

Resolution

Version 2.5 released on 6/29/23



PW0120984

CITY COUNCIL USE ONLY

Date Received: _____

Committee Date: _____

1st Agenda Date: _____

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____**CITY CLERK USE ONLY**☐ Scanned

Date: 11.13.2024

☐ Posted

Item # 2411.03062

All department items requiring Council approval must be submitted through the Mayor's Office.**Primary Details****Board Approval**Department Public Works
Engineering ServicesContact Name Michelle L. Lester 11/7/24Resolution Type
Condemnation

Amount

Case Number

Description (Subject)

Wilshire Trails Sanitary Sewer Improvements

Section

24

Township

20

Lot

4

Block

6

Other Board Name

Email
Mlester@cityoftulsa.orgOwner-Grantor
Patricia Royals

TMAPC Number

Bid/Project Number
ES 2023-19

Range

12

Address

3229 N. Wilshire Drive

City Council Approval

☒ Yes ☐ NoPhone
918-596-7266Council District
1Addition
WILSHIRE ADDITION**Budget**

Funding Source(s)

193320018Z.SewerLines.SwrTrt.7519N. 75193300. 541101: \$0.00

TOTAL: \$0.00

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 11.07.24

Date: NOVEMBER 8, XXIV

Date: _____

Date: NOV 13 2024

Date: _____

Policy Statement**Background Information**

Project No. ES 2023-19: Wilshire Trails Sanitary Sewer Improvements:

Owner: Patricia Royals - Parcel 1A - Location: 3229 N. Wilshire Drive

Public Works advises that an existing public necessity requires the acquisition of a Utility Easement located at 3229 N. Wilshire Drive, City of Tulsa, Tulsa County. Efforts to purchase a Utility Easement for the fair market value of \$1,032.00 could not be completed due to non-responsive land owner.

PDZ: 11.07.24 MSL: 11/7/24 CJ: CS swb

Summation of the Requested Action

Approve the Resolution.

Emergency Clause?

☒ Yes☐ No

Reason for Emergency Clause

Construction time constraints.

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

COURTNEY JONES, 6-9549

(Published in the Tulsa World,

_____, 20__)

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 **ES 2023-19, WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS**, 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 **ES 2023-19, WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS**. WHEREAS, employees and agents of the City of Tulsa have been unable to acquire certain tracts of land necessary for the construction of the **WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS**, at its fair market value; and

WHEREAS, the public health, safety and welfare necessitate that the **WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS**, be constructed as an extension and 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) Utility Easement, 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:

**OWNER: Patricia Royals
1740 West Young Street
Tulsa, Oklahoma 74127-2513**

**PROPERTY: 3229 N. Wilshire Drive (Parcel 1A)
Tulsa, Oklahoma 74106**

SEE EXHIBIT “A” as to nature and description of taking

in order to provide a Utility Easement on which to construct the **WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS**, for the use of the inhabitants of the City of Tulsa, Project No. **ES 2023-19, WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS** 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 **WILSHIRE TRAILS SANITARY SEWER IMPROVEMENTS**.

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.

Section 3. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Resolution shall be in full force and effect immediately from and after its passage, approval and publication.

ADOPTED by the Council this ____ day of _____, 2024.

Jeannie Cue, Chair, City Council

ADOPTED as an emergency measure and ruled upon separately this ____ day of _____, 2024.

Chairman, City Council

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 of the City of Tulsa, Oklahoma, this _____ day of
_____, 202__, at _____ o'clock, _____. m.

G. T. Bynum, Mayor

(SEAL)
ATTEST:

City Clerk

APPROVED AS TO SUBSTANCE:



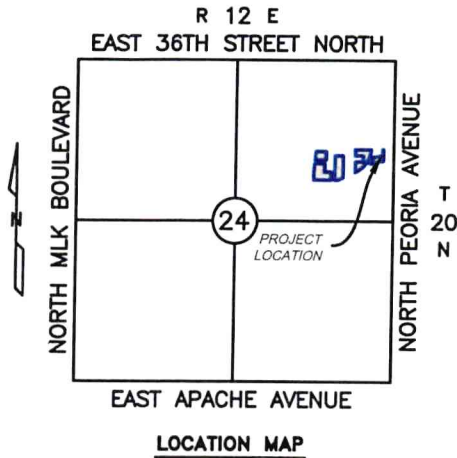
Director

APPROVED AS TO FORM:

City Attorney

OK. MDS

PLAT OF SURVEY UTILITY EASEMENT



Set #4 Bar w/ Cap
Lemke CA #6975
NE Cor. Lot 8, Block 5



229.23'
S01°25'55"W

SW Cor. Lot 4 Block 6
NW Cor. Block 10

202.35'
N77°45'12"E
South Line Lot 4 Block 6
North Line Block 10

N78°35'36"E 5.08'
Set #4 Bar
N88°36'10"E 8.50'
NE Cor. Lot 4
Set #4 Bar

13.5-FOOT GENERAL
UTILITY ESMT. "E"
1,270.5 SQFT OR
0.029 ACRES ±

SE Cor. Lot 4 Block 6
NE Cor. Block 10
Point of Commencement

S77°45'12"W~5.10'
Point of Beginning
Set #4 Bar

15.00'
10
Strawberry Creek LLC
Warranty Deed
DOC#2022058474

LEGAL DESCRIPTION:

A 13.50-foot-wide strip of land being a part of Lot 4, Block 6, Wilshire Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said 13.50-foot-wide strip of land being described as follows: COMMENCING at the Southeast corner of said Lot 4; thence South 77°45'12" West along the southerly line of said Lot 4 for 5.10 feet to the POINT OF BEGINNING; thence continuing South 77°45'12" West along said southerly line for 13.76 feet; thence North 01°09'35" West parallel with and 18.5-feet westerly of as measured perpendicularly to the easterly line of said Lot 4 for 94.69 feet to a point on the northerly line of said Lot 4; thence North 78°35'36" East along said northerly line for 5.08 feet to a northerly corner of said Lot 4; thence North 88°36'10" East along said northerly line for 8.50 feet to a point that is 5-feet South 88°36'10" West of the northeast corner of said Lot 4; thence South 01°09'35" east parallel with and 5-feet westerly of as measured perpendicular to said easterly line of Lot 4 for 92.98 feet to the POINT OF BEGINNING; Said strip of land contains 1,270.4 square feet or 0.029 acres, more or less.

Revised R4 - 4/12/2024

Date of Last Visit: 4/12/2024
IDP: 126109

INDEX:

Sheet 1: Plat & Legal
Sheet 2: Certificate, Signature
& Closure report



EXHIBIT "A"

7040 SOUTH YALE AVE.
TULSA, OK 74112
PHONE: 918-486-1303
FAX: 918-486-9789
CA # 113085-9789
http://www.lemke-survey.com

Surveyed By: JL / ER
Drawn By: RLR / CDC
Approved By: CDC
Date: 11/2/2022
Scale: 1" = 30'
Project No: 01411522.00

Project: IDP EASEMENT "E"
GENERAL UTILITY EASEMENT
Project Location: PART OF LOT 4, BLOCK 6,
WILSHIRE ADDITION TO TULSA, TULSA COUNTY, OK
Client: GREEN COUNTRY HABITAT FOR HUMANITY
6235 SOUTH 13TH STREET, TULSA, OK 74112

Sheet
Number

1

Sheet 1 of 2

PLAT OF SURVEY

EASEMENT

RAW TRAVERSE No RULE - Balanced Angles

Point	Coordinates	Coordinates	Delta
1	N 443576.7733	N 443576.7733	0.0000
	E 2565572.1655	E 2565572.1655	

N 01-09-35 W Dist:94.6900

2	N 443671.4439	N 443671.4439	0.0000
	E 2565570.2490	E 2565570.2490	

N 78-35-36 E Dist:5.0800

3	N 443672.4486	N 443672.4486	0.0000
	E 2565575.2287	E 2565575.2287	

N 88-41-26 E Dist:8.5000

4	N 443672.6428	N 443672.6428	0.0000
	E 2565583.7265	E 2565583.7265	

S 01-09-35 E Dist:92.9700

5	N 443579.6919	N 443579.6919	0.0000
	E 2565585.6081	E 2565585.6082	

S 77-45-12 W Dist:13.7600

1	N 443576.7731	N 443576.7731	0.0000
	E 2565572.1613	E 2565572.1613	

Angular error = 0-00-00

Angular error/set = 0-00-00 Under

Error North : 0.0002

Error East : 0.0042

Absolute error : 0.0042

Error Direction : N 87-05-00 E

Perimeter : 215.0000

Precision : 1 in 50881.8737

Number of sides : 5

Area :

1270.4 sq. ft. , 0.0292 Acres

Basis of Bearings is
Measured for Grid North.
Oklahoma State Plane
Coordinates
Nad83(2011), North Zone
3501

SURVEYOR'S CERTIFICATION:

I, Charles D. Cahill, Professional Land Surveyor No. 1470 in and for the State of Oklahoma, do hereby certify that the attached plat of survey and legal description were prepared by me and are a true representation of the easement as described, and that this survey meets or exceeds the Oklahoma Minimum Standards for Land Surveying as adopted by the Oklahoma State Board of Registration for Engineers and Land Surveyors.



Surveyor's signature is not
recolored, the plan is a copy
that has been assumed to contain
unauthorized alterations. The
certification contained on this
document shall not apply to any
other plans.

Revised R4 - 4/12/2024
Date of Last Visit: 4/12/2024
IDP: 126109

CHARLES D. CAHILL, P.L.S. NO. 1470

DATED: 4/12/2024



7000 SOUTH VALE AVE.
TULSA, OK 74138
PHONE: 918-585-4700
FAX: 918-585-4700
CA # 0972 EX. 00/20/2025
LMS277@lemke-land.com

Surveyed By: JL / ER
Drawn By: RLR / CDC
Approved By: CDC
Date: 11/2/2022
Scale: 1" = 20'
Project No: 01411522.00

Project: IDP EASEMENT "E"
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Sheet
Number

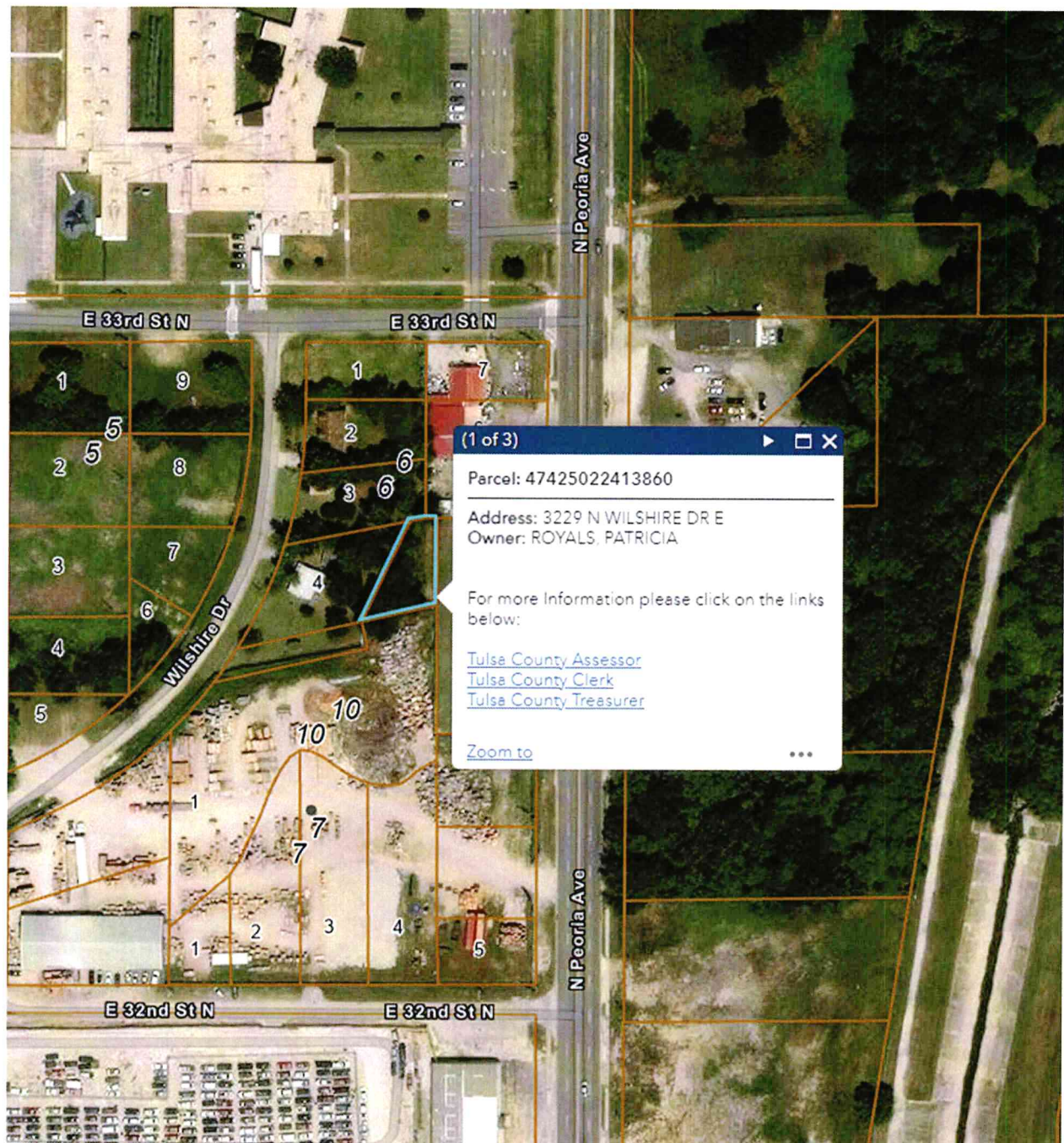
2

Sheet 2 of 2

EXHIBIT "A"

Page 2 OF 2

Project Area



Project Expense Inquiry [City of Tulsa]

[Close](#) | [Search](#) | [Browse](#) | [Output](#) | [Print](#) | [Display](#) | [PDF](#) | [Excel](#) | [Email](#) | [Schedule](#)

Project Expense Inquiry [City of Tulsa]

Project string

Project * 193320018Z Sewer Rehab Areawide
 Phase * SewerLines Sewer lines
 Task * SwrTrt Sewer Treatment Facilities
 Sub-Task * 7519N OWRB 2019A Promissory Note

Name * SewerRehab Areawide(TurleyInt)
 Short Name * SWR_REHAB
 Status Active
 Projected date range 07/01/2018 to 03/27/2036
 Actual date range to

Project String Balances

GL Accounts

	Project Year 2025	Project Year 2024
Original Budget	.00	.00
Transfers - In	4,803.17	1,937,609.34
Transfers - Out	.00	.00
Revised Budget	1,942,412.51	1,937,609.34
Actual (Memo)	2,750.00	.00
Encumbrances	175,161.88	.00
SOY Encumbrances	.00	.00
Requisitions	.00	.00
Inception to SOY	.00	.00
Available	1,764,500.63	1,937,609.34
Percent Used	9.16	0.00



Project Expense Inquiry [City of Tulsa]



Close



Search



Browse



Output



Print



Display



PDF



Excel



Email



Schedule

0



Attach

Project Expense Inquiry [City of Tulsa]

Project string

<input type="button" value="▲"/>	Project *	193320018Z	Sewer Rehab Areawide	Descrip
<input type="button" value="▲"/>	Phase *	SewerLines	Sewer lines	
<input type="button" value="▲"/>	Task *	SwrTrt	Sewer Treatment Facilities	
	Sub-Task *	7519N	OWRB 2019A Promissory Note	Justific
	Name *	SewerRehab Areawide(TurleyInt)		
	Short Name *	SWR_REHAB		
	Status	Active		
	Projected date range	07/01/2018	to	03/27/2036
	Actual date range		to	
				Project
				Actual
				Expens

Project String Balances

GL Accounts

Default GL account

Fund	SubFund	Function	Department	Division
Org	Object	Project		
75193300	541101			Allow GL Override

Budget GL account

Fund	SubFund	Function	Department	Division
Org	Object	Project		
75193300	541101			

CONDEMNATION PARCEL STATUS

DATE:	November 1, 2024
PROJECT NAME:	Wilshire Trails Sanitary Sewer Improvements
PROJECT:	ES 2023-19
PARCEL NO.:	1A
OWNER NAME:	Patricia Royals
SITE ADDRESS:	3229 N. Wilshire Drive

CITY OFFER:	\$1,032.00 (COT Appraised Value)
OWNER COUNTER:	N/A

CITY FINAL OFFER:	\$1,032.00
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REASONS FOR NON-ACCEPTANCE OF CITY'S OFFER:

Initial Offer Negotiations

- July 31, 2024 – Offer letter sent.
- August 8, 2024 – Voice-mail message left on property owner's phone.
- August 22, 2024 – Second offer letter sent and voice-mail message left on property owner's phone.
- September 26, 2024 – Third offer letter hand-delivered and left at the owner's home address.
- October 8, 2024 – Final offer letter sent.
- Property owner has failed to respond to any attempts to contact her.

REASON FOR CONDEMNATION:		
<input checked="" type="checkbox"/> Project time constraints	<input checked="" type="checkbox"/> Non-agreement between City & owner because owner refuses to respond	Title Issues
Parcel is last one needed for project		Other (Please explain below)
OTHER: Please explain.		
OTHER COMMENTS: 193320018Z.SewerLines.SwrTrt.7519N. 75193300. 541101		