

Resolution

EN0119145

Version 2.2 released on 6/29/21
Use for all types of Resolutions



CITY COUNCIL USE ONLY

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

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned

Date: 08.10.2022

☐ Posted

Item #: 2208.01689

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

Primary Details

Board Approval

Department
Engineering Services

Contact Name
Michelle L. Lester

Other Board Name

Email
mlester@cityoftulsa.org

City Council Approval

☒ Yes ☐ No

Phone
(918) 596-7266

Resolution Type
Condemnation

Owner-Grantor
Arnett Starks and Edna L. Starks

Amount

Case Number

TMAPC Number

Council District

Description (Subject)
Northgate Lift Station Relief

Bid/Project Number
ES 2014-13

Section
2

Township
20

Range
12

Addition
UNPLATTED

Lot

Block

Address
124 West 61st Street North

Budget

Funding Source(s)

142019.SewerLines.5455604-75003122-541101:

TOTAL:

\$0.00

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 6/28/22

Date: AUGUST 5 XXII

Date: _____

Date: AUG 10 2022

Date: _____

Policy Statement

Background Information

ES 2014-13, Northgate Lift Station Relief:

Owners: Arnett Starks and Edna L. Starks - Parcels 14A, 14.1 (The property is outside the City Limits and within Tulsa County)

The Engineering Services Department advises that an existing public necessity requires a Sanitary Sewer Easement on property located at 124 West 61st Street North. Efforts to purchase the easement for the fair market value of \$543.00 could not be completed due to non-agreement with owners. MSL/CJ/tw

Provide background information on the requested action.

Summation of the Requested Action

The Engineering Services Department has prepared a Resolution authorizing condemnation of the property for consideration and approval, and upon approval, City Legal will initiate condemnation proceedings.

Summarize the pertinent details of the requested action.

Emergency Clause?

☒ Yes

☐ No

Reason for Emergency Clause

Project time constraints and last parcel needed for project.

Explain why you are requesting that the City Council approve the action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

Additional Routing and Processing Details

Please return to Courtney Jones for further processing.

(Published in the Tulsa World,

_____, 2022)

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 THE **NORTHGATE LIFT STATION RELIEF, PROJECT NO. ES 2014-13**, IN CONNECTION WITH THE CONSTRUCTION OF ADDITIONS AND EXTENSIONS TO THE CITY OF TULSA AND AUTHORIZING AND DIRECTING PROPER OFFICIALS OF THE CITY OF TULSA TO INSTITUTE PROCEEDINGS TO CONDEMN SAID LANDS; AND DECLARING AN EMERGENCY.

WHEREAS, there has been created a construction project designated as **NORTHGATE LIFT STATION RELIEF, PROJECT NO. ES 2014-13**; and

WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the construction of **NORTHGATE LIFT STATION RELIEF, PROJECT NO. ES 2014-13** at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that the **NORTHGATE LIFT STATION RELIEF, PROJECT NO. ES 2014-13** 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) easements, 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: **Arnett Starks and Edna L. Starks**
 1748 W. Woodrow Street
 Tulsa, Oklahoma 74127

PROPERTY: **124 W. 61st Street North**
 Tulsa, OK 74126

SEE EXHIBIT “A” as to nature and description of taking

in order to provide easements on which to construct the **NORTHGATE LIFT STATION RELIEF PROJECT**, for the use of the inhabitants of the City of Tulsa, **PROJECT NO. ES 2014-13**, 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 the **NORTHGATE LIFT STATION RELIEF PROJECT**.

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.

Section 3. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Resolution shall be in full force and effect immediately from and after its passage, approval and publication.

ADOPTED by the Council this ____ day of _____, 2022.

Lori Decter Wright, Council Chair

ADOPTED as an emergency measure and ruled upon separately this _____ day of _____, 2022.

Lori Decter Wright, Council Chair

OFFICE OF THE MAYOR

Received by the Mayor this _____ day of _____, 2022, at _____ o'clock, _____m.

G. T. Bynum, Mayor

By: Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this _____ day of _____, 2022, at _____ o'clock, ____m.

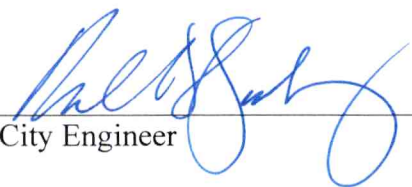
G. T. Bynum, Mayor

(SEAL)

ATTEST:

City Clerk

APPROVED AS TO SUBSTANCE:



City Engineer

APPROVED AS TO FORM:

City Attorney

OK - MAS

PROJECT NO. NORTH GATE LIFT STATION
RELIEF ES-2014-13

PARCEL NO. 14A

COUNTY TULSA

PAGE 1 of 2

LEGAL DESCRIPTION

PERMANENT EASEMENT

Permanent Easement - Parcel 14A:

Real Estate:

The West Three (3) Acres of the North Half of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 SE/4) of Section Two (2), Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U.S Government Survey thereof.

Permanent Easement:

A part of the North Half of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 SE/4) of Section Two (2), Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of said SE/4; thence South 88°00'27" West and along the North line of said SE/4, for a distance of 1121.17 feet; thence South 01°01'57" East, for a distance of 632.92 feet to the **POINT OF BEGINNING**; thence South 01°01'57" East, for a distance of 15.00 feet to a point on the South line of said N/2 NE/4 SE/4; thence South 88°39'38" West and along said South line, for a distance of 197.34 feet to the SW corner of said N/2 NE/4 SE/4; thence North 00°52'54" West and along said West line of said N/2 NE/4 SE/4, for a distance of 15.00 feet; thence North 88°39'38" East, for a distance of 197.30 feet to the **POINT OF BEGINNING**.

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.

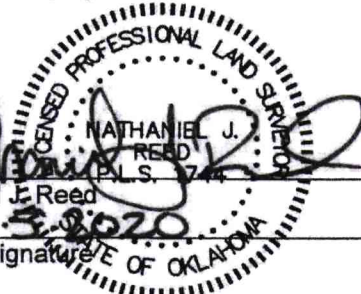

Nathaniel J. Reed
Date of Signature 11-3-2020

EXHIBIT "A"

Page 1 of 4



NATIVE PLAINS

Surveying & Mapping, LLC

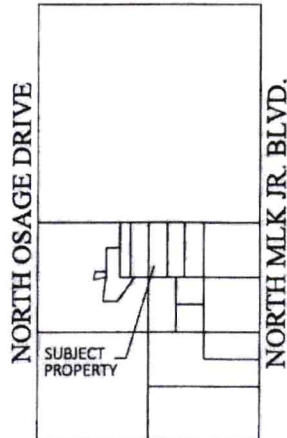
A Native American Owned Business

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, 2021

EAST 66th STREET NORTH



EAST 56th STREET NORTH



PROJECT NO. NORTH GATE LIFT STATION
RELIEF ES-2014-13

PARCEL NO. 14A

COUNTY TULSA

PAGE 2 of 2

LEGAL DESCRIPTION: The West 3 acres of the N/2
NE/4 SE/4, Section 2, Township 20 North, Range
12 East, Tulsa County, State of Oklahoma

SEC 2 T 20 N R 12 E

APPROXIMATE BEFORE GROSS	130,680.00	SF	3.00	ACRES
EXISTING R/W	0.00	SF	0.00	ACRES
PERMANENT EASEMENT	2,959.74	SF	0.07	ACRES
REM IN QTR	0.00	SF	0.00	ACRES
TEMPORARY EASEMENT	0.00	SF	0.00	ACRES
LIMIT OF NO ACCESS	0.00	LF		

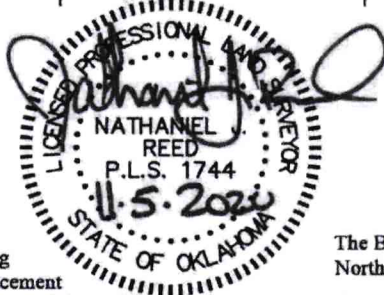
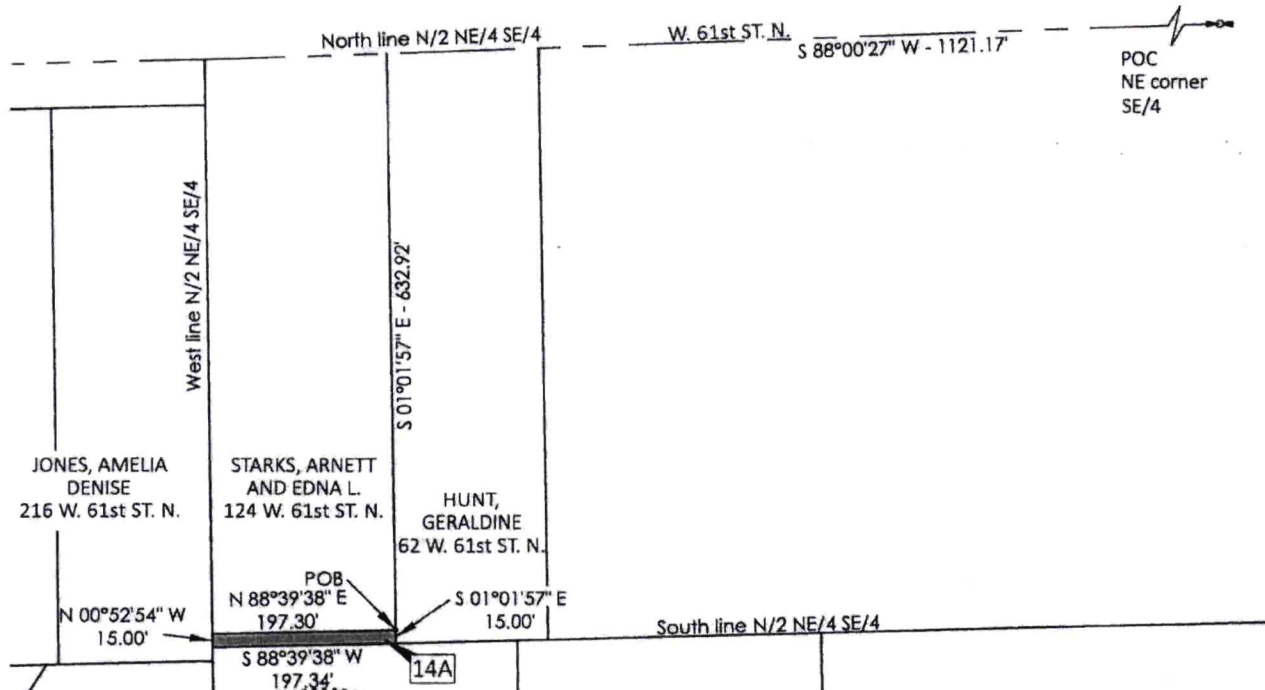


EXHIBIT "A"

Page 2 of 4

POB Point of Beginning
POC Point of Commencement

The Basis of Bearing based upon the Oklahoma State Plane Coordinate System,
North Zone 3501, NAD 83 (1993)

MLL

PROJECT NO. NORTH GATE LIFT STATION
RELIEF ES-2014-13

PARCEL NO. 14.1

COUNTY TULSA

PAGE 1 of 2

LEGAL DESCRIPTION

TEMPORARY EASEMENT

Temporary Easement - Parcel 14.1:

Real Estate:

The West Three (3) Acres of the North Half of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 SE/4) of Section Two (2), Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U.S Government Survey thereof.

Temporary Easement:

A part of the North Half of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 SE/4) of Section Two (2), Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of said SE/4; thence South 88°00'27" West and along the North line of said SE/4, for a distance of 1184.50 feet; thence South 01°59'33" East and perpendicular to said North line, for a distance of 622.23 feet to the **POINT OF BEGINNING**; thence South 00°54'06" East, for a distance of 10.00 feet; thence South 88°39'38" West, for a distance of 40.00 feet; thence North 00°54'06" West, for a distance of 10.00 feet; thence North 88°39'38" East, for a distance of 40.00 feet to the **POINT OF BEGINNING**.

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.

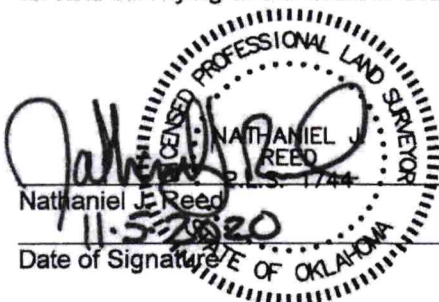
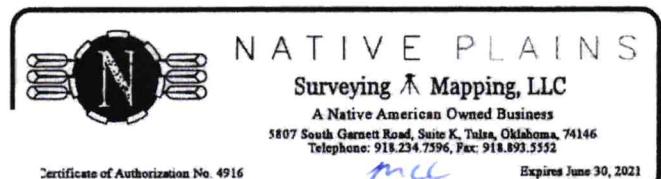
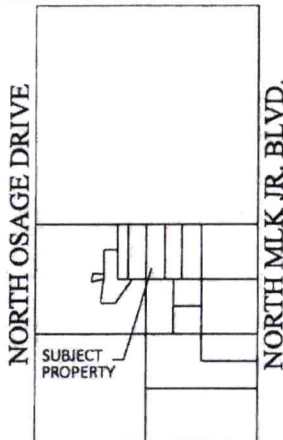


EXHIBIT "A"

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EAST 66th STREET NORTH



PROJECT NO. NORTH GATE LIFT STATION
RELIEF ES-2014-13

PARCEL NO. 14.1

COUNTY TULSA

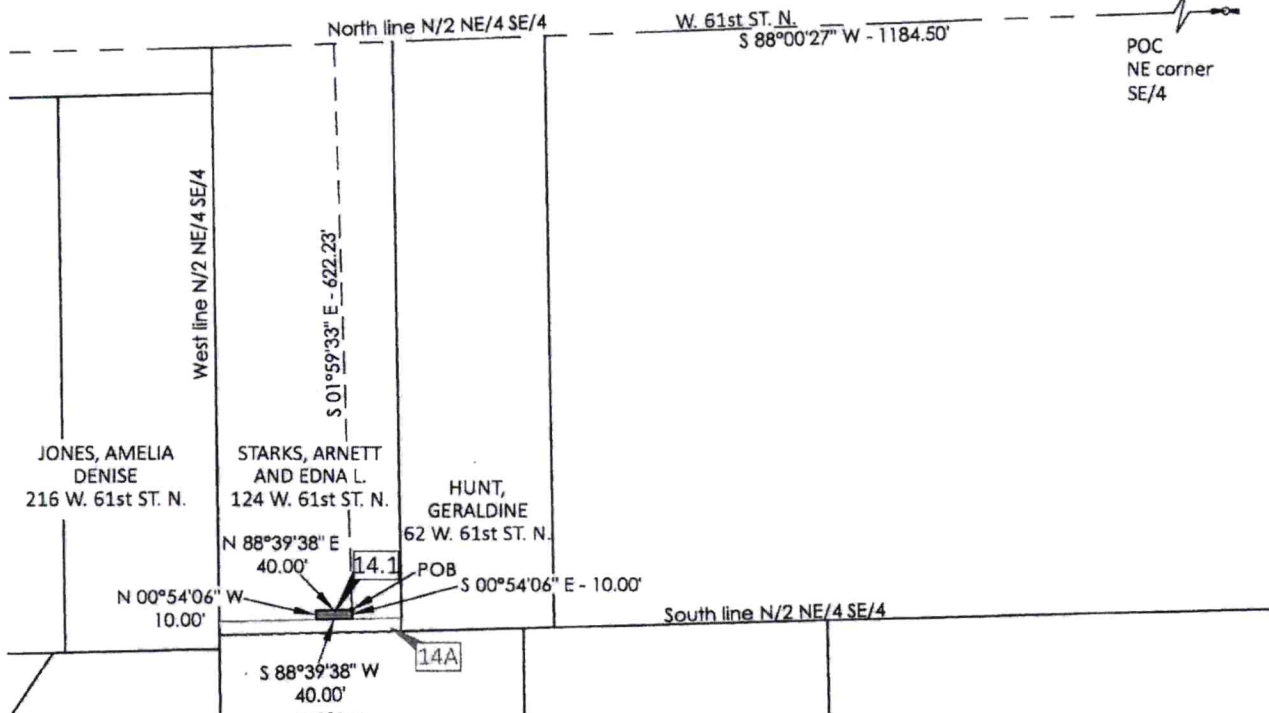
PAGE 2 of 2

LEGAL DESCRIPTION: The West 3 acres of the N/2
NE/4 SE/4, Section 2, Township 20 North, Range
12 East, Tulsa County, State of Oklahoma

SEC 2 T 20 N R 12 E

EAST 56th STREET NORTH

APPROXIMATE BEFORE GROSS	130,680.00	SF	3.00	ACRES
EXISTING R/W	0.00	SF	0.00	ACRES
PERMANENT EASEMENT	0.00	SF	0.00	ACRES
REM IN QTR	0.00	SF	0.00	ACRES
TEMPORARY EASEMENT	400.00	SF	0.009	ACRES



LEGEND

POB Point of Beginning
POC Point of Commencement

EXHIBIT "A"

Page 4 of 4

The Basis of Bearing based upon the Oklahoma State Plane Coordinate System,
North Zone 3501, NAD 83 (1993)

CONDEMNATION PARCEL STATUS

DATE:	June 22, 2022
PROJECT NAME:	Northgate Lift Station Relief
PROJECT:	ES 2014-13
PARCELS NO.:	14A, 14.1
OWNER NAME:	Arnett and Edna Starks
PROPERTY ADDRESS:	124 West 61 st Street North
APPRAISED VALUE:	\$543.00
OWNER COUNTER:	\$543.00 + cost of private sewer line (est. \$10,938)
CITY FINAL OFFER:	\$543.00

REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:

- April 25, 2020 – Mailed contact letter about upcoming project.
 - July 1, 2020 – Site visit to discuss project. Gate was locked, left copy of Contact Letter.
 - August 13, 2020 – Received appraisal.
 - October 9, 2020 – Mailed Offer Letter.
 - October 27, 2020 – Left voice mail to discuss offer letter and project.
 - November 2, 2020 – Left voice mail to discuss offer letter and project.
 - November 3, 2020 – Owner does not accept offer; wants the City of Tulsa to install a cleanout line from tee to residence.
 - From November, 2020 – Winter 2021, multiple discussions with Property Owner and plumber to determine cost of private line from tee to the house, in order to quantify the counter offer. Final determination was approximately \$11,000.00.
 - Internal review of counter offer and it was determined that this is not a publicly compensable cost (Property Owner's private sewer line).
 - New Right of Way agent met with Property Owner, discussed City's position and Property Owner conveyed they will not sign without compensation for the private line.
 - February 12, 2022 – Final Offer Letter mailed.
-

REASON FOR CONDEMNATION:

☒ Project time constraints

☒ Non-agreement between
City & owner regarding value

Title Issues

☒ Parcel is last one needed
for project

Other (Please explain below)

OTHER: Please explain.

OTHER COMMENTS:

Project Expense Inquiry [City of Tulsa]



Back



Search



Browse



Output



Print



Display



PDF



Excel



Email



Schedule



Attach

R

Reminder
Alert

Project string

▲ Project *	142019	...	Northgate Ls Relief	Description
▲ Phase *	SewerLines	...	Sewer lines	
▲ Task *	5455604	...	Lateral sewer lines & app	
Sub-Task *		...		Justification
Name *	Northgate Ls Relief			
Short Name *	Northgate			
Status	Active			
Projected date range	07/01/2016	to	06/30/2017	Project Available Budget
Actual date range		to		Actual overhead rate Expense Type

PROJECT STRING BALANCES

GL ACCOUNTS

	Project Year 2022		Project Year 2021		Project Year 2020	
Original Budget	.00		.00		.00	
Transfers - In	.00		.00		.00	
Transfers - Out	.00		.00		.00	
Revised Budget	174,936.99		174,936.99		174,936.99	
Actual (Memo)	2,038.25		14,027.00		47,313.00	
Encumbrances	.00		.00		.00	
SOY Encumbrances	.00		.00		.00	
Requisitions	.00		.00		.00	
Inception to SOY	83,429.25		69,402.25		22,089.25	
Available	89,469.49		91,507.74		105,534.74	
Percent Used	48.86		47.69		39.67	



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Add / Display reminder alerts on the curre...

Project Expense Inquiry [City of Tulsa]

T



Back



Search



Browse



Output



Print



Display



PDF



Excel



Email



Schedule

(0)



Attach



R

Reminder
Alert

Project string

▲ Project *	142019	...	Northgate Ls Relief	Description
▲ Phase *	SewerLines	...	Sewer lines	
▲ Task *	5455604	...	Lateral sewer lines & app	
Sub-Task *		...		Justification
Name *	Northgate Ls Relief			
Short Name *	Northgate			
Status	Active ▼			
Projected date range	07/01/2016	to	06/30/2017	Project Available Budget
Actual date range		to		Actual overhead rate Expense Type

PROJECT STRING BALANCES

GL ACCOUNTS

Default GL account

Fund	SubFund	Function	Department	Division	Section	Futur
Org	Object	Project				
75003122	541101		<input type="checkbox"/> Allow GL Override			

Budget GL account

Fund	SubFund	Function	Department	Division	Section	Future
Org	Object	Project				
75003122	541101					

«

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3 of 3

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Add / Display reminder alerts on the curre...