

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE ACQUISITION OF 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 NORTHWEST ROADWAY IMPROVEMENT 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, City of Norman voters approved general obligation bonds for eight roadway improvement projects, including the widening of 36th Avenue NW, on August 28, 2012; and
- § 2. WHEREAS, a recoupmnt project was declared by Council for the City of Norman for this roadway improvement project on June 26, 2018 by Resolution No. 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 NW Roadway Improvement Project. The easements to be acquired are more particularly described in the attached Exhibits "A," "B," and "C"; 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; and

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

PASSED AND ADOPTED this 10<sup>th</sup> day of December, 2019.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Exhibit A**  
**Parcel 4.0**

**PERMANENT EASEMENT**

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

Beginning at the point where the North right-of-way line of Franklin Road intersects the East right-of-way line of 36<sup>th</sup> Avenue NW a distance of 33.00 feet N 89°20'12" E of and 33.00 feet N 00°35'55" W of the SW corner of said SW $\frac{1}{4}$ , thence continuing N 00°35'55" W along said East right-of-way line a distance of 1,369.59 feet, thence S 89°45'30" E a distance of 17.00 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 1078.00 feet, thence S 11°54'31" E a distance of 101.98 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 150.00 feet, thence S 45°35'55" E a distance of 34.33 feet, thence N 89°20'12" E parallel with the North right-of-way line of Franklin Road a distance of 371.53 feet, thence S 00°39'48" E a distance of 17.00 feet to a point on said right-of-way line, thence S 89°20'12" W along said right-of-way line a distance of 432.82 feet to point of beginning.

Containing 0.81 acres, more or less of new right-of-way.

**Exhibit B**  
**Parcel 4.1**

**DRAINAGE EASEMENT**

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$  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 permanent East right-of-way line of 36<sup>th</sup> Avenue NW a distance of 429.38 feet N 00°35'55" W of and 50.00 feet N 89°24'05" E of the SW corner of said SW $\frac{1}{4}$ , thence N 00°35'55" W along said right-of-way line a distance of 973.00 feet, thence S 15°43'23" E a distance of 153.31 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 180.00 feet, thence S 14°19'58" W a distance of 77.62 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 225.00 feet, thence S 11°54'31" E a distance of 101.98 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 125.00 feet, thence S 17°50'11" W a distance of 126.49 feet to point of beginning.

Containing 0.63 acres, more or less.

**Exhibit C**  
**Parcel 4.2**

**TEMPORARY DRIVEWAY EASEMENT**

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$  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 permanent East right-of-way line of 36<sup>th</sup> Avenue NW a distance of 374.38 feet N 00°35'55" W of and 50.00 feet N 89°24'05" E of the SW corner of said SW $\frac{1}{4}$ , thence N 00°35'55" W along said right-of-way line a distance of 55.00 feet, thence N 89°24'05" E perpendicular to said right-of-way line a distance of 15.00 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 55.00 feet, thence S 89°24'05" W perpendicular to said right-of-way line a distance of 15.00 feet to point of beginning.

Containing 0.01 acres, more or less.