

**RESOLUTION NO. CC-2017-5**

**“A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING OWNERSHIP TO REAL PROPERTY AND PERMANENT AND TEMPORARY EASEMENTS ON A CERTAIN TRACT OF LAND HEREINAFTER DESCRIBED LOCATED IN SECTION 31, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA FOR THE PURPOSE OF CONSTRUCTING A WATER TRANSMISSION LINE IN THE SOUTHWEST AREA OF STILLWATER TO DISTRIBUTE DRINKING WATER FROM THE 44TH AVENUE WATER TOWER”**

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 transmission line in the southwest area of Stillwater to distribute drinking water from the 44th Avenue water tower; 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 #21  
Assessor ID: 600006491  
Owner: JKM Land & Cattle, LLC

**Property Legal Description:**

Lots Three (3) and Four (4) and the East Half (E/2) of the Southwest Quarter (SW/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma, according to the U.S. Government survey thereof.

LESS AND EXCEPT,

A tract of land in the East Half (E/2) of the Southwest Quarter (SW/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, State of Oklahoma, more particularly described as follows: Commencing at the Southeast corner (SE/cor) of said Southwest Quarter (SW/4); thence South 90°00'00" West a distance of 362.61 feet to the point of Beginning; thence continuing South 90°00'00" West a distance of 495.00 feet; Thence North 0°00'00" East a distance of 880.00 feet; thence North 90°00'00" East parallel with the South line of said Southwest Quarter (SW/4) a distance of 495.00 feet; thence South 00°00'00" West a distance of 880.00 feet to the Point of Beginning.

**Parcel 21.0**

**Proposed Waterline Easement:**

A tract of land in the East Half of the Southwest Quarter (E/2 SW/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, State of Oklahoma, more particularly described as follows: Commencing at the Southeast Corner of the Southwest Quarter (SW/4); thence N 00° 26' 26" W along the East line of said Southwest Quarter (SW/4) a distance of 1344.70 feet to the Point of Beginning; thence S 89° 33' 34" W a distance of 25.00 feet; thence N 00° 26' 26" W a distance of 374.61 feet; thence N 01° 44' 26" W a distance of 220.40 feet; thence N 00° 26' 26" W a distance of 506.12 feet; thence S 89° 33' 34" W a distance of 5.00 feet; thence N 00° 26' 26" W a distance of 185.35 feet; thence N 22° 54' 43" W a distance of 13.08 feet; thence N 00° 25' 40" W a distance of 1.35 feet; thence N 88° 55' 46" E a distance of 40.00 feet to the Northeast Corner of the Southwest Quarter (SW/4); thence S 0° 26' 26" E along said East line a distance of

1300.30 feet to the Point of Beginning. Said strip, piece or parcel of land contains 0.8636 acres more or less.

Said proposed total easement containing 0.8636 acres, which is overlapping an existing waterline easement recorded at Book 186 Misc, Page 120, with the remainder containing 0.4156 NET acres, being proposed easement.

**Parcel 21.1**

**Proposed Temporary Construction Easement:**

A tract of land in the East Half of the Southwest Quarter (E/2 SW/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, State of Oklahoma, more particularly described as follows: Commencing at the Southeast Corner of the Southwest Quarter (SW/4); thence N 00° 26' 26" W along the East line of said Southwest Quarter (SW/4) a distance of 1284.70 feet to the Point of Beginning; thence continuing N 00° 26' 26" W along said East line a distance of 60.00 feet; thence S 89° 33' 34" W a distance of 25.00 feet; thence N 00° 26' 26" W a distance of 374.61 feet; thence N 01° 44' 26" W a distance of 220.40 feet; thence N 00° 26' 26" W a distance of 506.12 feet; thence S 89° 33' 34" W a distance of 5.00 feet; thence N 00° 26' 26" W a distance of 185.35 feet; thence N 22° 54' 43" W a distance of 13.08 feet; thence N 00° 25' 40" W a distance of 1.35 feet; thence S 88° 55' 46" W a distance of 5.00 feet; thence S 00° 25' 40" E a distance of 2.29 feet; thence S 22° 54' 43" E a distance of 13.08 feet; thence S 00° 26' 26" E a distance of 189.35 feet; thence N 89° 33' 34" E a distance of 5.00 feet; thence S 00° 26' 26" E a distance of 501.17 feet; thence S 01° 44' 26" E a distance of 220.38 feet; thence S 00° 26' 26" E a distance of 434.35 feet; thence N 90° 00' 00" E a distance of 30.00 feet to the Point of Beginning. Said strip, piece or parcel of land contains 0.1912 acres more or less.

Said proposed total easement containing 0.1912 acres, which is overlapping an existing waterline easement recorded at Book 186 Misc, Page 120, containing 0.1791 NET acres, being proposed temporary easement

is necessary for the purpose of constructing a water transmission line in the southwest area of Stillwater to distribute drinking water from the 44th Avenue water tower, and said purpose requires the acquisition of easements on the tract described above, situated in Payne County, State of Oklahoma.

**SECTION 2:** The City Manager or designee, shall, and is hereby instructed, authorized and directed to immediately negotiate with the owner of the above-described parcel and to offer the owner 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 owner as a result thereof.

**SECTION 3:** The City Attorney is hereby authorized and directed to institute proceedings of condemnation on the above-described tracts of land should the property owner 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 MARCH, 2017.

\_\_\_\_\_  
GINA J. NOBLE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_ DAY OF MARCH, 2017.

\_\_\_\_\_  
JOHN E. DORMAN, CITY ATTORNEY