

RESOLUTION NO. 2025-2678

RESOLUTION OF NECESSITY

A RESOLUTION DECLARING THE NECESSITY FOR ACQUIRING CERTAIN FEE SIMPLE TITLE OR HIGHWAY EASEMENTS TO PROPERTIES LOCATED IN SECTION 16, TOWNSHIP 12N, RANGE 1E OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA; AUTHORIZING, INSTRUCTING, AND DIRECTING REPRESENTATIVES OF COUNTY ENGINEER OF THE BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY TO ACQUIRE SAID FEE SIMPLE TITLE OR HIGHWAY EASEMENTS TO PROPERTIES FOR THE PURPOSES OF CONSTRUCTING A ROAD AND ASSOCIATED UTILITY RELOCATIONS AND USES INCIDENTAL THERETO FOR OKLAHOMA COUNTY PROJECT 28718(05); BY PURCHASE AND SETTLEMENT OF DAMAGES WITH THE LANDOWNERS; AUTHORIZING, INSTRUCTING AND DIRECTING THE OFFICE OF THE DISTRICT ATTORNEY TO CONDEMN SAID PROPERTIES FOR SAID PURPOSES IF SAID TITLE TO SAID PROPERTIES CANNOT BE PURCHASED AND THE DAMAGES SETTLED BY AGREEMENT WITH THE LAND OWNERS.

WHEREAS, on this ____ day of _____, 2025, it is deemed necessary and advisable by the Board of County Commissioners of Oklahoma County to acquire fee simple title or highway easements to properties located in Oklahoma County, Oklahoma for road and utility purposes, and uses incidental thereof for the use and benefit of Oklahoma County; and

WHEREAS, said parcels of Fee Simple Title or Highway Easements to Properties are described as follows;

A strip, piece or parcel of land lying in part of the NE 1/4 of Section 16, Township 12 North, Range 1 East of the Indian Meridian, Oklahoma County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the SE corner of said NE 1/4, thence N 89° 44' 44" W along the South line of said NE 1/4 a distance of 40.00 feet to point on the West statutory right-of-way line of Luther Road, said point being the Point of Beginning, thence continuing N 89° 44' 44" W a distance of 15.00 feet, thence N 00° 32' 58" W a distance of 1,143.71 feet, thence S 89° 41' 56" E a distance of 15.00 feet, to a point of the West statutory right-of-way line of Luther Road, thence S 00° 32' 58" E a distance of 1,143.69 feet along said right-of-way line to the Point of Beginning.

Containing 0.40 acres or 17,155.48 sq. ft., more or less of permanent utility easement.

AND

A strip, piece or parcel of land lying in part of the NE 1/4 of Section 16, Township 12 North, Range 1 East of the Indian Meridian, Oklahoma County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the SE corner of said NE 1/4, thence N 00° 32' 58" W along the East line of said NE 1/4 a

distance of 1,143.66 feet, thence N 89° 41' 56" W a distance of 40.00 feet to a point on the West statutory right-of-way line of Luther Road, said point being the Point of Beginning, thence continuing N 89° 41' 56" W a distance of 15.00 feet, thence N 00° 32' 58" W a distance of 756.60 feet, thence S 89° 41' 56" E a distance of 15.00 feet, to a point of the West statutory right-of-way line of Luther Road, thence S 00° 32' 58" E a distance of 756.60 feet along said right-of-way line to the Point of Beginning.

Containing 0.26 acres or 11,349.000 sq. ft., more or less of permanent utility easement.

AND

A strip, piece or parcel of land lying in part of the NE1/4 of Section 16, Township 12 North, Range 1 East of the Indian Meridian, Oklahoma County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the SE corner of said NE 1/4, thence N 00° 32' 58" W along the East line of said NE 1/4 a distance of 1,450.25 feet, thence S 89° 27' 02" W a distance of 55.00 feet to the Point of Beginning, thence continuing S 89° 27' 02" W a distance of 35.00 feet, thence N 00° 32' 58" W a distance of 240.00 feet, thence N 89° 27' 02" E a distance of 35.00 feet, thence S 00° 32' 58" E a distance of 240.00 feet to the Point of Beginning.

Containing 0.19 acres or 8,400.00 sq. ft., more or less of temporary right-of-way.

WHEREAS, said fee simple title or highway easements to properties are not owned by Oklahoma County and it is deemed necessary for Oklahoma County to acquire said described fees simple title to properties for the purpose of road and utility construction and uses incidental thereto.

NOW BE IT RESOLVED by the Board of County Commissioners of Oklahoma County that the Board of County Commissioners, pursuant to its power of eminent domain, take immediate steps to acquire the above-described fee simple title or highway easements to properties for the purposes of constructing roads and utilities and uses incidental thereto;

BE IT FURTHER RESOLVED that a representative from the Board of County Commissioners of Oklahoma County has made good faith efforts to negotiate the purchase of the easements with the owners of the above described real properties but have failed and no other means except through condemnation exist to allow the County to obtain necessary access to the easements for the purpose of constructing road(s) and utilities, and uses incidental thereto, and settle the damages, if any, the owners thereof will sustain by reason of the appropriation and the taking thereof for the public purposes aforesaid;

AND BE IT FURTHER RESOLVED in the event that the Board of County Commissioners is unable to acquire the above described fee simple title or highway easements to properties, or any part thereof, the Office of the District Attorney be, and is hereby authorized, instructed and directed to institute condemnation proceedings against the owners of said properties, and condemn said above described fee simple title or highway easements to properties under the power of eminent domain for said purposes and to take such further legal steps or proceeding as may, in his judgment, appear to be proper to acquire said fee simple title or highway easements to properties for said purposes, and the immediate possession thereof.

Approved as to form and legality:

APPROVED

Assistant District Attorney

County Engineer

APPROVED this _____ day of _____, 2025

BOARD OF COUNTY COMMISSIONERS
OKLAHOMA COUNTY, OKLAHOMA

Chairman

Member

Member

ATTEST:

Maressa Treat, County Clerk