

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

CITY OF NORMAN, OKLAHOMA,)
A Municipal Corporation,)
)
Plaintiff,)
)
vs.)
)
Jerry Madole and Neva Madole; Jim Reynolds,)
in his Capacity as Cleveland County Treasurer;)
And the Board of County Commissioners of)
Cleveland County.)
)
Defendants.)

Case No. CJ-2017-333

TS

STATE OF OKLAHOMA)
CLEVELAND COUNTY) S.S.
FILED

MAR 15 2017

In the office of the
Court Clerk MARILYN WILLIAMS

PETITION

COMES NOW, Plaintiff, City of Norman, Oklahoma, a municipal corporation, for its cause of action against the Defendants, alleges and states as follows:

1. Plaintiff is a duly constituted and qualified municipality under the laws of the State of Oklahoma, operating under a home rule charter, created and existing pursuant to 11 O. S. §§ 22-101, et seq. Plaintiff is authorized and empowered by the Constitution and statutes of the State of Oklahoma and by the Charter of the City of Norman to acquire by condemnation such lands or parts thereof or rights therein for any necessary public purpose. Plaintiff has deemed it advisable and necessary to own, in fee simple, certain private properties for the widening of 12th Avenue S.E. widening project. It is necessary for such purposes for Plaintiff to acquire fee simple title to the real property described on Exhibit A attached hereto and hereby made a part hereof (Property).

the Property will or may sustain by reason of the appropriation of the same for the public purpose set forth above, and to determine just compensation due to the owner, and that upon payment to the Court Clerk of such sum as may be assessed and reported herein, fee simple title to the Property be vested in Plaintiff and Plaintiff be authorized to enter upon the Property and to take, appropriate and use the same for the public purpose set forth above.

Respectfully submitted,

THE CITY OF NORMAN, OKLAHOMA
A Municipal Corporation

JEFF HARLEY BRYANT, CITY ATTORNEY

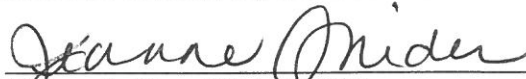
By: 
Jeanne Snider, OBA #19223
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Assistant City Attorney
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(405) 217-7700
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Exhibit A

Legal Description

A strip, piece or parcel of land lying in part of the Southwest Quarter of Section 9, Township 8 North, Range 2 West in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the East present right-of-way line of 12th Avenue SE a distance of 527.35 feet South $00^{\circ}13'03''$ West of and 33.00 feet South $89^{\circ}46'57''$ East of the Northwest corner of said Southwest Quarter, thence South $06^{\circ}51'02''$ East a distance of 57.45 feet, thence South $06^{\circ}39'12''$ East a distance of 83.01 feet, thence South $89^{\circ}21'13''$ West a distance of 17.00 feet to a point said East present right-of-way line, thence North $00^{\circ}13'03''$ East along said East present right-of-way line a distance of 139.68 feet to point of beginning.

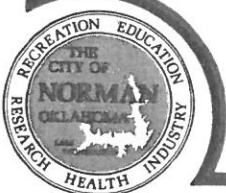
Containing 0.03 acres or 1,196.98 square feet, more or less, of new right-of-way.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE 12TH AVENUE S.E. WIDENING PROJECT IN THE CITY OF NORMAN; AND DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY PURPOSES; AND DECLARING AN EMERGENCY.

- § 1. WHEREAS, the City of Norman has located and proposed construction of a new four-lane roadway located in the area of 12th Avenue S.E.; and
- § 2. WHEREAS, the project was approved by the City Council of the City of Norman by Resolution R-1112-61 adopted November 22, 2011; and
- § 3. WHEREAS, on August 28, 2012, the City of Norman voters approved a \$42.5 million bond project that included eight major transportation/storm water projects including the 12th Avenue S.E. Widening Project; and
- § 4. WHEREAS, in order to timely utilize Federal FY17 funds, the property must be acquired to move the project forward; and
- § 5. WHEREAS, in order to meet the Federal funds timeline, the property must be acquired by June 23, 2017; and
- § 6. WHEREAS, the City of Norman has found it necessary to appropriate the hereinafter tract of land for the above-designate public purpose; and
- § 7. WHEREAS, the City of Norman made a diligent effort, in good faith, to acquire by purchase from the owners thereof, the tract of land hereinafter described and the said owners have refused, and still refuse, to grant and convey to the City of Norman the land necessary for the purpose as aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA;

- § 8. That the acquisition and appropriation of the hereinafter described real estate is necessary for the 12th Avenue S.E. Widening Project. The easement to be acquired is more particularly described in the attached Exhibit "A"; and



§ 9. That the City of Norman has heretofore offered to the owners of said property a fair, just and reasonable price for the purchase of said land and even though said offers have been rejected, all negotiations and efforts to purchase the said real property will continue through the condemnation process as it is necessary to acquire the property as soon as possible to access Federal funding for the project; and

§ 10. That the City Attorney is hereby authorized and directed to institute eminent domain proceedings for condemnation of the hereinabove described real property for the public purposes as heretofore stated; and

PASSED AND ADOPTED this 14th day of March, 2017.



Mayor

ATTEST:



City Clerk



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT AND COMPLETE COPY OF THE INSTRUMENT HERewith SET OUT AS IT APPEARS ON RECORD IN THE COURT CLERK'S OFFICE OF CLEVELAND COUNTY, OKLAHOMA. WITNESS MY HAND AND SEAL THIS 15 DAY OF March, 2017

MARILYN WILLIAMS, COURT CLERK
BY  
DEPUTY