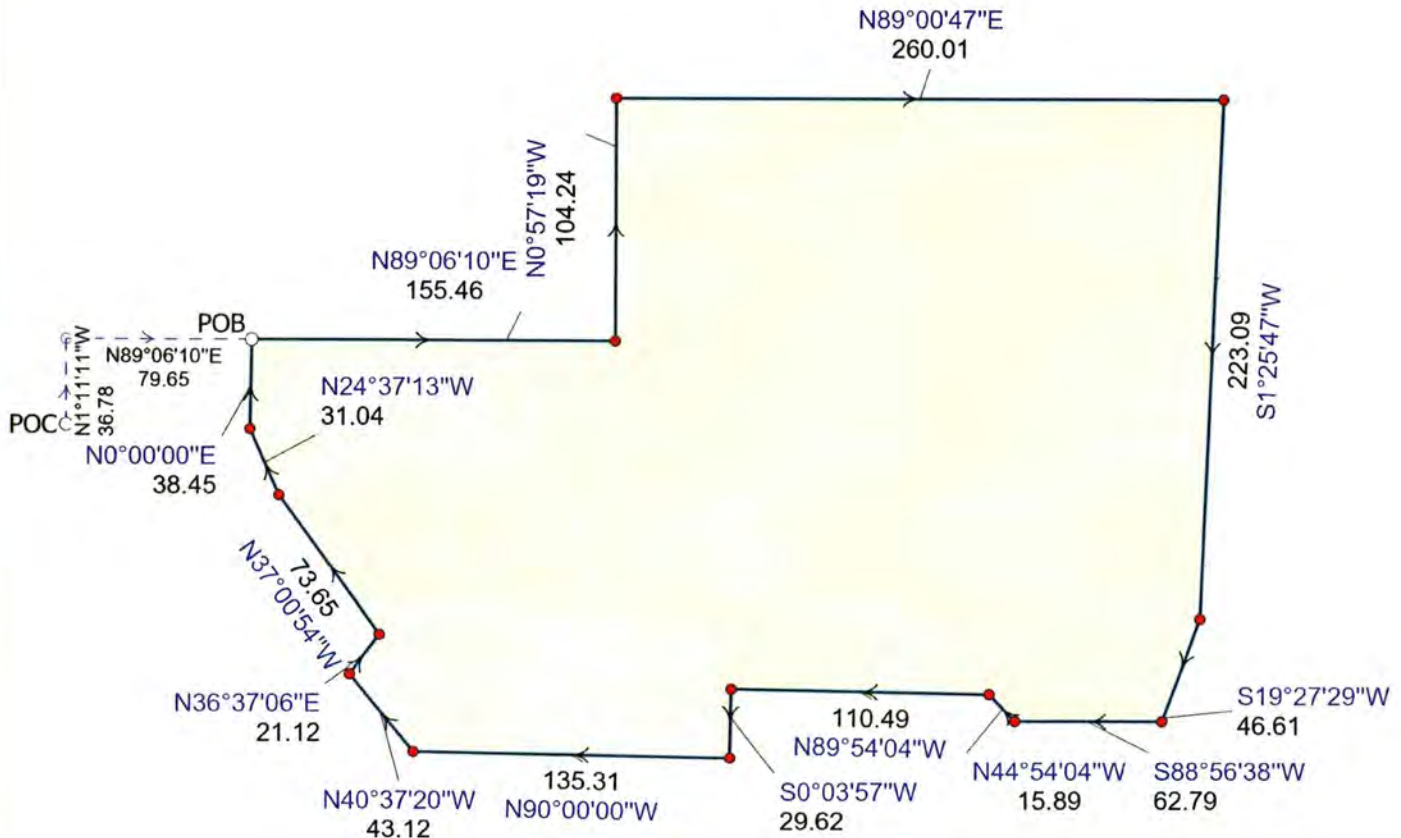
FEBRUARY 22, 2024

3 of 3

IDP 122441 ESMT 444_Rev 2-20-24

Area: 89509.63 Square Foot US

Closure Error: 0.00713 FtUS



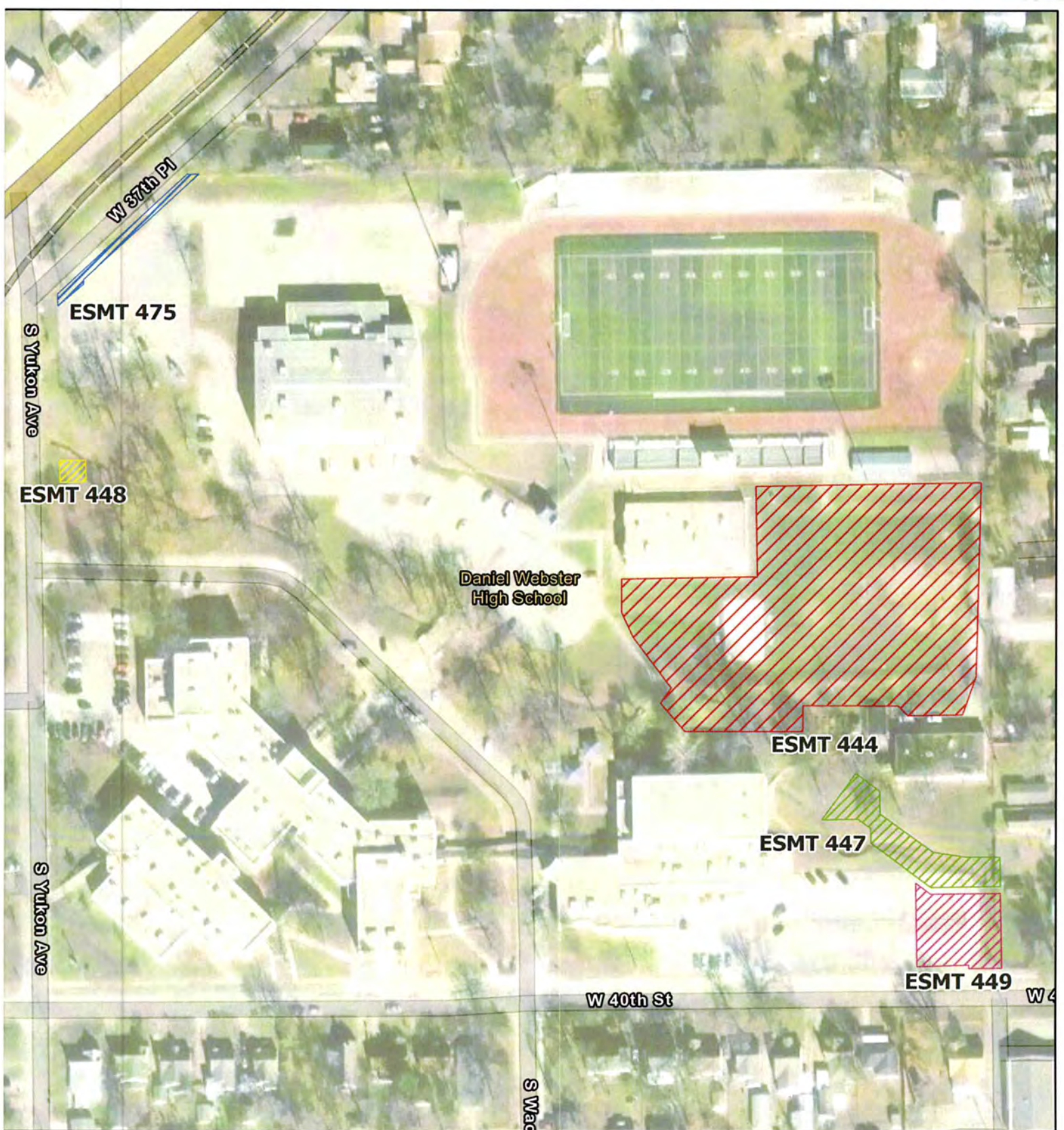
Detention Easement Exhibit
IDP 122441 ESMT 444_Rev 2-20-24

In lots 18-26 blk. 2 and lots 8-15 blk. 5 and a portion of
the land between lots 18-26 blk. 2 and lots 8-15 blk. 5 of
Clinton Homesites Addition



CLOSES 2/20/24 ERB





Overall Map
IDP 122441 - ESMT 444, 447, 448, 449, 475

ERB 2/27/2024