

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," "C," and "D"; 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 10th day of December, 2019.

Mayor

ATTEST:

City Clerk

Exhibit A
Parcel 3.0

PERMANENT EASEMENT

A strip, piece or parcel of land lying in the SE¹/₄ of Section 3, 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 West right-of-way line of 36th Avenue NW a distance of 33.00 feet N 00°35'55" W of and 33.00 feet S 89°41'36" W of the SE corner of said SE ¹/₄, thence continuing S 89°41'36" W along said North right-of-way line a distance of 400.97 feet, thence N 00°18'24" W a distance of 17.00 feet, thence N 89°41'36" E parallel with said right-of-way line a distance of 335.01 feet, thence N 44°24'05" E a distance of 47.91 feet, thence N 00°35'55" W parallel with said West right-of-way line a distance of 100.00 feet, thence N 05°31'01" E a distance of 140.80 feet, thence N 00°35'55" W parallel with said right-of-way line a distance of 1654.55 feet, thence N 89°24'05" E a distance of 17.00 feet to a point on said right-of-way line, thence S 00°35'55" E along said right-of-way line a distance of 1945.76 feet to point of beginning.

Containing 0.99 acres, more or less of new right-of-way.

**Exhibit B
Parcel 3.1**

DRAINAGE EASEMENT

A strip, piece or parcel of land lying in the SE $\frac{1}{4}$ of Section 3, 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 West right-of-way line of 36th Avenue NW a distance of 424.38 feet N 00°35'55" W of and 50.00 feet S 89°24'05" W of the SE corner of said SE $\frac{1}{4}$, thence N 00°35'55" W along said right-of-way line a distance of 400.00 feet, thence S 21°12'10" W a distance of 107.70 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 150.00 feet, thence S 15°31'48" E a distance of 155.24 feet to point of beginning.

Also:

Beginning at a point on the permanent West right-of-way line of 36th Avenue NW a distance of 1024.38 feet N 00°35'55" W of and 50.00 feet S 89°24'05" W of the SE corner of said SE $\frac{1}{4}$, thence N 00°35'55" W along said right-of-way line a distance of 300.00 feet, thence S 21°12'10" W a distance of 53.85 feet, thence S 00°35'55" E parallel with said right-of-way line a distance of 200.00 feet, thence S 22°24'00" E a distance of 53.85 feet to point of beginning.

Containing 0.37 acres, more or less.

Exhibit C
Parcel 3.2

TEMPORARY DRIVEWAY EASEMENT

A strip, piece or parcel of land lying in the SE $\frac{1}{4}$ of Section 3, 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 West right-of-way line of 36th Avenue NW a distance of 294.38 feet N 00°35'55" W of and 53.21 feet S 89°24'05" W of the SE corner of said SE $\frac{1}{4}$, thence N 05°31'01" E along said right-of-way line a distance of 30.17 feet, thence S 89°24'05" W perpendicular to said right-of-way line a distance of 30.00 feet, thence S 00°35'55" E parallel to the East line of said SE $\frac{1}{4}$ a distance of 30.00 feet, thence N 89°24'05" E a distance of 26.79 feet to point of beginning.

Also:

Beginning at a point on the permanent West right-of-way line of 36th Avenue NW a distance of 874.38 feet N 00°35'55" W of and 50.00 feet S 89°24'05" W of the SE corner of said SE $\frac{1}{4}$, thence N 00°35'55" W along said right-of-way line a distance of 50.00 feet, thence S 89°24'05" W perpendicular to said right-of-way line a distance of 45.00 feet, thence S 00°35'55" E parallel to the East line of said SE $\frac{1}{4}$ a distance of 50.00 feet, thence N 89°24'05" E perpendicular to said right-of-way a distance of 45.00 feet to point of beginning.

Containing 0.02 acres, more or less.

Exhibit D
Parcel 3.3

TEMPORARY DRIVEWAY EASEMENT

A strip, piece or parcel of land lying in the SE $\frac{1}{4}$ of Section 3, 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 West right-of-way line of 36th Avenue NW a distance of 1944.38 feet N 00°35'55" W of and 50.00 feet S 89°24'05" W of the SE corner of said SE $\frac{1}{4}$, thence N 00°35'55" W along said right-of-way line a distance of 34.55 feet, thence S 89°24'05" W perpendicular to said right-of-way line a distance of 25.00 feet, thence S 00°35'55" E parallel to the East line of said SE $\frac{1}{4}$ a distance of 34.55 feet, thence N 89°24'05" E a distance of 25.00 feet to point of beginning.

Containing 0.02 acres, more or less.