

**CUSTER COUNTY
RESOLUTION NO. 2021-04-19A**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, STATE OF OKLAHOMA DECLARING THE NECESSITY FOR ACQUIRING EASEMENTS ON, OVER, UNDER AND ACROSS CERTAIN REAL PROPERTY LOCATED IN CUSTER COUNTY, OKLAHOMA, AND AUTHORIZING ACQUISITION OF SUCH EASEMENTS BY NEGOTIATION AND, IF NECESSARY, BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

WHEREAS, it is deemed advisable by the Board of County Commissioners, a body corporate and politic, created and existing under the laws of the State of Oklahoma, to determine the need to acquire the property necessary for the West Barnitz Creek bridge improvement project; and

WHEREAS, the Board of County Commissioners deems it necessary and advisable to construct and improve the West Barnitz Creek bridge for the general public; and

WHEREAS, the Board of County Commissioners have attempted to purchase the properties referenced herein from the record title landowners unsuccessfully, and the Board's offers to purchase have been rejected; and

WHEREAS, in order to effectuate the construction, improvement and maintenance of the West Barnitz Creek bridge project, the Board of County Commissioners deems it necessary and advisable to acquire by easement certain tracts of real property located in Custer County, as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, STATE OF OKLAHOMA:

Section 1. That public necessity requires the acquisition of the easements to the properties described below for the construction of the West Barnitz Creek bridge project; and that public necessity and convenience require the condemnation of these properties in order to acquire them for such purpose.

Section 2. That in the event the Board of County Commissioners, or their designee, is unable to secure the easements by negotiation, the Board of County Commissioners hereby authorizes, instructs and directs counsel for the Board of County Commissioners to institute condemnation proceedings against the owners of the real property and condemn such properties for the described purposes, and to take such further legal steps or proceeding as may be proper to acquire the easements and the immediate possession thereof.

Section 3. That the properties are described in the attached Exhibit A.

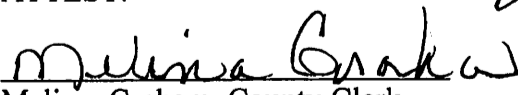
Section 4. That this Resolution shall take effect immediately from and after its passage.

PASSED AND ADOPTED this 19th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS
CUSTER COUNTY, OKLAHOMA


Lyle K. Miller, Chairman

ATTEST:


Melissa Graham, County Clerk


Wade Anders, Member

(SEAL)


Bruce Walker, Member

**EXHIBIT A TO
RESOLUTION NO. 2021-04-19A**

PARCEL NO. 3.1

A strip, piece or parcel of land situated in the Northwest Quarter of Section 36 of Township 15 North, Range 19 West, I.M., CUSTER County, Oklahoma, more particularly described as follows:

BEGINNING at a point on the South Statutory Right-of-way Line of the County Road (EW-088), said point being located 222.05 feet East and 33.00 feet South of the Northwest corner of said Northwest Quarter Section; thence S 0° 55' 52" W a distance of 67.00 feet; thence N 89° 04' 08" W a distance of 188.39 feet to a point on the East Statutory Right-of-way Line of the County Road (NS-214); thence N 00° 33' 23" E along said East Statutory Right-of-way Line of the County Road (NS-214) a distance of 67.00 feet to a point on said South Statutory Right-of-way Line of the County Road (EW-088); thence S 89° 04' 08" E along said South Statutory Right-of-way Line of the County Road (EW-088) a distance of 188.83 feet to the POINT OF BEGINNING, containing 0.29 acres, more or less.

AND

PARCEL NO. 3.2

A strip, piece or parcel of land situated in the Northwest Quarter of Section 36 of Township 15 North, Range 19 West, I.M., CUSTER County, Oklahoma, more particularly described as follows:

BEGINNING at a point on the South Statutory Right-of-way Line of the County Road (EW-088), said point being located 222.05 feet East and 33.00 feet South of the Northwest corner of said Northwest Quarter Section; thence S 89° 04' 08" E along said South Statutory Right-of-way Line of the County Road (EW-088) a distance of 185.00 feet; thence S 0° 55' 52" W a distance of 47.00 feet; thence N 89° 04' 08" W a distance of 185.00 feet; thence N 00° 55' 52" E a distance of 47.00 feet to the POINT OF BEGINNING, containing 0.20 acres, more or less.