

EN0119057

Easement

Version 3.0 released on 8/3/21

**CITY COUNCIL USE ONLY**

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

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____**CITY CLERK USE ONLY**☐ Scanned

Date: 06.08.2022

☐ Posted

Item #: 2206.01169

*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
 Engineering Services

Contact Name
 Courtney Jones 5.13.22

Email
 courtneyjones@cityoftulsa.org

Phone
 918-596-9549

Easement Type
 Storm Sewer

Owner-Grantor
 Tulsa Vineyard CLA Partners, LTD

Bid/Project Number
 IDP 6407

Project Title
 Children's Learning Adventure

Council District
 8

Section
 26

Township
 18

Range
 13

Addition
 MEMORIAL COMMONS

Lot
 2

Block
 1

Address
 8061 E. 106th Place South

Parcel Number _____

Additional Information/Tracking Number _____

Budget

Contract Types

☒ No Payments Involved☐ Revenue Contracts☐ Expense Contracts

Funding Source(s) _____

DONATION: \$0.00

TOTAL: \$0.00

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Cassia Carr
 Mayor Pro Tem

Date: 5.16.22

Date: 5/24/2022

Date: JUN 08 2022

Date: _____

Policy Statement**Background Information**

This Storm Sewer Easement is being donated by Tulsa Vineyard CLA Partners, LTD, a Texas limited partnership, as a requirement of IDP 6407. The IDP for this project consisted of public storm sewer to serve a commercial development.

Summation of the Requested Action

Engineering Services recommends approval of the easement. MSL:swb

Other Pertinent Details

The easement is being processed after an internal audit of files. This easement has been on hold due to various technical issues. After consultation with City Legal, Development Services and Engineering Services, it was determined that this easement should be processed "as is" to protect the City's infrastructure.

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**

Engineering Services recommends acceptance by Council and approval by Mayor. Original to be picked up by Courtney Jones for further processing. (6-9549)

STORM SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, TULSA VINEYARD CLA PARTNERS, LTD., a Texas limited partnership (Grantor), the owner of the legal and equitable title to the following 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 (the "Easement Tract"):

See Exhibit "A"

for the purpose of permitting the City, to construct a storm sewer main or mains thereon through, over, under, and across said property, together with all necessary and convenient appurtenances thereof; 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, laying, constructing, operating, repairing, relaying and maintaining said storm sewer main or mains and for the further purpose of enabling the City, to do any and all convenient things incident to such construction, operation, repairing, and maintaining of such storm sewer main or mains. In the exercise of Grantee's right hereunder, Grantee shall cooperate as reasonably requested by Grantor so as to minimize any disruption of Grantor's use of the Easement Tract.

The City is hereby given and granted the exclusive possession of said above premises for the purposes aforesaid and Grantor, for itself and 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, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping and customary screening fences that do not constitute an obstruction; 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.

Grantor shall be responsible for the repair and replacement of any landscaping, curbing, paving or fences within the Easement Tract in the event that it is necessary for the City to repair or maintain its storm sewer facilities within the Easement Tract.

TO HAVE AND TO HOLD Such easement and right-of-way unto the City, its successors or assigns, forever. Dated this 10 day of June, 2013.

CITY OF TULSA
OFFICE OF CITY CLERK
175 EAST 2ND STREET - SUITE 260
TULSA, OKLAHOMA 74103 *mjt*

TULSA VINEYARD CLA PARTNERS, LTD.,
a Texas limited partnership

By: Tulsa Vineyard CLA GP, Inc.,
a Texas corporation, its General Partner

By: Sharon Haydon
Name: Sharon Haydon
Title: Vice President

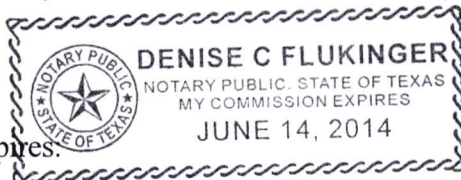
STATE OF ^{Texas} ~~OKLAHOMA~~)
) ss.
COUNTY OF ^{Harris} ~~TULSA~~)

Before me, the undersigned, a Notary Public, in and for said County and State on this 10th day of June, 2013, personally appeared SHARON HAYDON, to me known to be the identical person who subscribed the name of Tulsa Vineyard CLA GP, Inc., a Texas corporation, General Partner to TULSA VINEYARD CLA PARTNERS, LTD., a Texas limited partnership to the foregoing instrument as its Vice President and acknowledged to me that she executed the same as her free and voluntary act and deed and as the free and voluntary act and deed of such 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:

06/14/14



Denise C. Flukinger
Notary Public

APPROVED AS TO FORM:

[Signature]
Asst City Attorney

APPROVED AS TO SUBSTANCE:

[Signature]
City Engineer

ACCEPTED BY CITY COUNCIL:

Date: _____

BY: _____
Name: Lori Decter Wright
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 _____, 2022, personally appeared Lori Decter Wright 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 _____, 2022, 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:

4B
JS

15' Storm Sewer Easement

A FIFTEEN (15.00) FOOT WIDE STRIP OF LAND THAT IS PART OF LOT TWO (2), BLOCK ONE (1), 'MEMORIAL COMMONS', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6219), SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT TWO (2), BLOCK ONE (1), 'MEMORIAL COMMONS'; THENCE SOUTH 01°00'31" EAST FOR A DISTANCE OF 98.98 FEET ALONG THE EAST PROPERTY LINE OF LOT TWO (2) AND TO THE POINT OF BEGINNING; THENCE SOUTH 01°00'31" EAST FOR A DISTANCE OF 15.00 FEET CONTINUING ALONG SAID EAST PROPERTY LINE; THENCE SOUTH 88°47'45" WEST FOR A DISTANCE OF 19.77 FEET; THENCE SOUTH 01°12'15" EAST FOR A DISTANCE OF 129.46 FEET; THENCE SOUTH 71°03'03" EAST FOR A DISTANCE OF 20.57 FEET AND TO A POINT ON THE EAST PROPERTY LINE OF LOT TWO (2); THENCE SOUTH 01°00'31" EAST FOR A DISTANCE OF 15.96 FEET ALONG THE EAST PROPERTY LINE OF LOT TWO (2); THENCE NORTH 71°03'03" WEST FOR A DISTANCE OF 29.92 FEET; THENCE SOUTH 88°47'18" WEST FOR A DISTANCE OF 282.65 FEET AND TO A POINT ON THE WEST PROPERTY LINE OF LOT TWO (2); THENCE NORTH 01°02'32" WEST FOR A DISTANCE OF 15.00 FEET ALONG THE WEST PROPERTY LINE OF LOT TWO (2); THENCE NORTH 88°47'18" EAST FOR A DISTANCE OF 276.44 FEET; THENCE NORTH 01°12'15" WEST FOR A DISTANCE OF 142.20 FEET; THENCE NORTH 88°47'45" EAST FOR A DISTANCE OF 34.83 FEET TO A POINT OF THE EAST PROPERTY LINE OF LOT TWO (2) AND THE POINT OF BEGINNING;

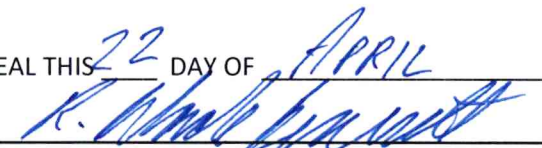
SAID TRACT OF LAND CONTAINING 7,124.32 SQUARE FEET (0.163 ACRES).

Surveyor's Certification

I, R. WADE BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE STORM SEWER EASEMENT DESCRIBED, AND THAT THE SURVEY OF STORM SEWER EASEMENT 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 22 DAY OF APRIL, 2013.


R. WADE BENNETT, P.L.S.
OKLAHOMA P.L.S. #1556
OKLAHOMA CA #4502
EXPIRATION DATE: 6/30/14



ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT CITY OF TULSA STANDARDS AND SPECIFICATIONS (INCLUDING O.D.T. 2009 EDITION)

**CHILDREN'S
LEARNING
ADVENTURE**



LOT 2,
BLOCK 1,
MEMORIAL
COMMONS
TULSA, OK



SCALE	•	1"=100'
IDP NO.	•	6407
ATLAS PAGE NO.	•	1576
MANAGER	•	ANW
DRAWN BY	•	ANW
DATE	•	4/2/2013

15' STORM
SEWER
EASEMENT

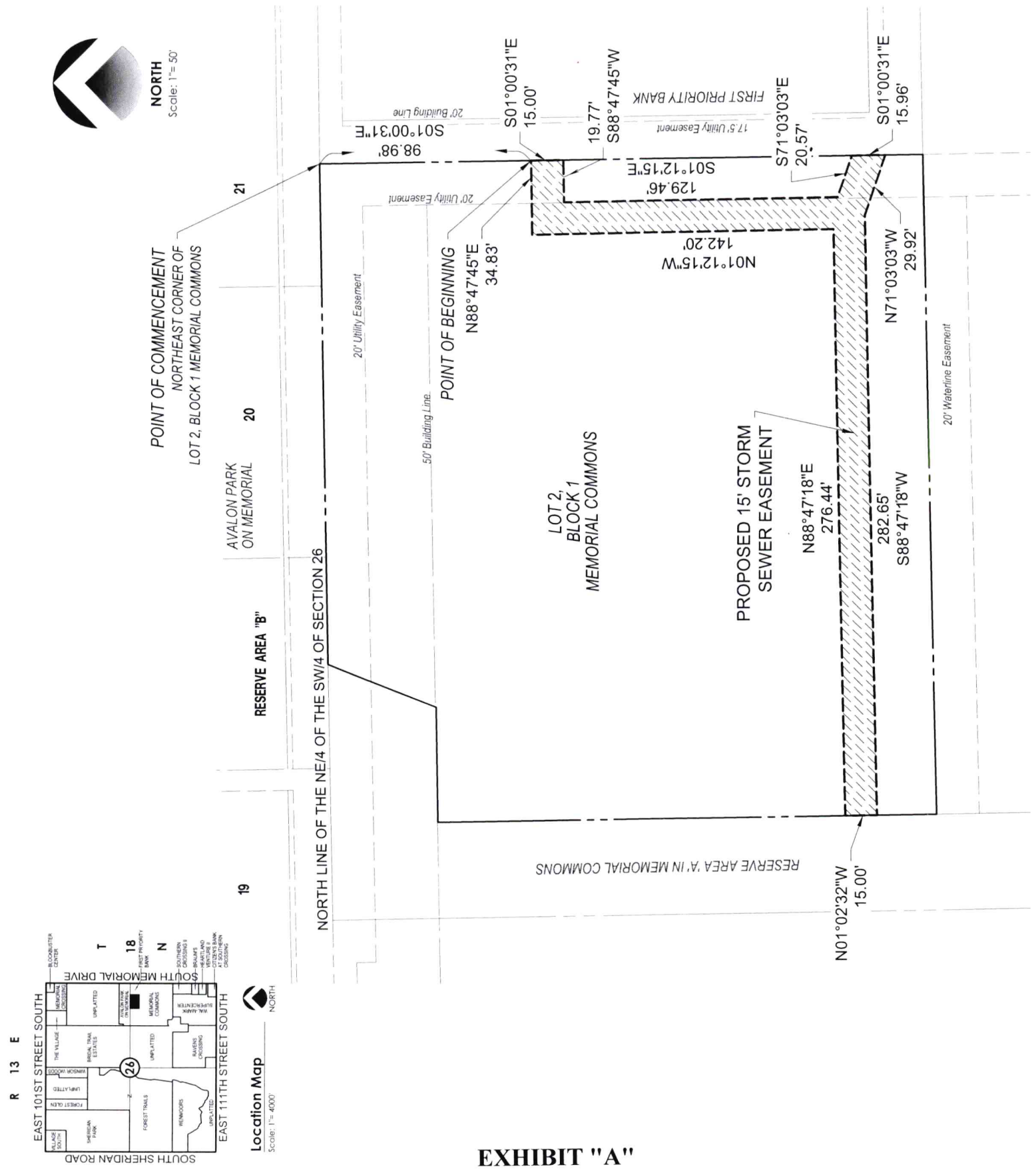


EXHIBIT "A"
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