

RESOLUTION NO. CC-2016-25

“A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING OWNERSHIP TO REAL PROPERTY AND PERMANENT AND TEMPORARY EASEMENTS ON CERTAIN TRACTS OF LAND HEREINAFTER DESCRIBED LOCATED IN SECTION 28, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA FOR THE PURPOSE OF CONSTRUCTING A WATER LINE ADJACENT TO SOUTH SANGRE ROAD BETWEEN YELLOW BRICK DRIVE AND 32ND AVENUE”

WHEREAS, the City of Stillwater has found it necessary to acquire ownership to real property and permanent and temporary easements on the hereinafter described tracts of land for the purpose of constructing a water line adjacent to South Sangre Road between Yellow Brick Drive and 32nd Avenue; and

WHEREAS, there is now on hand unexpended and unencumbered funds available, sufficient for the said purpose and amounts sufficient to pay for the said real property and permanent and temporary easements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

SECTION 1: That the acquisition and appropriation of permanent and temporary easements on the tract of land described as follows:

Parcel #058A
Assessor ID: 600007798
2823 S Sangre Road
Owner: Bruce Family Revocable Trust, dated the 30th day of August, 2010

Property Legal Description: A TRACT OF LAND IN THE SW/4 OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS STARTING AT THE NW/CORNER OF THE SW/4 OF SAID SECTION 28; THENCE SOUTH 982.5 FEET AND EAST 40 FEET TO THE POINT OF BEGINNING; THENCE EAST 284.1 FEET; THENCE SOUTH 158.7 FEET; THENCE EAST 11.5 FEET; THENCE SOUTH 168.5 FEET; THENCE WEST 295.6 FEET; THENCE NORTH 327.5 FEET TO THE POINT OF BEGINNING.

Parcel 058A.0

Proposed Easement

The West 13.00 feet of the South 45.00 feet of the above described tract.

Said strip, piece or parcel of land contains 0.0134 acres more or less.

Said Proposed Total easement containing 0.0134 acres, which is overlapping an existing City of Stillwater Utility Easement (Book 592 Page 548) containing 0.0081 acres of existing usable easement, leaving 0.0081 NET acres of Proposed Easement

Parcel 058A.1

Temporary Easement

The East 10.00 feet of the West 23.00 feet of the South 45.00 feet of the above tract.

Said strip, piece or parcel of land contains 0.0107 acres more or less.

is necessary for the purpose of constructing a water line adjacent to Sangre Road between West Yellow Brick Drive and 32nd Avenue and said purpose requires the acquisition of easements on the tracts described above, situated in Payne County, State of Oklahoma.

SECTION 2: That the acquisition and appropriation of permanent and temporary easements on the tract of land described as follows:

Parcel #057A

Assessor ID: 600007788

2905 S Sangre Road

Owner: The Kevin C. Ehlers and Vicki L. Ehlers Revocable Trust, dated the 1st day of April, 2004

Property Legal Description: A TRACT OF LAND IN THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETEEN (19), RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER (NW/COR) OF SAID SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4); THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION TWENTY-EIGHT (28), A DISTANCE OF THREE HUNDRED FEET (300'); THENCE EAST A DISTANCE OF FOUR HUNDRED SIXTY-ONE AND NINETY-FOUR HUNDREDTHS FEET (461.94'); THENCE NORTHERLY THREE HUNDRED FEET (300') TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) FOUR HUNDRED FORTY-FOUR FEET (444.0') EAST OF THE NORTHWEST CORNER (NW/COR) OF SAID SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4); THENCE WEST TO THE POINT OF BEGINNING.

Parcel 057A

Proposed Easement

The East 20.00 feet of the West 53.00 feet of the above described tract.

Said Proposed Total easement containing 0.1377 acres, which is overlapping an existing City of Stillwater Street and Road Easement and R/W (Book 1076 Page 52) containing 0.0370 acres of existing usable easement, leaving 0.1007 NET acres of Proposed Easement.

Parcel 057A.1

Temporary Easement

The East 10.00 feet of the West 63.00 feet AND the East 10.00 feet of the West 73.00 of the North 60.00 feet of the South 90.00 feet of the above described tract.

Said strip, piece or parcel of land contains 0.0826 acres more or less.

is necessary for the purpose of constructing a water line adjacent to Sangre Road between West Yellow Brick Drive and 32nd Avenue and said purpose requires the acquisition of easements on the tracts described above, situated in Payne County, State of Oklahoma.

SECTION 3: That the acquisition and appropriation of permanent and temporary easements on the tract of land described as follows:

Parcel #056A

Assessor ID: 600079697

3001 S Sangre Road

Owner: Larry D. Smith and Kelsey Smith, husband and wife

Property Legal Description: A TRACT OF LAND IN THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETEEN (19) NORTH, RANGE TWO (2) EAST, INDIAN MERIDIAN, PAYNE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION TWENTY-EIGHT (28); THENCE NORTH 00°52'49" WEST ALONG THE SECTION BOUNDARY A DISTANCE OF 462.50 FEET TO

THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°52'49" WEST ALONG THE SECTION BOUNDARY A DISTANCE OF 547.15 FEET TO THE SOUTHWEST CORNER OF A TRACT RECORDED AT BOOK 1400 PAGE 429; THENCE SOUTH 89°55'37" EAST A DISTANCE OF 461.43 FEET, (RECORD SOUTH 89°55'40" EAST A DISTANCE OF 461.94 FEET) TO THE SOUTHEAST CORNER OF SAID TRACT RECORDED AT BOOK 1400 PAGE 429; THENCE NORTH 04°18'39" WEST A DISTANCE OF 300.00 FEET TO A FOUND IRON PIN ON THE NORTH BOUNDARY OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, WHICH IS ALSO THE NORTHEAST CORNER OF SAID TRACT RECORDED AT BOOK 1400 PAGE 429; THENCE SOUTH 89°49'14" EAST A DISTANCE OF 213.19 FEET TO A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 00°54'18" EAST ALONG THE EAST BOUNDARY OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 828.59 FEET; THENCE NORTH 53°49'23" WEST A DISTANCE OF 287.97 FEET; THENCE SOUTH 66°16'29" WEST A DISTANCE OF 463.47 FEET TO THE POINT OF BEGINNING, CONTAINING 8.20 ACRES, MORE OR LESS.

AND TRACT A1

A TRACT OF LAND IN THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETEEN (19) NORTH, RANGE TWO (2) EAST, INDIAN MERIDIAN, PAYNE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION TWENTY-EIGHT (28); THENCE NORTH 00°52'49" WEST ALONG THE SECTION BOUNDARY A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°52'49" WEST ALONG THE SECTION BOUNDARY A DISTANCE OF 350.65 FEET TO THE SOUTHWEST CORNER OF A TRACT RECORDED AT BOOK 1400 PAGE 429; THENCE SOUTH 89°55'37" EAST A DISTANCE OF 461.43 FEET, (RECORD SOUTH 89°55'40" EAST A DISTANCE OF 461.94 FEET) TO THE SOUTHEAST CORNER OF SAID TRACT RECORDED AT BOOK 1400 PAGE 429; THENCE NORTH 04°18'39" WEST A DISTANCE OF 300.00 FEET TO A FOUND PIN ON THE NORTH BOUNDARY OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, WHICH IS ALSO THE NORTHEAST CORNER OF SAID TRACT RECORDED AT BOOK 1400 PAGE 429; THENCE SOUTH 89°49'14" EAST A DISTANCE OF 213.19 FEET TO A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 00°54'18" EAST ALONG THE EAST BOUNDARY OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 828.59 FEET; THENCE NORTH 53°49'23" WEST A DISTANCE OF 287.97 FEET; THENCE SOUTH 66°16'29" WEST A DISTANCE OF 312.73 FEET; THENCE NORTH 46°04'27" WEST A DISTANCE OF 195.79 FEET TO THE POINT OF BEGINNING.

AND TRACT A2

A TRACT OF LAND IN THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETEEN (19) NORTH, RANGE TWO (2) EAST, INDIAN MERIDIAN, PAYNE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER (SW/C) OF SAID SECTION TWENTY-EIGHT (28), THENCE NORTH 00°52'49" WEST ALONG THE SECTION BOUNDARY A DISTANCE OF 463.50 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING NORTH 00°52'49" WEST ALONG SAID BOUNDARY A DISTANCE OF 196.50 FEET, THENCE SOUTH 46°04'27" EAST A

DISTANCE OF 195.79 FEET, THENCE SOUTH 66°16'29" WEST A
DISTANCE OF 150.74 FEET TO THE POINT OF BEGINNING.

Parcel 056A

Proposed Easement

Commencing at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Twenty-Eight (28), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma; thence S 0° 48' 48" E along the West line of said Southwest Quarter of the Southwest Quarter (SW/4 SW/4) a distance of 300.00 feet; thence S 89° 56' 39" E a distance of 33.00 feet to a point on the East statutory Right-of-Way line of Sangre Road and the Point of Beginning; thence continuing S 89° 56' 39" E a distance of 15.00 feet; thence S 0° 48' 48" E a distance of 259.12 feet; thence N 89° 11' 12" E a distance of 5.00 feet; thence S 0° 48' 48" E a distance of 264.67 feet; thence S 66° 20' 30" W a distance of 21.70 feet to a point on said East Statutory Right-of-Way line; thence N 0° 48' 48" W along said East Statutory Right-of-Way line a distance of 532.45 feet to the Point of Beginning.

Said strip, piece or parcel of land contains 0.2127 acres more or less.

Said Proposed Total easement containing 0.2127 acres, which is overlapping an existing City of Stillwater Street and Road Easement and R/W (Book 1076 Page 46) containing 0.0117 acres of existing usable easement, leaving 0.1950 NET acres of Proposed Easement.

Parcel 056A.1

Temporary Easement

Commencing at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Twenty-Eight (28), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma; thence S 0° 48' 48" E along the West line of said Southwest Quarter of the Southwest Quarter (SW/4 SW/4) a distance of 300.00 feet; thence S 89° 56' 39" E a distance of 48.00 feet; thence S 0° 48' 48" E a distance of 259.12 feet; thence N 89° 11' 12" E a distance of 5.00 feet to the Point of Beginning; thence continuing N 89° 11' 12" E a distance of 20.00 feet; thence S 0° 48' 48" E a distance of 60.00 feet; thence S 89° 11' 12" W a distance of 10.00 feet; thence S 0° 48' 48" E a distance of 200.46 feet; thence S 66° 20' 30" W a distance of 10.85; thence N 0° 48' 48" W a distance of 264.67 feet to the Point of Beginning.

Said strip, piece or parcel of land contains 0.0741 acres more or less.

is necessary for the purpose of constructing a water line adjacent to Sangre Road between West Yellow Brick Drive and 32nd Avenue and said purpose requires the acquisition of easements on the tracts described above, situated in Payne County, State of Oklahoma.

SECTION 4: That the acquisition and appropriation of permanent and temporary easements on the tract of land described as follows:

Parcel #055A
Assessor ID: 600007717
3111 S Sangre Road
Owner: Charles Edward Johnson II and Crystal Nicole Johnson

Property Legal Description: A TRACT OF LAND IN THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETEEN (19) NORTH, RANGE TWO (2) EAST, INDIAN MERIDIAN, PAYNE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°52'49" WEST ALONG THE SECTION BOUNDARY A DISTANCE OF 463.50 FEET; THENCE NORTH 66°16'29" EAST A DISTANCE OF 150.74 FEET; THENCE SOUTH 46°04'27" EAST A DISTANCE OF 311.56 FEET; THENCE SOUTH 00°52'49" EAST A DISTANCE OF 308.00 FEET TO A POINT ON THE SECTION

BOUNDARY; THENCE SOUTH 90°00'00" WEST A DISTANCE OF 360.00 FEET TO THE POINT OF BEGINNING.

Parcel 055A

Proposed Easement

Commencing at the Southwest Corner of the Southwest Quarter (SW/4) of Section Twenty-Eight (28), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma; thence N 0° 48' 48" W along the West line of said Southwest Quarter (SW/4) a distance of 33.00 feet; thence S 89° 56' 18" E a distance of 33.00 feet to a point at the intersection of the East statutory Right-of-Way line of Sangre Road and the North statutory Right-of-Way line of 32nd Avenue and the Point of Beginning; thence N 00° 48' 48" W along said East statutory Right-of-Way line a distance of 444.90 feet; thence N 66° 20' 30" E a distance of 21.70 feet; thence S 0° 48' 48" E a distance of 188.41 feet; thence S 89° 11' 12" W a distance of 5.00 feet; thence S 0° 48' 48" E a distance of 240.00 feet; thence N 89° 11' 12" E a distance of 5.00 feet; thence S 0° 48' 48" E a distance of 25.23 feet to a point on said North statutory Right-of-Way line; thence N 89° 56' 18" W along said North statutory Right-of-Way line a distance of 20.00 feet to the Point of Beginning.

Said strip, piece or parcel of land contains 0.1787 acres more or less.

Parcel 055A.1

Temporary Easement

Commencing at the Southwest Corner of the Southwest Quarter (SW/4) of Section Twenty-Eight (28), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma; thence N 0° 48' 48" W along the West line of said Southwest Quarter (SW/4) a distance of 33.00 feet; thence S 89° 56' 18" E a distance of 33.00 feet to a point at the intersection of the East statutory Right-of-Way line of Sangre Road and the North statutory Right-of-Way line of 32nd Avenue; thence continuing S 89° 56' 18" E along said North statutory Right-of-Way line a distance of 20.00 feet to the Point of Beginning; thence N 00° 48' 48" W a distance of 25.23 feet; thence N 89° 11' 12" E a distance of 15.00 feet; thence S 0° 48' 48" E a distance of 25.46 feet to a point on said North statutory Right-of-Way line; thence N 89° 56' 18" W along said North statutory Right-of-Way line a distance of 15.00 feet to the Point of Beginning.

Said strip, piece or parcel of land contains 0.0087 acres more or less.

AND

Commencing at the Southwest corner of the Southwest Quarter (SW/4) of Section Twenty-Eight (28), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma; thence N 0° 48' 48" W along the West line of said Southwest Quarter (SW/4) a distance of 33.00 feet; thence S 89° 56' 18" E a distance of 33.00 feet to a point at the intersection of the East statutory Right-of-Way line of Sangre Road and the North statutory Right-of-Way line of 32nd Avenue; thence N 0° 48' 48" W along said East statutory Right-of-Way line a distance of 444.90 feet; thence N 66° 20' 30" E a distance of 21.70 feet to the Point of Beginning; thence continuing N 66° 20' 30" E a distance of 10.85 feet; thence S 0° 48' 48" E a distance of 72.62 feet; thence N 89° 11' 12" E a distance of 10.00 feet; thence S 0° 48' 48" E a distance of 120.00 feet; thence S 89° 11' 12" W a distance of 20.00 feet; thence N 0° 48' 48" W a distance of 188.41 feet to the Point of Beginning.

Said strip, piece or parcel of land contains .0713 acres more or less.

Total Proposed Temporary Construction Easement contains 0.0800 acres more or less.

is necessary for the purpose of constructing a water line adjacent to Sangre Road between West Yellow Brick Drive and 32nd Avenue and said purpose requires the acquisition of easements on the tracts described above, situated in Payne County, State of Oklahoma.

SECTION 5: The City Manager or designee, shall, and is hereby instructed, authorized and directed to immediately negotiate with the owners of the above-described parcels and to offer the owners of said property(s) a fair, just and reasonable price for the for the conveyance and grant of fee simple title and for the conveyance of permanent and temporary easements as necessary and any damages sustained by the owners as a result thereof.

SECTION 6: The City Attorney is hereby authorized and directed to institute proceedings of condemnation on the above-described tracts of land should the property owners fail to negotiate or accept a reasonable offer from the City Manager or designee for the purposes as heretofore stated, and to take such further legal steps or proceeding as may, in his judgment, appear appropriate to secure the grant of fee simple title and permanent and temporary easements herein and the immediate possession thereof.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2016.

GINA J. NOBLE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF AUGUST,
2016.

JOHN E. DORMAN, CITY ATTORNEY