

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE ACQUISITION CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE 36TH AVENUE N.W. BOND PROJECT IN THE CITY OF NORMAN; AND DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY, UTILITY AND DRAINAGE PURPOSES, AND AUTHORIZING INITIATION OF EMINENT DOMAIN PROCEEDINGS FOR THAT PURPOSE.

- § 1. WHEREAS, on November 22, 2011, the Norman City Council approved Resolution R-1112-59, Programming Federal Surface Transportation Program Urbanized Area (STP-UZA) funds for the widening and reconstruction of 36th Avenue NW from Tecumseh Road to Indian Hills Road; and
- § 2. WHEREAS, a recoupment project was declared by Council for the City of Norman for this roadway improvement project on August 14, 2018 by Resolution R-1819-12; and
- § 3. WHEREAS, the City of Norman has found it necessary to appropriate the hereinafter tracts of land for the above-designated public purpose; and
- § 4. WHEREAS, the City of Norman made a diligent effort, in good faith, to acquire, by purchase, from the owners thereof, the tracts of land hereinafter described and the said owners have refused, and still refuse, to grant and convey to the City of Norman the lands necessary for purpose as aforesaid; and
- § 5. WHEREAS, although negotiations as to value of the parcel(s) to be taken continue, it is necessary to acquire said parcel(s) to construct the public roadway project stated.

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

- § 6. That the acquisition and appropriation of the hereinafter described real estate is hereby declared necessary for the 36th Avenue N.W. Bond Project. The easements to be acquired are more particularly described in the attached Exhibits "A" through "O"; and
- § 7. That the City of Norman has heretofore offered to the owners of said properties a fair, just and reasonable price for the purchase of said lands and that the said offers



have been rejected and all negotiations and/or efforts to date to purchase the said real properties, by agreement, have failed, to date, to result in an acquisition; and

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

PASSED AND ADOPTED this 12th day of January, 2021.

Mayor

ATTEST:

City Clerk

**Exhibit A
Parcel 12.0**

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T9N, R3W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the present East right-of-way line of 36th Avenue NW a distance of 33.00 feet N 89°28'13" E of the SW Corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence N 00°36'15" W along said right-of-way line and parallel to the West line of said NW $\frac{1}{4}$ a distance of 2566.18 feet to a point on the South right-of-way line of Indian Hills Road, thence N 89°40'28" E along said right-of-way line a distance of 570.92 feet, thence S 00°19'32" E a distance of 17.00 feet, thence S 89°40'28" W a distance of 200.00 feet, thence S 85°16'27" W a distance of 130.34 feet, thence S 89°40'28" W a distance of 165.87 feet, thence S 44°24'05" W a distance of 53.69 feet, thence S 00°36'15" E a distance of 165.00 feet, thence S 06°59'26" W a distance of 151.33 feet, thence S 00°36'15" E and parallel to the West line of said NW $\frac{1}{4}$ a distance of 2185.87 feet to a point on the South line of said NW $\frac{1}{4}$, thence S 89°28'13" W along said South line a distance of 17.00 feet to point of beginning.

Containing 1.43 acres, more or less of new right-of-way.

Exhibit B
Parcel 13.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 7A, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

All of the East 17.00 feet of said Lot 7A, Block 7.

Containing 0.06 acres, more or less of new right-of-way.

Exhibit C
Parcel 13.1

TEMPORARY DRIVEWAY EASEMENT

A strip, piece or parcel of land lying in Lot 7A, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the permanent West right-of-way line of 36th Avenue NW a distance of 20.68 feet N 00°36'15" W of and 17.00 feet S 89°23'45" W of the SE corner of said Lot 7A, thence N 00°36'15" W along said right-of-way line a distance of 40.00 feet, thence S 89°23'45" W perpendicular to said right-of-way line a distance of 10.00 feet, thence S 00°36'15" E parallel with the East line of said Lot 7A a distance of 40.00 feet, thence N 89°23'45" E perpendicular to said right-of-way line a distance of 10.00 feet to point of beginning.

Containing 0.01 acres, more or less.

Exhibit D
Parcel 14.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 8A, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

All of the East 17.00 feet of said Lot 8A, Block 7.

Containing 0.06 acres, more or less of new right-of-way.

Exhibit E
Parcel 15.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 9C, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

All of the East 17.00 feet of said Lot 9C, Block 7.

Containing 0.06 acres, more or less of new right-of-way.

**Exhibit F
Parcel 15.1**

TEMPORARY DRIVEWAY EASEMENT

A strip, piece or parcel of land lying in Lot 9C, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the permanent West right-of-way line of 36th Avenue NW a distance of 18.60 feet S 00°36'15" E of and 17.00 feet S 89°23'45" W of the NE corner of said Lot 9C, thence S 00°36'15" E along said right-of-way line a distance of 40.00 feet, thence S 89°23'45" W perpendicular to said right-of-way line a distance of 20.00 feet, thence N 00°36'15" W parallel with the East line of said Lot 9C a distance of 40.00 feet, thence N 89°23'45" E perpendicular to said right-of-way line a distance of 20.00 feet to point of beginning.

Containing 0.02 acres, more or less.

**Exhibit G
Parcel 16.0**

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 11, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

All of the East 17.00 feet of said Lot 11, Block 7.

Containing 0.06 acres, more or less of new right-of-way.

Exhibit H
Parcel 21.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 24, Block 1 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the NE Corner of said Lot 24, thence S 00°36'15" E along the East line of said Lot 24 a distance of 279.00 feet to the SE Corner of said Lot 24, thence S 89°25'48" W along the South line of said Lot 24 a distance of 17.00 feet, thence N 00°36'15" W parallel with said East line a distance of 171.97 feet, thence N 04 °25'05" W a distance of 107.27 feet to a point on the North line of said Lot 24, thence N 89°25'48" E along said North line a distance of 24.14 feet to point of beginning.

Containing 0.12 acres, more or less of new right-of-way.

**Exhibit I
Parcel 22.0**

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 1, Block 1 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the NE Corner of said Lot 1, thence S 00°36'15" E along the East line of said Lot 1 a distance of 273.59 feet to the SE Corner of said Lot 1, thence S 89°25'48" W along the South line of said Lot 1 a distance of 24.14 feet, thence N 04°25'05" W a distance of 43.06, thence N 00°36'15" W parallel with said East line a distance of 170.01 feet, thence N 45°35'55" W a distance of 26.56 feet, thence S 89°36'51" W parallel with the North line of said Lot 1 a distance of 111.22 feet to a point on the West line of said Lot 1, thence N 00°36'15" W along said West line a distance of 42.00 feet to the NW Corner of said Lot 1, thence N 89°36'51" E along the North line of said Lot 1 a distance of 157.00 feet to point of beginning.

Containing 0.30 acres, more or less of new right-of-way.

Exhibit J
Parcel 24.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 3, Block 1 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the NE Corner of said Lot 3, thence S 00°36'15" E along the East line of said Lot 3 a distance of 34.54 feet, thence N 83°43'10" W a distance of 151.09 feet to a point on the West line of said Lot 3, thence N 00°36'15" W along said West line a distance of 17.00 feet to the NW Corner of said Lot 3, thence N 89°36'51" E along the North line of said Lot 3 a distance of 150.00 feet to point of beginning.

Containing 0.09 acres, more or less of new right-of-way.

Exhibit K
Parcel 25.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 4, Block 1 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

All of the North 17.00 feet of said Lot 4, Block 1.

Containing 0.06 acres, more or less of new right-of-way.

**Exhibit L
Parcel 27.0**

PERMANENT EASEMENT

A strip, piece or parcel of land lying in the SE¼ of Section 34, T10N, R3W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the point where the West right-of-way line of 36th Avenue NW intersects the North right-of-way line of Indian Hills Road a distance of 33.00 feet N 00°35'01" W of and 33.00 feet S 89°36'51" W of the SE Corner of said SE¼, thence S 89°36'51" W along said North right-of-way line a distance of 662.80 feet, thence N 00°23'09" W a distance of 17.00 feet, thence N 89°36'51" E parallel with said right-of-way line a distance of 231 .40 feet, thence N 85°29'14" Ea distance of 138.96 feet, thence N 89°36'51" E parallel with said right-of-way line a distance of 224.56 feet; thence N 44°24'05" Ea distance of 36.99 feet, thence N 00°35'01" W parallel with said West right-of-way line a distance of 200.00 feet, thence N 05°07'37" Ea distance of 251.25 feet, thence N 00°35'01" W parallel with said right-of-way line a distance of 520.54 feet, thence N 89°45'44" Ea distance of 17.00 feet to a point on said West right-of-way line, thence S 00°35'01" E along said right-of-way line a distance of 1023.84 feet to point of beginning.

Containing 0.94 acres, more or less of new right-of-way.

**Exhibit M
Parcel 27.1**

TEMPORARY DRIVEWAY EASEMENT

A strip, piece or parcel of land lying in the SE $\frac{1}{4}$ of Section 34, T10N, R3W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the permanent West right-of-way line of 36th Avenue NW a distance of 201.51 feet N 00°35'01" W of and 75.00 feet S 89°24'59" W of the SE corner of said SE $\frac{1}{4}$, thence N 00°35'01" W along said right-of-way line a distance of 45.00 feet, thence S 89°24'59" W perpendicular to the East line of said SE $\frac{1}{4}$ a distance of 10.00 feet, thence S 00°35'01" E parallel with said right-of-way line a distance of 45.00 feet, thence N 89°24'59" E perpendicular to said East line a distance of 10.00 feet to point of beginning.

Containing 0.01 acres, more or less.

**Exhibit N
Parcel 28.0**

PERMANENT EASEMENT

A strip, piece or parcel of land lying in the SW¼ of Section 35, T10N, R3W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the point where the East right-of-way line of 36th Avenue NW intersects the North right-of-way line of Indian Hills Road a distance of 33.00 feet N 89° 40'28" E and 33.00 feet N 00°35'01" W of the SW Corner of said SW¼, thence N 00°36'15" W along said East right-of-way line a distance of 503.67 feet, thence N 89°24'59" E a distance of 17.00 feet, thence S 02°52'27" E a distance of 250.21 feet, thence S 00°35'01" E parallel with said right-of-way line a distance of 180.00 feet, thence S 45°35'55" E a distance of 45.16 feet, thence N 89° 40'28" E parallel with North right-of-way line Indian Hills Road a distance of 182.43 feet, thence S 79°26'38" E a distance of 132.43 feet, thence N 89° 40'28" E parallel with said right-of-way line a distance of 200.00 feet, thence S 00°19'32" E a distance of 17.00 to a point on said right-of-way line, thence S 89° 40'28" W along said right-of-way line a distance of 571.23 feet to point of beginning.

Containing 0.67 acres, more or less of new right-of-way.

Exhibit O
Parcel 31.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in Lot 10C, Block 7 of Marlatt Subdivision, according to the recorded plat thereof, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

All of the East 17.00 feet of said Lot 10C, Block 7.

Containing 0.06 acres, more or less of new right-of-way.