

R-1819-35

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 24TH AVENUE EAST 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 24th Avenue NE, on August 28, 2012; and
- § 2. WHEREAS, a recoupment project was declared by Council for the City of Norman for this roadway improvement project on April 10, 2018 by Resolution No. R-1718-102; 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 24th Avenue NE 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 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 25<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Exhibit A**  
**Parcel 4**

**TEMPORARY CONSTRUCTION EASEMENT**

A strip, piece or parcel of land lying in part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 9 North, Range 2 West, I.M., Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence N 00°25'19" W along the West line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 919.78 feet, thence N 89°59'12" E a distance of 33.00 to a point on the East right-of-way line of 24<sup>th</sup> Avenue SE, said point being the point of beginning, thence N 00°25'19" W along said East right-of-way line a distance of 267.58 feet, thence N 89°34'41" E a distance of 2.00 feet, thence S 00°25'19" E a distance of 97.00 feet, thence N 89°34'41" E a distance of 135.00 feet, thence S 00°25'19" E a distance of 25.00 feet, thence S 35°51'12" W a distance of 180.85 feet, thence S 89°59'12" W a distance of 30.00 feet to the point of beginning.

Containing 15,790 square feet or 0.36 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

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

**TEMPORARY CONSTRUCTION EASEMENT**

A strip, piece or parcel of land lying in part of the SW¼ SW¼, Section 34, Township 9 North, Range 2 West, I.M., Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said SW¼ SW¼, thence N 00°25'19" W along the West line of said SW¼ SW¼ a distance of 1,248.12 feet, thence N 89°34'41" E a distance of 33.00 to a point on the East right-of-way line of 24<sup>th</sup> Avenue SE, said point being the point of beginning, thence N 89°34'41" E a distance of 47.00 feet, thence S 00°25'19" E a distance of 61.00 feet, thence S 89°34'41" W a distance of 47.00 feet to a point on said East right-of-way line, thence N 00°25'19" W along said East right-of-way line a distance of 61.00 feet to the point of beginning.

Containing 2,867 square feet or 0.07 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

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

**TEMPORARY CONSTRUCTION EASEMENT**

A strip, piece or parcel of land lying in part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 9 North, Range 2 West, I.M., Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence N 00°25'19" W along the West line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 1,248.12 feet, thence N 89°59'12" E a distance of 33.00 to a point on the East right-of-way line of 24<sup>th</sup> Avenue SE, said point being the point of beginning, thence N 00°25'19" W along said East right-of-way line a distance of 71.34 feet, thence N 89°34'41" E a distance of 2.00 feet, thence S 00°25'19" E a distance of 71.34 feet, thence S 89°34'41" W a distance of 2.00 feet to the point of beginning.

Containing 143 square feet or 0.01 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

**Exhibit D**  
**Parcel 4.3**

**UTILITY EASEMENT**

A strip, piece or parcel of land lying in part of the SW¼ SW¼, Section 34, Township 9 North, Range 2 West, I.M., Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Commencing at the Southwest corner of said SW¼ SW¼, thence N 00°25'19" W along the West line of said SW¼ SW¼ a distance of 919.78 feet, thence N 89°59'12" E a distance of 33.00 to a point on the East right-of-way line of 24th Avenue SE, said point being the point of beginning, thence N 00°25'19" W along said East right-of-way line a distance of 399.92 feet, thence N 89°59'33" E a distance of 17.00 feet, thence S 00°25'19" E a distance of 399.92 feet, thence S 89°59'12" W a distance of 17.00 feet to the point of beginning.

Containing 6,798 square feet or 0.16 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.