

RESOLUTION NO. 2022-08-29C

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 Unnamed Creek bridge improvement project; and

WHEREAS, the Board of County Commissioners deems it necessary and advisable to construct and improve the Unnamed 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 Unnamed 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 Unnamed 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 negotiations, 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 proceedings 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 29th day of August, 2022.

**BOARD OF COUNTY COMMISSIONERS
CUSTER COUNTY, OKLAHOMA**

ATTEST:


Bruce Walker, Chairman


Melissa Graham, County Clerk


Lyle K. Miller, Member

(SEAL)




Wade Anders, Member

EASEMENT for Public Highway

Project #: STP-220D(086)CI

Job piece: 33512(04)

Parcel: 2

KNOW ALL MEN BY THESE PRESENTS:

That _____
of CUSTER County, State of Oklahoma, hereinafter called the Grantors (whether one or more), for and in consideration of the sum of TEN Dollars(\$ 10.00) and other good, valuable and sufficient considerations, do hereby grant, bargain, sell, convey and dedicate unto the County of CUSTER, hereinafter called the Grantee, a perpetual easement over, under, and across the following described lots or parcels of land, to-wit:

A strip, piece or parcel of land situated in the Northwest Quarter of Section 24 of Township 12 North, Range 15 West, I.M., CUSTER County, Oklahoma, more particularly described as follows;

BEGINNING at a point on the North Boundary Line of said Northwest Quarter Section, said point being located 88.69 feet East of the Northwest Corner of said Northwest Quarter Section; thence S 89° 05' 19" E along said North Boundary Line a distance of 650.00 feet; thence S 00° 54' 41" W a distance of 33.00 feet to a point on the South Statutory Right-of-way Line of the County Road (EW-104); thence S 67° 09' 43" W a distance of 54.63 feet; thence N 89° 05' 19" W a distance of 350.00 feet; thence S 00° 54' 41" W a distance of 70.00 feet; thence N 89° 05' 19" W a distance of 150.00 feet; thence N 00° 54' 41" E a distance of 80.00 feet; thence N 82° 14' 45" W a distance of 100.72 feet to a point on said south Statutory Right-of-way Line of the County Road (EW-104); thence N 00° 54' 41" E a distance of 33.00 feet to the POINT OF BEGINNING, containing 1.01 acres, more or less, including 0.49 acres of Statutory Right-of-way.

For the same considerations hereinbefore recited, this easement is granted for the purpose of enabling said Grantee, its officers, agents, contractors, and employees, now or at any time in perpetuity and at its discretion, to go upon, construct, build, maintain, and regulate a public highway or facilities necessary and incidental thereto, including the airspace above and removal of any and all dirt, rock, gravel, sand and other road building materials, reserving and excepting unto said Grantors the mineral rights therein provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purposes herein granted; and reserving unto said Grantors the right of ingress and egress to said public highway from the remaining lands of the Grantors.

The supervision and control of said public highway to be in such municipality, county or other agency of the State of Oklahoma as has or may have jurisdiction thereof by the laws of the State of Oklahoma; and said Grantee, its officers, agents, contractors and employees are hereby granted free access to said property for the purpose of entering upon, constructing, maintaining or regulating the use of said public highway and incidental facilities.

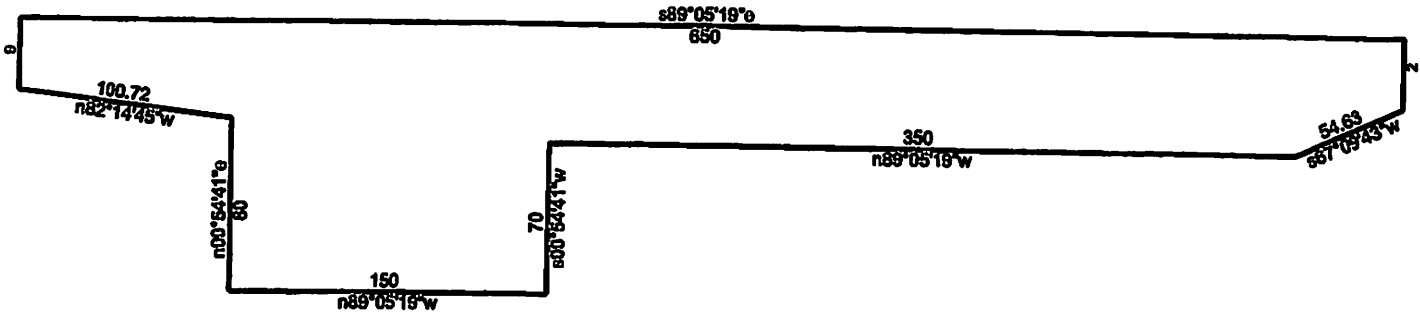
Said Grantors hereby covenant and warrant that at the time of delivery of these presents they are the owners in fee simple of the above described premises and that same are free and clear of all liens and claims whatsoever, except _____.

The undersigned Grantors hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set their hands and seals this the _____ day of _____, _____.

Rev.08/09 gdw

County 8



PARCEL 2 CLOSURE MAP JP# 33512(04)

12/28/2021

Scale: 1 inch= 84 feet

File:

Tract 1: 1.0124 Acres (44101 Sq. Feet), Closure: n79.3259e 0.01 ft. (1/239232), Perimeter=1521 ft.

01 s89.0519e 650
02 s00.5441w 33
03 s87.0943w 54.83
04 n88.0519w 350
05 s00.5441w 70
06 n89.0519w 150
07 n00.5441e 80

08 n82.1445w 100.72
09 n00.5441e 33