

Resolution

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PUB120918

CITY COUNCIL USE ONLY

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

Tracking #: _____
 Committee: _____
 Hearing Date: _____
 2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned
☐ Posted

Date: 09.11.2024
 Item #: 2409.02393

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
~~Engineering Services~~

Contact Name Michelle L. Lester
8/16/2024

Email mlester@cityoftulsa.org

Phone 918-596-7262

Resolution Type
 Condemnation

Owner-Grantor
 Chris Lancaster

Amount _____ Case Number _____

TMAPC Number _____ Council District _____

Description (Subject)
 Source Water Protection and Management

Bid/Project Number
 TMUA 19311000Z - 8479 County Road 445, Jay OK

Section 28 Township 22

Range 23 Addition UNPLATTED

Lot _____ Block _____

Address
 8479 County Rd 445, Jay OK, Delaware County

Budget**Funding Source(s)**

2131W0001Z.WaterSupp.Water.7400.74003311.541101:

TOTAL: _____

Approvals

Department: _____
 Legal: _____
 Board: _____
 Mayor: _____
 Other: _____

T. J. Swiney (SWINEY)
8/23/2024

Date: 8/23/2024
 Date: SEPT. 2 XXIV
 Date: _____
 Date: SEP 11 2024
 Date: _____

Policy Statement**Background Information**

Project 19311000Z - 8479 County Road 445, Jay OK - Source Water Protection and Management

The Public Works Department advises that an existing public necessity requires the acquisition of property located at 8479 County Road 445, City of Jay, Delaware County, as part of the Source Water Protection and Management program. Specifically, this property is being acquired for the preservation, protection, and maintenance of the City of Tulsa's water supply. Efforts to purchase the property, for the fair market value of \$60,000.00, could not be completed due to title issues. The property owner and City of Tulsa are in agreement as to the value; however, after extensive efforts to address the title issues, it was determined that proceeding with a friendly condemnation is required.

This property is located outside of the City of Tulsa corporate limits.

PDZ: 8/16/24 MSL: 8/16/24 bh

Summation of the Requested Action

Approve the Resolution.

Emergency Clause?☐ Yes☒ No**Reason for Emergency Clause****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

Courtney Jones - 918-596-9549

(Published in the Tulsa World,

_____, 2024)

Resolution No. _____

RESOLUTION

A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR THE TAKING, APPROPRIATION, AND CONDEMNATION OF CERTAIN TRACTS OF LAND IN DELAWARE COUNTY, STATE OF OKLAHOMA, FOR **SOURCE WATER PROTECTION AND MANAGEMENT - PROJECT NO. TMUA 193110001Z**, IN CONNECTION WITH THE PRESERVATION OF WATER QUALITY AND MANAGEMENT FOR THE CITY OF TULSA AND AUTHORIZING AND DIRECTING PROPER OFFICIALS OF THE CITY OF TULSA TO INSTITUTE PROCEEDINGS TO CONDEMN SAID LANDS.

WHEREAS, there has been created a water preservation project designated as Project No. **TMUA 193110001Z - SOURCE WATER PROTECTION AND MANAGEMENT**.

WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the preservation, protection, and maintenance of the City of Tulsa's water supply quality through the **SOURCE WATER PROTECTION AND MANAGEMENT** program, at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that the **SOURCE WATER PROTECTION AND MANAGEMENT** program continue 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: fee simple ownership of lands situated in the County of Delaware, State of Oklahoma, which are more particularly identified as follows:

OWNER:	Chris Lancaster 8479 County Road 445 Jay, Oklahoma 74346
PROPERTY:	8479 County Road 445 Jay, Oklahoma 74346

Tract I: (Assessor Account # 210034928):

The South 429.0 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 22 North, Range 23 East, Delaware County, Oklahoma, subject to any and all easements:

LESS AND EXCEPT: A tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 22 North, Range 23 East, Delaware County, Oklahoma, described as follows:

Beginning at a point 744.83 feet East and 884.29 feet South of the NW corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ for the Point of Beginning;

Thence South 417.42 feet;

Thence East 210.0 feet;

Thence North 417.42 feet;

Thence West 210.0 feet to the Point of Beginning,

ALSO, LESS AND EXCEPT: A tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 22 North, Range 23 East, Delaware County, Oklahoma, described as follows:

Starting in the SE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 22 North, Range 23 East;

Thence West 208.75 feet;

Thence North 208.75 feet;

Thence East 208.75 feet;

Thence South 208.75 feet to the Point of Beginning.

Tract II: (Assessor Account # 210062415):

A tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 22 North, Range 23 East, Delaware County, Oklahoma, described as follows, to-wit:

Beginning at a point 891.0 feet South and 330.0 feet East of the NW corner of said Section 28;

Thence go North 221.0 feet;

Thence go East 412.0 feet;

Thence go South 221.0 feet;

Thence go West 412.0 feet to the Point of Beginning, subject to any and all easements;

in order to provide a fee simple purchase for the **SOURCE WATER PROTECTION AND MANAGEMENT** program, for the use of the inhabitants of the City of Tulsa, Project No. **TMUA 193110001Z, SOURCE WATER PROTECTION AND MANAGEMENT**, for the purpose of the preservation, protection, and maintenance of the City of Tulsa's water supply quality through the **SOURCE WATER PROTECTION AND MANAGEMENT** program.

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.

ADOPTED by the Council this ____ day of _____, 2024.

Jeannie Cue, Chair, City Council

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

OFFICE OF THE MAYOR

Received by the Mayor this _____ day of _____, 2024, at ____ o'clock, ____ .m.

G. T. Bynum, Mayor

By: Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this _____ day of _____, 2024, at _____ o'clock, ____ .m.

G. T. Bynum, Mayor

(SEAL)
ATTEST:

City Clerk

APPROVED:

City Attorney

OK-MDS



Director

CONDEMNATION PARCEL STATUS

DATE:	August 16, 2024
PROJECT NAME:	Source Water Protection and Management
PARCEL NO.:	Lancaster
OWNER NAME:	Chris Lancaster
PROPERTY ADDRESS:	8479 CR 445, Jay OK
APPRAISED VALUE:	\$60,000.00
OWNER COUNTER:	\$
CITY COUNTER:	\$
CITY 2ND COUNTER:	\$
CITY FINAL OFFER:	\$60,000.00

REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:

2-15-2023 – Telephoned Mr. Lancaster and let him know the City was moving forward with purchasing the property. He verified he was willing to sell, I let him know the sales price would be based on the appraised value and we would order title work and appraisal. He agreed.

2-23-2023 – Received appraisal from Davenport Appraisal Services, property valued at \$60,000.00.

3-14-2023 – Called owner to notify him of appraised value. He said he was good with the \$.

5-11-2023 – Received Abstract and Title Opinion from Davis & Thompson, PLLC. Title issues were found.

6-13-2023 – Spoke with Attorney Thompson regarding Quiet Title. He indicated this could become a long process due to full Indian blood ownership and Judgement lien.

9-15-2023 – Conferred with City Legal to determine Quite Title strategy. Also, payment to clear title issues became a problem without knowing the results and cost of a Quite Title suit.

5-3-2024 – ROW suggested friendly condemnation, and City Legal agreed that this was the best solution.

5-7-2024 – Mr. Lancaster agrees to proceeding with a friendly condemnation.

REASON FOR CONDEMNATION:

<input type="checkbox"/> Project time constraints	<input type="checkbox"/> Non-agreement between City & owner regarding value	<input type="checkbox"/> Title Issues
<input type="checkbox"/> Parcel is last one needed for project	<input type="checkbox"/>	<input type="checkbox"/> Other (Please explain below)

OTHER: Please explain.

OTHER COMMENTS:

MUNIS for TMUA 19311000Z – Lancaster Property

As of 7/2/2024

Project string

	Project *	2131W0001Z	Source Water Protection & Mgmt
	Phase *	WaterSupp	Water Supply
	Task *	Water	Water projects
	Sub-Task *	7400	TMUA Water Capital Projects
	Name *	Source Water Protection & Mgmt	
	Short Name *	Source Wtr	
	Status	Active	
	Projected date range	07/01/2020	to 06/30/2030
	Actual date range		to

Project String Balances

GL Accounts

	Project Year	2025
Original Budget		.00
Transfers - In		.00
Transfers - Out		.00
Revised Budget		772,000.00
Actual (Memo)		.00
Encumbrances		.00
SOY Encumbrances		.00
Requisitions		.00
Inception to SOY		.00
Available		772,000.00
Percent Used		0.00

Project String Balances

GL Accounts

Default GL account

Fund	SubFund	Function
Org	Object	Project
74003311	541101	