

Resolution

Version 2.3 released on 8/3/21
Use for all types of Resolutions



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

Scanned Date: 01.12.2022
 Posted Item #: 2201.00068

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval

Other Board Name

City Council Approval

Yes No

Department: Engineering Services
Contact Name: Michelle Lester *MSL 12/8/21*

Email: mlester@cityoftulsa.org

Phone: 596-7266

Resolution Type: Condemnation

Owner-Grantor: Jeffrey A. Buechler

Amount: _____ Case Number: _____

TMAPC Number: _____ Council District: 6

Description (Subject): Maintenance Zone 6028, Tupelo Creek Drainage

Bid/Project Number: 144628-W

Section: 8 Township: 19

Range: 14 Addition: unplatted

Lot: _____ Block: _____

Address: 11912 E 17th St

Budget

Funding Source(s)

2131F00006.StmwtrPond.Flood.5601.56013122.541101:

TOTAL: \$0.00

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: 12.13.21
Date: JANUARY 3 XXI
Date: _____
Date: JAN 12 2022
Date: _____

Policy Statement

Background Information

Maintenance Zone 6028, Tupelo Creek Drainage Project No 144628-W. The Engineering Services Department advises that an existing public necessity requires the acquisition of a drainage easement located at Section 8, Township 19N, Range 14E aka 11912 E 17th St in Tulsa County. Efforts to purchase the drainage easement for the price of \$74,052.00 could not be completed, because of title issues.

Summation of the Requested Action

The Engineering Services Department has prepared a Resolution authorizing the condemnation of the property for consideration and approval, and upon approval, City Legal will initiate condemnation proceedings. Owner: Jeffrey A. Buechler - Parcel 7A - Location: 11912 E 17th St. MSL kir

Emergency Clause? Reason for Emergency Clause

Yes

No

Processing Information for City Clerk's Office

Post Execution Processing

- Mail vendor copy (add'l signature copies attached)
- Must be filed with other governmental entity
- Add'l governmental entity approval(s) required

Additional Routing and Processing Details

(Published in the Tulsa World,

_____, 202_)

Resolution No. _____

RESOLUTION

A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR THE TAKING, APPROPRIATION, AND CONDEMNATION OF CERTAIN TRACTS OF LAND IN TULSA COUNTY, STATE OF OKLAHOMA, FOR THE **MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE, PROJECT NO. 144628-W**, IN CONNECTION WITH THE CONSTRUCTION OF ADDITIONS AND EXTENSIONS TO THE CITY OF TULSA AND AUTHORIZING AND DIRECTING PROPER OFFICIALS OF THE CITY OF TULSA TO INSTITUTE PROCEEDINGS TO CONDEMN SAID LANDS.

WHEREAS, there has been created a construction project designated as **Project No. 144628-W, MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE PROJECT**.

WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the construction of the **MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE PROJECT**, at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that the **MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE PROJECT** be constructed as an improvement to the City of Tulsa.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TULSA, OKLAHOMA AS FOLLOWS:

Section 1. It is hereby declared to be necessary for the public health, safety and convenience of the City of Tulsa to acquire each and all of the following rights, title and interests: (1) drainage easement acquisition, over, across, through and under the property, (2) the right to excavate, dredge, cut away and remove, excavated material from the property, (3) title to any excavated materials, and (4) the right to place or relocate dredged or excavated material, all on lands situated in the County of Tulsa, State of Oklahoma, which are more particularly identified as follows:

OWNERS: JEFFREY A. BUECHLER

**PROPERTY: 11912 E 17th St
TULSA, OKLAHOMA 74128**

SEE EXHIBIT "A" as to nature and description of taking

in order to provide a drainage easement on which to construct the **MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE PROJECT** for the use of the inhabitants of the City of Tulsa, Project No. **144628-W, MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE PROJECT**, together with the right of ingress and egress to and from the property, for the purpose of installing, constructing, erecting, maintaining, relaying, and reconstructing of the **MAINTENANCE ZONE 6028, TUPELO CREEK DRAINAGE PROJECT**.

Section 2. It is hereby found and determined that these rights, title and interests cannot be acquired by negotiation or purchase at their fair market value and for that reason, upon the recommendation of the Mayor and City Council, the City Attorney of the City of Tulsa is authorized and directed to institute the necessary legal proceedings to acquire the rights, title and interests identified in Section 1 of this Resolution, by the exercise of the power of eminent domain, and to take such further action as may be convenient or necessary to acquire the identified property interests.

ADOPTED by the Council this ____ day of _____, 202_.

Vanessa Hall-Harper, City Council Chair

OFFICE OF THE MAYOR

Received by the Mayor this __ day of _____, 202_, at ____ o'clock, __.m.

G. T. Bynum, Mayor

By: Secretary

APPROVED by the Mayor this __ day of _____, 202_, at ____ o'clock, __.m.

G. T. Bynum, Mayor

APPROVED:

(SEAL)
ATTEST:

City Clerk

City Attorney

OK.
MDS



Legal Exhibit "A"
Page 1 of 2

Legal Description Drainage Easement Tract 7A

A tract of land in the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) of Section 8, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the official government survey thereof, more particularly described as follows, to-wit:

Beginning at the northeast corner of Block 1 of Wainright Shannon Park; Thence, S 88° 49' 30" W along the north line of Said Block 1 for a distance of 687.16 feet to the southeast corner of a tract described in Document Number 2017063138 also being the southwest corner of a tract described in Document Number 2010003506 and also being the southeast corner of Lot 35, Block 10, Cherokee Village Second; Thence, N 01° 08' 17" W for a distance of 46.00 feet and along the east line of said Lot 35; Thence, N 88° 49' 30" E for a distance of 170.38 feet; Thence N 01° 08' 17" W for a distance of 29.00 feet;; Thence N 88° 49' 30" E a distance of 516.19 feet; Thence S 01° 34' 55" E a distance of 74.99 feet to the **Point of Beginning**. Said tract of land contains 46,573.75 square feet or 1.0692 acres, more or less.

Surveyor's Certification

I, Aaron Burns, a professional land surveyor in the state of Oklahoma, certify that the above legal description closes in accord with existing records, is a true representation of the Drainage Easement as described, and meets the minimum technical standards for land surveying of the State of Oklahoma. The accompanying map represents a survey performed in the field and is true and correct to the best of my knowledge and belief as of this date. This exhibit meets the Oklahoma minimum standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Date:07-27-2020

Aaron Burns
Oklahoma P.L.S. No. 1923
State of Oklahoma Certificate of Authorization
No. CA 1487
Expiration date 06/30/2021



Project No. 144628-W,
TMUA-W 18-16. SW 2018-
03, ES 2019-08

7/27/2020



EXHIBIT "A"
PAGE 2 OF 2

PROJECT NO.: 144628-W,
 TMUA-W 18-16. SW 2018-03,
 ES 2019-08
 PARCEL NO.: TRACT 7A
 OWNER: JOHN & JOYCE
 BUECHLER
 COUNTY: TULSA

LEGAL DESCRIPTION

PART OF AN UNPLATTED TRACT IN SEC. 8,
 T-19-N, R-14-E, CITY OF TULSA, TULSA
 COUNTY, OKLAHOMA. (FOR FULL DESCRIPTION
 AND CERTIFICATION SEE EXHIBIT A, PAGE 1)

BEARING BASIS

THE BEARINGS SHOWN HEREON ARE
 OKLAHOMA STATE PLANE GRID AND
 NOT ASTRONOMICAL

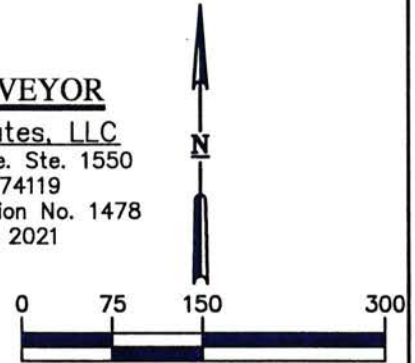
BEFORE GROSS	125,493.00 SF	2.8800	ACRES
DRAINAGE EASEMENT	46,573.75 SF	1.0692	ACRES
REMAINDER	78,918.86 SF	1.8118	ACRES

LEGEND

- DRAINAGE EASEMENT
- BUILDING LINE
- PROPERTY LOT LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT

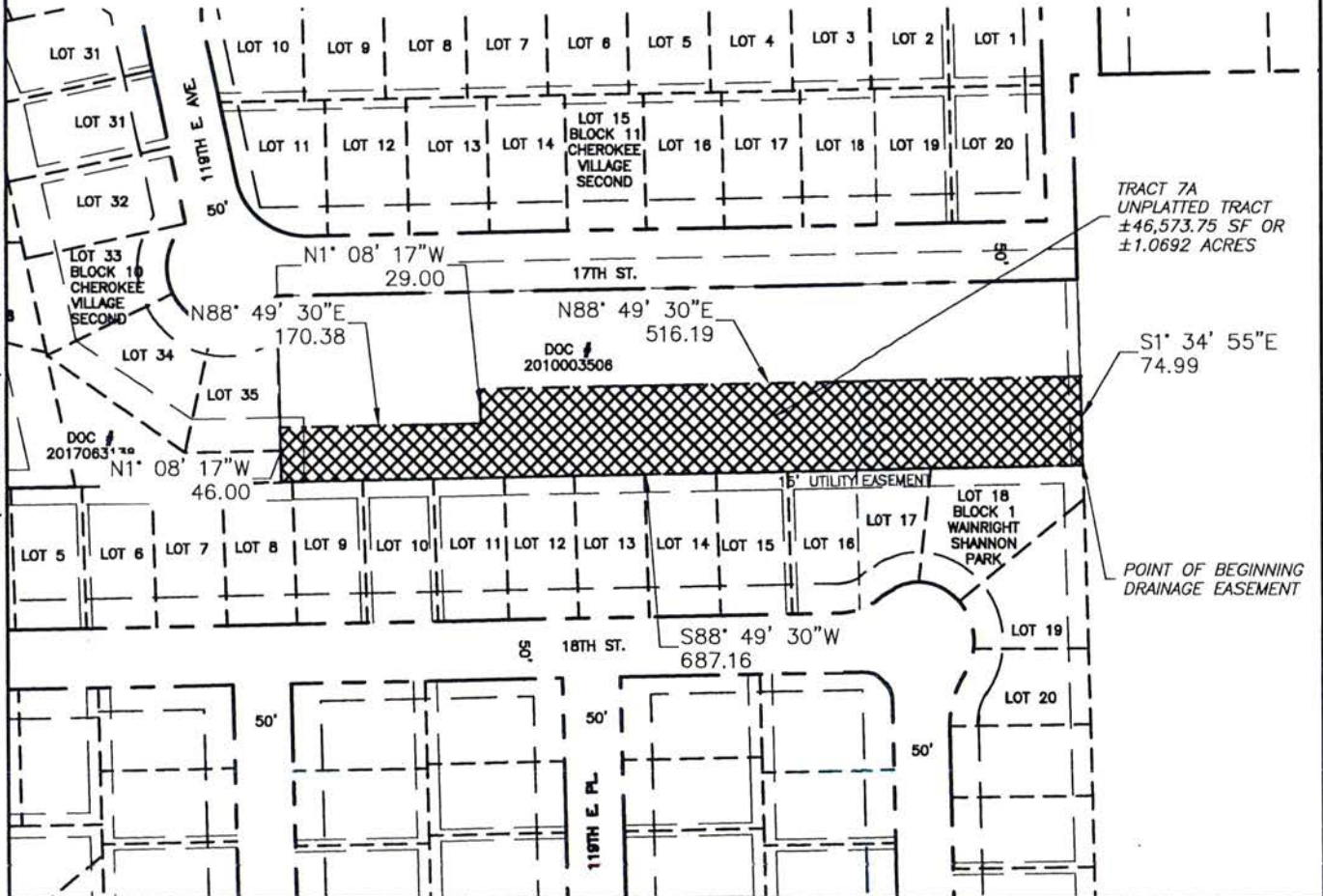
ENGINEER/SURVEYOR

Meshek & Associates, LLC
 1437 South Boulder Ave. Ste. 1550
 Tulsa, Oklahoma 74119
 Certificate of Authorization No. 1478
 Expires June 30, 2021



SCALE IN FEET

M:\CITY_OF_TULSA\18TUL02_MZ6028_TUPELO_CREEK_DRAINAGE_SURVEY\CAD\EXHIBITS\18TUL02_CPI_STORM_ROW.DWG



7/27/20
 mll

CONDEMNATION PARCEL STATUS

DATE: November 29, 2021
PROJECT NAME: Maint Zone 6028-Tupelo Creek Drainage, 144628-W
PARCEL NO.: 7A
OWNER NAME: Jeffrey A. Buechler
PROPERTY ADDRESS: 11912 E 17 th St
APPRAISED VALUE: \$74,052.00
OWNER COUNTER:
CITY COUNTER:
CITY 2ND COUNTER:
CITY FINAL OFFER: \$74,052.00

REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:

- August 24, 2020 – Title Opinion of property received. Title is held by John Buechler. We received a response from Jeffrey Buechler stating he owned the property. We informed him the Title Opinion lists John Buechler as the owner and has requirements to be satisfied before clear title can be obtained.
- December 16, 2020 – The City attempted to meet with Jeffrey and John Buechler to make an offer to purchase the drainage easement for \$74,052.00. This value was determined by an independent appraisal and a review appraisal, pursuant to the federal Uniform Relocation Act. Due to illness and the pandemic, Mr. Buechlers were unable to meet.
- February 16, 2021 – Offer packet mailed and received by Mr. Jeffery Buechler.
- February 18, 2021 – Mr. Jeffrey Buechler informed COT he had retained an attorney and intended to provide a counter offer.
- March – April, 2021 – Discussions with Mr. Jeffrey Buechler about the title issues were held on several occasions.
- April 14, 2021 – Final offer letter of \$74,052.00 was sent with the notice the title problems could only be cured by District Court or a Quiet Title suit.
- June 2021 – COT staff determined Mr. John Buechler filed a new deed to Mr. Jeffrey Buechler for the property and filed an old deed between family members; further complicating the Title chain.
- July 2021 – New abstracting and Title Opinion ordered due to new deeds filed since original Title Opinion.
- November 2021 – Updated title work was completed and condemnation process begun to clear Title Opinion requirements.

REASON FOR CONDEMNATION:

<input type="checkbox"/> Project time constraints	<input type="checkbox"/> Non-agreement between City & owner regarding value	<input checked="" type="checkbox"/> Title Issues
<input type="checkbox"/> Parcel is last one needed for project	<input type="checkbox"/> No communication with owner or attorney for owner	<input type="checkbox"/> Other (Please explain below)

OTHER: Drainage Easement

OTHER COMMENTS:

Project Expense Inquiry [City of Tulsa]



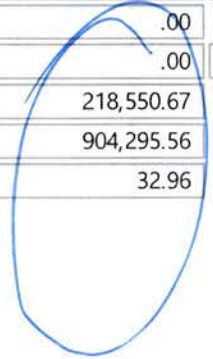
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- Schedule
- (0) Attach
- Remin-Alert

Project string

▲	Project *	2131F00006 ...	FEMA 18 - Tupelo Creek (Phase 2)	Description
▲	Phase *	StmwtrPond ...	Stormwater ponds and channels	
▲	Task *	Flood ...	Flood Deterrent	
	Sub-Task *	5601 ...	Mingo Creek Detention	Justification
Name * FEMA 18 - Tupelo Creek Phase 2				
Short Name * FEMA 18 -				
Status Active ▼				
Projected date range		08/19/2020	to 08/19/2023	Project Available Budget
Actual date range			to	Actual overhead rate
Expense Type				

PROJECT STRING BALANCES GL ACCOUNTS

	Project Year 2022	Project Year 2021	Project Year 2020
Original Budget	.00	1,348,824.74	.00
Transfers - In	.00	.00	.00
Transfers - Out	.00	.00	.00
Revised Budget	1,348,824.74	1,348,824.74	.00
Actual (Memo)	143,066.03	218,550.67	.00
Encumbrances	82,912.48	.00	.00
SOY Encumbrances	.00	.00	.00
Requisitions	.00	.00	.00
Inception to SOY	218,550.67	.00	.00
Available	904,295.56	1,130,274.07	.00
Percent Used	32.96	16.20	0.00



Project Expense Inquiry [City of Tulsa]



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- Schedule
- (0) Attach
- Reminder Alert

Project string

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Name *		FEMA 18 - Tupelo Creek Phase 2		
Short Name *		FEMA 18 -		
Status		Active ▼		
Projected date range		08/19/2020	to	08/19/2023
Actual date range			to	
				Project Available Budget
				Actual overhead rate
				Expense Type

PROJECT STRING BALANCES GL ACCOUNTS

Default GL account

Fund	SubFund	Function	Department	Division	Section
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Org	Object	Project			
56013122	541101	<input type="text"/>	<input type="checkbox"/> Allow GL Override		

Budget GL account

Fund	SubFund	Function	Department	Division	Section
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Org	Object	Project			
56013122	541101	<input type="text"/>			