

# Easement

Version 3.3 released on 6/29/23



PWO120616

**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: 06.20.2024

☐ Posted

Item #: 2406.01598

*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**  
AG Comstock RE Holdings, LLC

**Bid/Project Number**  
IDP 24487

**Project Title**  
Nickel Creek Avid Hotel

**Council District**  
2

**Section**  
11

**Township**  
18

**Range**  
12

**Addition**  
NICKEL CREEK PHASE IV

**Lot**  
1

**Block**

**Address**  
7961 South Union Avenue

**Parcel Number**  
155

**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:****Date:** 6/10/2024**Date:** JUNE 14 XXIV**Date:****Date:** JUN 20 2024**Policy Statement****Background Information**

This Utility easement is being donated by AG Comstock RE Holdings, LLC, an Oklahoma limited liability company, as a requirement of IDP 24487. The IDP project for this location consists of public roadway, sanitary sewer, waterline and storm sewer extensions to facilitate a commercial development.

PDZ: MSL: 6/7/24 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)

## UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **AG COMSTOCK RE HOLDINGS, LLC, an Oklahoma 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, 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 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, 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 14<sup>th</sup> day of May, 2024.

**AG COMSTOCK RE HOLDINGS, LLC**  
**an Oklahoma limited liability company,**

By:   
Name: Denver Green  
Title: Manager

STATE OF OKLAHOMA     )  
                                      ) ss.  
COUNTY OF TULSA        )

Before me, the undersigned, a Notary Public, in and for said County and State on this 14 day of May, 2024, personally appeared **Denver Green**, known to be the identical person who subscribed the name of **AG COMSTOCK RE HOLDINGS, LLC, an Oklahoma limited liability company**, to the foregoing as its Manager 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 **AG COMSTOCK RE HOLDINGS, LLC, an Oklahoma 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.

  
Notary Public

My commission expires:  
12/11/24



**APPROVED AS TO FORM:**

*Swiney* (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

[illegible]

Before me, a Notary Public in and for said County and State, on the \_\_\_\_ day of \_\_\_\_\_, 202, 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:

[illegible]

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:



J BH

# NICKEL CREEK AVID HOTEL UTILITY EASEMENT LEGAL DESCRIPTION

## **G** LEGAL DESCRIPTION

A 17.5' Utility Easement being part of Lot 1 of NICKEL CREEK PHASE IV, and Addition to the City of Tulsa, Tulsa County, Oklahoma in part of the Southwest Quarter (SW/4) of Section Eleven (11), Township 18 North, Range 12 E of the Indian Meridian, being more particularly described as follows;

COMMENCING at the most easterly Southeast Corner of said Lot 1; Thence N 42°33'32" West, along a southeasterly line of said Lot 1 a distance of 352.94 feet; Thence N 71°56'17" W a distance of 207.80 feet to the POINT OF BEGINNING;

Thence S 01°04'07" E a distance of 288.90 feet;

Thence S 22°34'02" E a distance of 1.05 feet;

Thence S 88°56'40" W a distance of 6.10 feet;

Thence S 01°03'33" E a distance of 32.24 feet;

Thence N 22°34'33" W a distance of 32.14 feet;

Thence N 01°04'07" W a distance of 292.22 feet;

Thence N 88°55'53" E a distance of 17.50 feet to the POINT OF BEGINNING.

Containing 5,277.76 Sq. Ft. or 0.121 Acres, more or less.

## **G** SURVEYOR'S STATEMENT

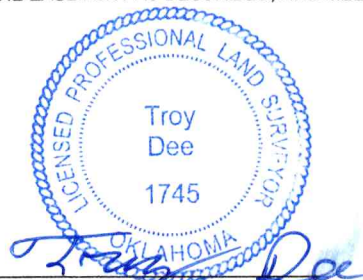
The basis of bearings for the legal descriptions are based on Oklahoma State Plane Coordinate System (North Zone) using South 01°15'01" East as the west line of the Southwest Quarter of Section 11, Township 18 North, Range 12 East of the Indian Meridian as shown on the plat of NICKEL CREEK PHASE IV.

## **G** SURVEYOR'S CERTIFICATION

I, TROY DEE, OF GOLDEN LAND SURVEYING, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE EASEMENT AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

EXHIBIT "A"

Page 1 of 2



Troy Dee, PLS #1745  
May 12, 2023

Prepared By

**GOLDEN**  
**LAND SURVEYING**

7304 NW 164th St., Suite #5, Edmond, Oklahoma 73013

C.A.# 7263 / Exp. Date =6/30/2024

Telephone: (405) 802-7883 Email: troy@goldenls.com

Drafted by: CT GLS Job No.: 21842

Plot Date: May 12, 2023

Sheet 1 Of 2

Filename: O:\JOBS\# PROJECTS 2021\21842 NICKEL CREEK TULSA CEDAR\21842 NICKEL CREEK TULSA LOT SPLIT EXHIBIT.DWG; Last Saved: 5/12/2023 9:17:18 AM; Plot Date: 5/12/2023

# NICKEL CREEK AVID HOTEL UTILITY EASEMENT EXHIBIT

JBH

T 18 N

0 50' 100'

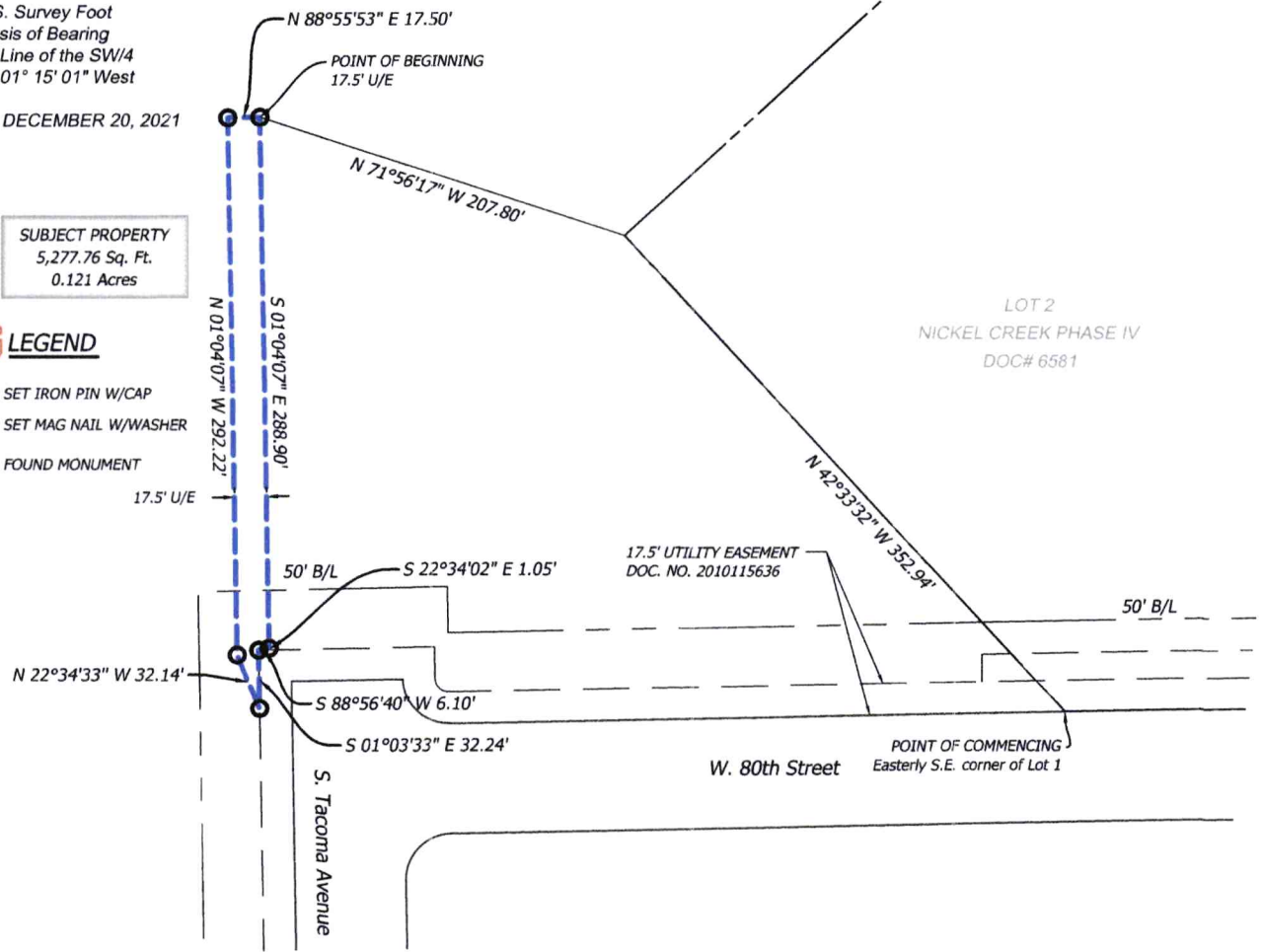
1" = 100'  
U.S. Survey Foot  
Basis of Bearing  
West Line of the SW/4  
North 01° 15' 01" West

Field Date: DECEMBER 20, 2021

SUBJECT PROPERTY  
5,277.76 Sq. Ft.  
0.121 Acres

## LEGEND

- SET IRON PIN W/CAP
- SET MAG NAIL W/WASHER
- FOUND MONUMENT



## SURVEYOR'S STATEMENT

The basis of bearings for the legal descriptions are based on Oklahoma State Plane Coordinate System (North Zone) using South 01°15'01" East as the west line of the Southwest Quarter of Section 11, Township 18 North, Range 12 East of the Indian Meridian as shown on the plat of NICKEL CREEK PHASE IV.

## SURVEYOR'S CERTIFICATION

I, TROY DEE, OF GOLDEN LAND SURVEYING, CERTIFY THAT THIS PLAT OF SURVEY IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE EASEMENT AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

EXHIBIT "A"  
Page 2 of 2



Prepared By  
**GOLDEN**  
**LAND SURVEYING**

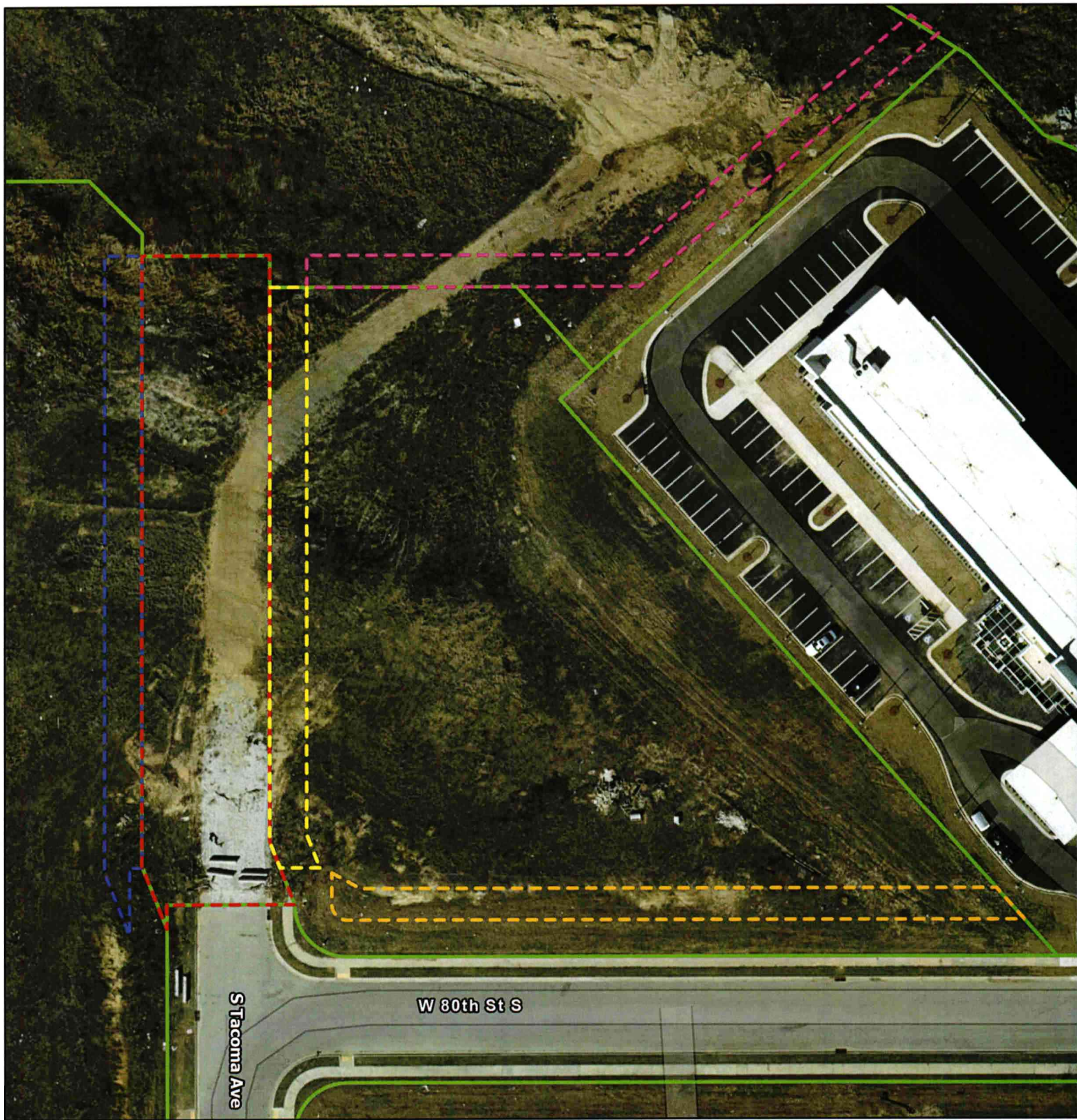
7304 NW 164th St., Suite #5, Edmond, Oklahoma 73013  
C.A.# 7263 / Exp. Date =6/30/2024  
Telephone: (405) 802-7883 Email: troy@goldenls.com

Drafted by: CT GLS Job No.: 21842  
Plot Date: May 12, 2023

Sheet 2 Of 2

Filename: O:\JOBS\PROJECTS 2021\21842 NICKEL CREEK CEDAR\21842 NICKEL CREEK TULSA LOT SPLIT EXHIBIT.DWG; Last Saved: 6/5/2023 10:49:45 AM; Plot Date: 6/15/2023





- |             |                     |
|-------------|---------------------|
| -- ESMT 155 | -- ESMT 159         |
| -- ESMT 157 | -- ESMT 160         |
| -- ESMT 158 | -- Tulsa CO Parcels |

Nickel Creek Avid Hotel  
Aerial Layout Map of Select Easements  
For IDP 24487  
Part of Lot 1 of Nickel Creek Ph. IV  
In SW/4 of Sec. 11 T18N R12E  
5/24/24 JBH

