

# Resolution

Version 2.5 released on 6/29/23



PW0120838

## 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: 09.18.2024  
☐ Posted Item #: 2409.02460

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

## Primary Details

### Board Approval

Department: Public Works  
Contact Name: Michelle L. Lester *mtl 8/27/24*

Resolution Type  
Condemnation

Amount: \_\_\_\_\_ Case Number: \_\_\_\_\_

Description (Subject)  
3911 East 115th Place South

Section: 33  
Township: 18

Lot: \_\_\_\_\_ Block: \_\_\_\_\_

### Other Board Name

Email: Mlester@cityoftulsa.org

Owner-Grantor  
Daniel M. Bisett Jr & Celia M. Bisett, Co-Trustees

TMAPC Number: \_\_\_\_\_ Council District: 8

Bid/Project Number  
SW-2023-01-10

Range: 13  
Addition: UNPLATTED

Address  
4032 E 111th St S

### City Council Approval

☒ Yes ☐ No

Phone: 918-596-7266

## Budget

### Funding Source(s)

2431F00010.Flood Imp.Flood.5600N.56003300-541101:

TOTAL: \$0.00

## Approvals

Department: *T. Swiney*  
Legal: \_\_\_\_\_  
Board: \_\_\_\_\_  
Mayor: *[Signature]*  
Other: \_\_\_\_\_

Date: 9/13/2024  
Date: SEPT. 11 XXIV  
Date: \_\_\_\_\_  
Date: SEP 18 2024  
Date: \_\_\_\_\_

## Policy Statement

### Background Information

Project No.: SW-2023-01-10

Project Name: 3911 East 115th Place South

Owners: Daniel M. Bisett, Jr. and Celia M., Co-Trustees of the Daniel M. Bisett, Jr. and Celia M. Bisett Trusts

The Public Works Department advises that an existing public necessity requires stormwater improvements in the vicinity of E. 115th Place S., and S. Delaware Ave. The project requires a drainage easement on a property located at 4032 E 111th St. S. Efforts to obtain the easement for \$1,345.00 could not be completed due to non-agreement between the City of Tulsa and the Property Owner regarding the necessity of the project.

PDZ *[Signature]* 8/30/24 MSJ *[Signature]* 8/28/24 kmr

### 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

A24-4847

(Published in the Tulsa World,

\_\_\_\_\_, 20\_\_\_\_)

Resolution No. \_\_\_\_\_

### **RESOLUTION**

A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR THE TAKING, APPROPRIATION, AND CONDEMNATION OF CERTAIN TRACTS OF LAND IN TULSA COUNTY, STATE OF OKLAHOMA, FOR **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH** FOR PURPOSES IN CONNECTION WITH THE CONSTRUCTION OF ADDITIONS AND EXTENSIONS TO THE CITY OF TULSA; AUTHORIZING AND DIRECTING PROPER OFFICIALS OF THE CITY OF TULSA TO INSTITUTE PROCEEDINGS TO CONDEMN SAID LANDS.

WHEREAS, there has been created a construction project designated as **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH**;

WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the construction of **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH** at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH** be constructed 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: (1) Drainage Easement, over, across, through and under the property, (2) the right to excavate, dredge, cut away and remove, excavated material from the property, (3) title to any excavated materials, and (4) the right to place or relocate dredged or excavated material, all on lands situated in the County of Tulsa, State of Oklahoma, which are more particularly identified as follows:

**OWNER:**                      **Daniel M Bisett Jr and Celia M**  
                                      **Co-Trustees Daniel M & Celia M Bisett Trusts**  
                                      4032 E 111<sup>th</sup> St S  
                                      Tulsa, OK 74137

**PROPERTY:** 4032 E 111<sup>th</sup> St S  
Tulsa, OK 74137

SEE **EXHIBIT "A"** as to nature and description of taking

in order to provide Drainage Easement on which to construct **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH** for the use of the inhabitants of the City of Tulsa, **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH**, together with the right of ingress and egress to and from the property, for the purpose of installing, constructing, erecting, maintaining, relaying, and reconstructing of **PROJECT NO. SW-2023-01-10 PROJECT NAME: 3611 EAST 115<sup>TH</sup> PLACE SOUTH**.

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 \_\_\_\_\_, 20 \_\_\_\_.

---

Jeannie Cue, Council Chair

**OFFICE OF THE MAYOR**

Received by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_m.

\_\_\_\_\_  
G.T. Bynum, Mayor

\_\_\_\_\_  
By: Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m.

\_\_\_\_\_  
G.T. Bynum, Mayor

**(SEAL)**

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO SUBSTANCE:**

  
\_\_\_\_\_  
Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

*OK-MDS*

PARCEL NO. 1A  
COUNTY TULSALEGAL DESCRIPTIONDRAINAGE EASEMENT  
BISETT, DANIEL M. JR., AND  
CELIA M. REVOCABLE TRUST

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4 SE/4 NW/4) AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 SE/4 NE/4 NW/4) AND THE EAST 44 FEET OF THE NORTH 990 FEET OF THE NORTHWEST QUARTER (NW/4), SECTION 33, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


**COMMENCING** AT THE SOUTHEAST CORNER OF SAID NE/4 SE/4 NW/4, SAME BEING THE NORTHEAST CORNER OF BLOCK 1, SEQUOYAH HILL II, AN ADDITION TO THE CITY OF TULSA; THENCE SOUTH 88°51'44" WEST AND ALONG THE SOUTH LINE OF SAID NE/4 SE/4 NW/4, SAME BEING THE NORTH LINE OF SAID BLOCK 1, SEQUOYAH HILL II, FOR A DISTANCE OF 311.74 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTH 88°51'44" WEST AND ALONG SAID SOUTH LINE, FOR A DISTANCE OF 30.00 FEET; THENCE NORTH 01°09'24" WEST, FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 88°51'44" EAST AND PARALLEL WITH SAID SOUTH LINE, FOR A DISTANCE OF 30.00 FEET; THENCE SOUTH 01°09'24" EAST, FOR A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 300.00 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BASED ON OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501) NAD 83 (1993).

REAL PROPERTY CERTIFICATION:

I, NATHANIEL J. REED, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

  
NATHANIEL J. REED  
DATE OF SIGNATURE



NATIVE PLAINS

Surveying &amp; Mapping, LLC

A Native American Owned Business  
5807 South Garnett Road, Suite K, Tulsa, Oklahoma, 74146  
Telephone: 918.234.7596, Fax: 918.893.5552

Certificate of Authorization No. 4916

Expires June 30, 2025

MLL



SHEET 2 OF 2

**PLAT OF SURVEY**

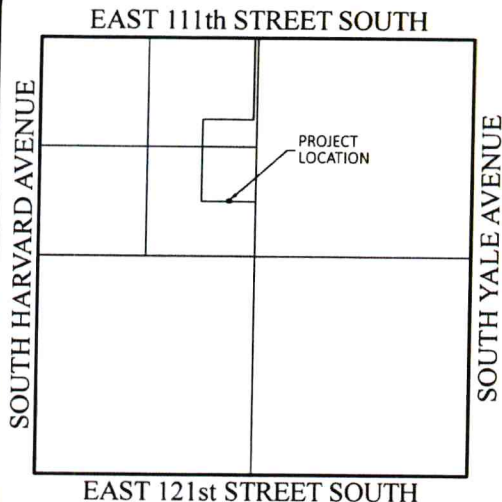
DRAINAGE EASEMENT  
BISETT, DANIEL M. JR., AND  
CELIA M. REVOCABLE TRUST

PARCEL NO. 1A  
COUNTY TULSA

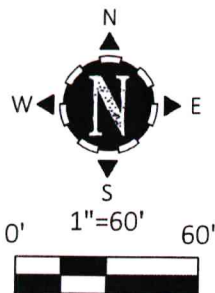
**LEGAL DESCRIPTION:**

PART OF THE NE/4 SE/4 NW/4 & S/2 SE/4 NE/4  
NW/4 & E.44' OF THE N.990' NW/4 SECTION 33,  
TOWNSHIP 18 NORTH, RANGE 13 EAST, TULSA  
COUNTY, STATE OF OKLAHOMA.

SEC 33 T 18 N R 13 E



DRAINAGE EASEMENT \_\_\_\_\_ 300.00 SF 0.007 ACRES



UNPLATTED  
NE/4 SE/4 NW/4 & S/2 SE/4 NE/4 NW/4 &  
E.44' OF THE N.990' NW/4  
SEC. 33, T.18N., R.13E.  
BISETT, DANIEL M. JR., AND CELIA M.  
REVOCABLE TRUST  
4032 E. 111th ST. S.

POC  
SE CORNER NE/4 SE/4 NW/4  
NE CORNER BLOCK 1, SEQUOYAH HILL II  
SOUTH LINE NE/4 SE/4 NW/4  
NORTH LINE BLOCK 1, SEQUOYAH HILL II

N 01°09'24" W - 10.00'  
N 88°51'44" E - 30.00'  
S 01°09'24" E - 10.00'  
S 88°51'44" W - 30.00'  
POB

SEQUOYAH HILL II  
BLOCK 1  
LOT 7  
RESHAMWALA, SABRA A  
REVOCABLE TRUST  
3911 E. 115th PL.

SEQUOYAH HILL II  
BLOCK 1  
LOT 8  
BRUNSMAN, JACQUELINE J.  
REVOCABLE TRUST  
3919 E. 115th PL.

SEQUOYAH HILL II  
BLOCK 1  
LOT 9

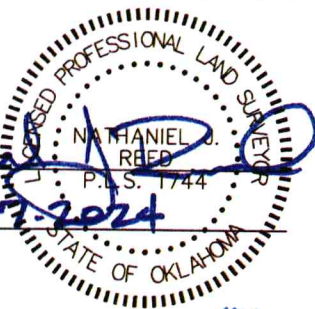
I, NATHANIEL J. REED OF THE STATE OF OKLAHOMA, AND A  
PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE  
ABOVE SHOWN PLAT OF SURVEY IS TRUE AND CORRECT TO  
THE BEST OF MY KNOWLEDGE AND MEETS THE MINIMUM  
TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE  
OF OKLAHOMA.

LEGEND  
POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT  
• 3/8" IRON PIN SET w/CAP (#4916)

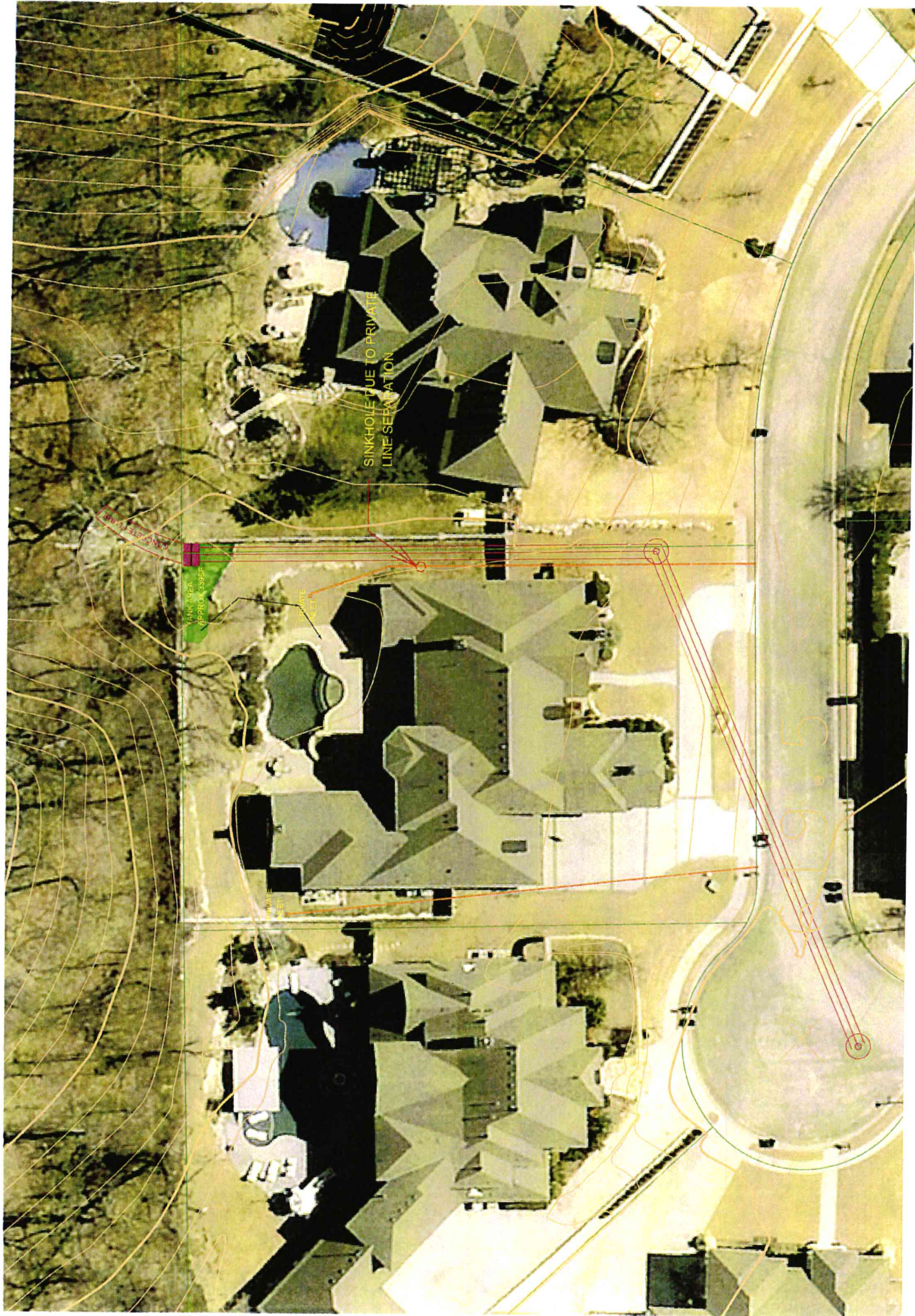
BASIS OF BEARINGS: BASED ON OKLAHOMA STATE PLANE  
COORDINATE SYSTEM, NORTH ZONE (3501) NAD 83 (1993).

NATHANIEL J. REED

DATE OF SIGNATURE







SINKHOLE DUE TO PRIVATE  
LINE SEPARATION

ANNEX AREA  
APPROX. 133,950 SF

PRIVATE  
EJECT



## Subject Photos

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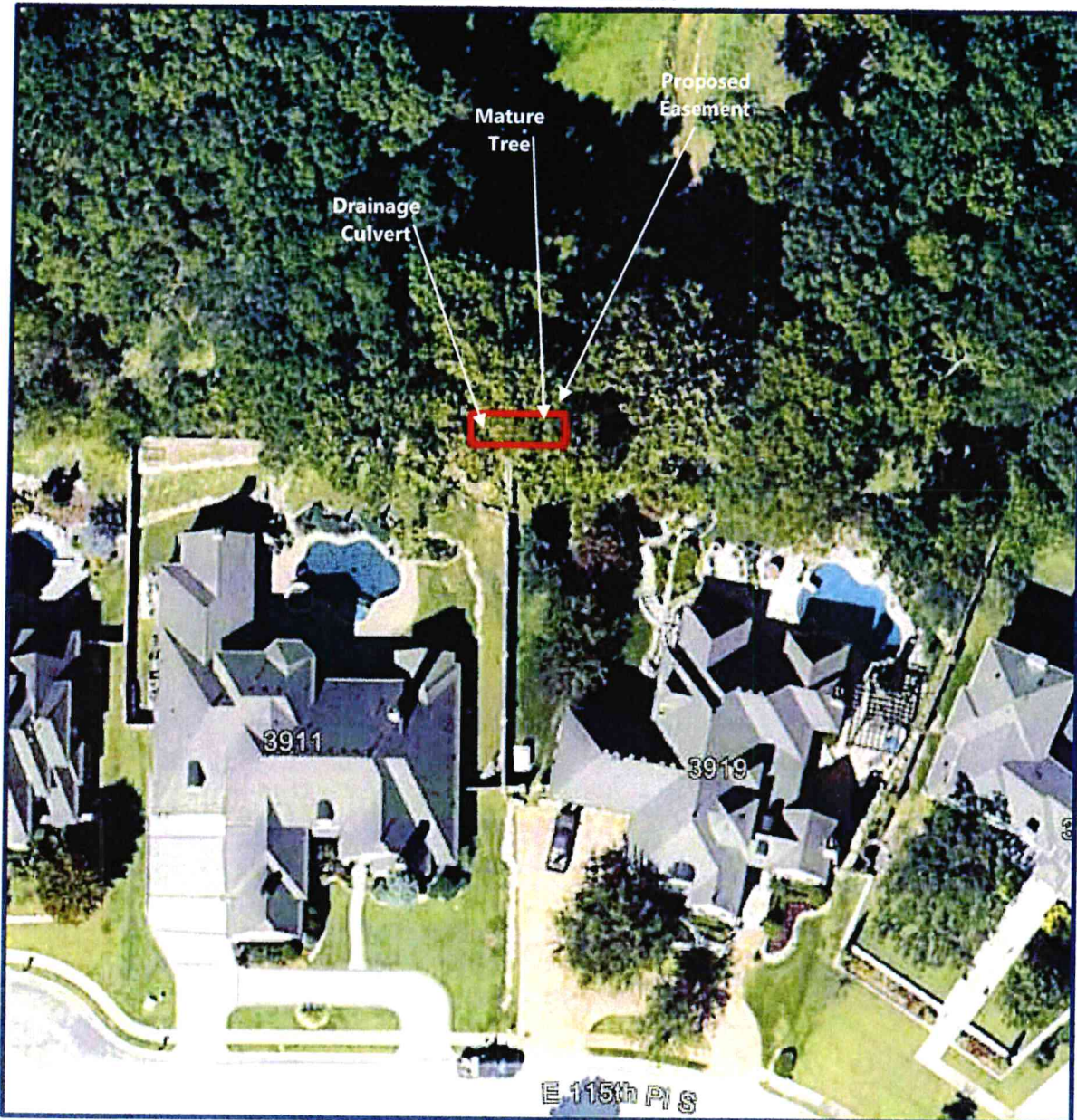
View of Proposed Drainage Easement – Northbound from adjacent property



View of Proposed Drainage Easement - Southbound



**RIGHT-OF-WAY EXHIBIT**



## CONDEMNATION PARCEL STATUS

**DATE:** 08/26/2024

**PROJECT NUMBER:** SW-2023-01-10

**PROJECT NAME:** 3611 East 115<sup>th</sup> Place South

**PARCEL NO.:** 1A

**OWNER NAME:** Daniel M Bisett Jr and Celia M Co-Trustees Daniel M & Celia M Bisett Trusts

**PROPERTY ADDRESS:** 4032 E 111<sup>th</sup> St S

**CITY FIRST OFFER:** \$ 1,345.00 - \*Drainage Easement \$765.00  
\*Cost to Cure: Trees - \$580.00

**OWNER COUNTER:** None

**CITY COUNTER:** None

**CITY FINAL OFFER:** \$ 1,345.00 - \*Drainage Easement \$765.00  
\*Cost to Cure: Trees - \$580.00

### REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:

**June 2024** Josh White (City of Tulsa Construction Manager) met with Property Owners (PO) and had discussions regarding the project. A Right of Entry (ROE) was requested, as work on the adjoining property was ongoing. PO did not agree to sign the ROE and stated objections to the project

**06/20/2024** Ordered Appraisal and Title Opinion

**07/18/2024** Received Appraisal

**07/23/2024** Received Title Opinion

**07/24/2024** Mailed out 1<sup>st</sup> offer packet to PO \$1,345.00 (Stormwater Easement \$765.00, Cost to Cure: Trees \$580.00)

**07/29/2024** Received email from PO stating they see no value in accommodating the City an easement

**07/30/2024** Received email District 8 Councilman, Phil Lakin he would reach out to the engineers.  
Received email from Stormwater Design Lead, Brooke Caviness, stating to move forward with Condemnation

**08/13/2024** Final Offer letter prepared

**08/14/2024** Final Offer letter mailed via USPS

**08/16/2024** Received email from Councilman, Phil Lakin requesting next steps. City of Tulsa Construction Manager, Josh White, responded, explaining final letter has been sent, the necessity of the easement, and provided background of the project

**08/19/2024** Received email from Mr. Bisett stating he received the Final Offer. The letter explains his view and states to appoint commissioners to the project

**08/20/2024** Preparation of condemnation paperwork

### REASON FOR CONDEMNATION:

☒ Project time constraints

☒ Non-agreement between City & PO

☐ Title Issues

☐ Parcel is last one needed for project

☐

☐ Other (Please explain below)

**OTHER:** Please explain.

### OTHER COMMENTS:



# Project Expense Inquiry [City of Tulsa]

KR

Close
Search
Browse
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Print
Display
PDF
Excel
Email
Schedule
0 Attach
R Remind Alert

## Project Expense Inquiry [City of Tulsa]

### Project string

Project *	2431F00010	Citywide Rehab & Replacement	Description
Phase *	Flood Imp	Stormwater Improvements	
Task *	Flood	Flood Deterrent	
Sub-Task *	5600N	Stormwater Capital Projects	Justification
Name *	Citywide Rehab & Replacement		
Short Name *	CW-Reh&Rep		
Status	Active		
Projected date range	07/01/2023	to	06/30/2033
Actual date range		to	
			Project Available Bud
			Actual overhead rate
			Expense Type

### Project String Balances

### GL Accounts

	Project Year 2025		Project Year 2024		Project Year 2023
Original Budget	.00		.00		
Transfers - In	.00		2,043,719.97		
Transfers - Out	.00		.00		
Revised Budget	2,043,719.97		2,043,719.97		
Actual (Memo)	3,363.00		373.38		
Encumbrances	84,633.75		.00		
SOY Encumbrances	.00		.00		
Requisitions	.00		.00		
Inception to SOY	373.38		.00		
Available	1,955,349.84		2,043,346.59		
Percent Used	4.32		0.02		

Project Expense Inquiry [City of Tulsa]

KR



Close



Search



Browse



Output



Print



Display



PDF



Excel



Email



Schedule

0



Attach



Remin  
Alert

Project Expense Inquiry [City of Tulsa]

Project string

<div>▲</div>	Project *	2431F00010	Citywide Rehab & Replacement	Description
<div>▲</div>	Phase *	Flood Imp	Stormwater Improvements	
<div>▲</div>	Task *	Flood	Flood Deterrent	
	Sub-Task *	5600N	Stormwater Capital Projects	Justification
Name *		Citywide Rehab & Replacement		
Short Name *		CW-Reh&Rep		
Status		Active	▼	Project Available Bud
Projected date range		07/01/2023	to	06/30/2033
Actual date range			to	
				Actual overhead rate
				Expense Type

Project String Balances

GL Accounts

Default GL account

Fund	SubFund	Function	Department	Division	Section
Org	Object	Project			
56003300	541101			Allow GL Override	

Budget GL account

Fund	SubFund	Function	Department	Division	Section
Org	Object	Project			
56003300	541101				

