

THE CITY OF OKLAHOMA CITY IN THE DISTRICT COURT OF OKLAHOMA COUNTY

OFFICE OF CITY CLERK
208 MUNICIPAL BUILDING
OKLAHOMA CITY, OKLAHOMA 73102

STATE OF OKLAHOMA

1992 APR 16 P 2:54

THE CITY OF OKLAHOMA CITY,
a municipal corporation,

Plaintiff,

vs.

KESHAVBHAI G. PATEL and
VANITABEN K. PATEL, husband and
wife, and FIRST COMMERCIAL
BANK, N.A.

Defendants.

No. CJ-92-1688-02

DOC NUMBER 00097567

TIME 02:04 PM

FEE 10.00

DATE AUG. 27 1992

RALPH HESS

OKLAHOMA COUNTY CLERK

RECORDED AND FILED

REPORT OF COMMISSIONERS

COMES NOW the undersigned Commissioners heretofore appointed by the Court to inspect the real property hereinafter described and consider the injury which the Defendants, as the owners of said property, may sustain by reason of the appropriation of said property for the public purpose(s) stated in the Petition filed herein, and respectfully submit the following report:

We, the undersigned Commissioners, are disinterested freeholders of Oklahoma County, State of Oklahoma, not interested in this and any like question, and we, and each of us, did on the 9 day of APRIL, 1992, appear before the Court Clerk of Oklahoma County and took the Oath as required by law in the above styled and numbered cause, and thereupon proceeded to personally inspect the following described real property, to-wit:

A 10 foot wide permanent easement in part of Block 7 and 8, Orchard Grove Addition to the City of Oklahoma City in Oklahoma County, Oklahoma. Said easement being more particularly described as follows:

Commencing at the point where the present East Right-of-Way line of Interstate Highway No. 35 intersects the North line of said Block 8, thence South along said East Right-of-Way line a distance of 86.99 feet, thence N89°39'19"E a distance of 10.00 feet to the point of beginning, thence N00°28'30"W a distance of 57.67 feet, thence N44°36'32"E a distance of 14.12 feet, thence S00°28'30"E a distance of 67.67 feet, thence S89°39'19"W a distance of 10.00 feet to the point of beginning, containing 0.0144 acres more or less.

A 10 foot wide temporary construction easement parallel and adjacent to, with side lines extending and/or shortening as to terminate at the property line, the East line of the following described parcel:

Commencing at the point where the present East Right-of-Way line of Interstate Highway No. 35 intersects the North line of Block 8, Orchard Grove Addition to the City of Oklahoma, City in Oklahoma County, Oklahoma, thence South along said East Right-of-Way line a distance of 86.99 feet, thence N89°39'19"E a distance of 20.00 feet to the point of beginning, thence N00°28'30"W a distance of 67.67 feet, thence N44°36'32"E a distance of 14.12 feet, thence S00°28'30"E a distance of 77.67 feet, thence S89°39'19"W a distance of 10.00 feet to the point of beginning.

We further report that giving consideration to the value of said property so taken, including, if any, the value of any and all improvements thereon, together with the damage to that portion, if any, of the Defendants' property not taken; and we hereby assess the damage to the owners, lessees or anyone claiming or having any right, title or interest in said property as follows, to-wit:

Damages Assessed: \$3,200.00

IN WITNESS WHEREOF we have hereunto set our hands this 9 day of

APRIL, 1992.

I, TOM PETUSKEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., on 11 day of APRIL, 1992.

By

TOM PETUSKEY Court Clerk
Deputy

Joel Coley
Joel Coley

George G. Grundy
George G. Grundy

Bennie Vowell
Bennie Vowell

THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR

FILED
MAY 13 10 42 AM '92
CITY CLERK
OKLAHOMA CITY, OKLA.
OFFICE OF
CITY CLERK

TO: Paul Brum, P. E., Director
Public Works

FROM: Daniel T. Brummitt
Assistant Municipal Counselor

DATE: May 11, 1992

RE: City v. Keshavbhai G. Patel, CJ-92-1688-02, Water Project WC-0064, and
Sanitary Sewer Project SC-0182, 2800 S. I-35 Easements 6-P and 6-T

Attached hereto is the claim of Tom Petuskey, Court Clerk of Oklahoma County, in the sum of \$5,573.50.

This amount is broken down as follows:

Court Costs	\$ 69.00
Award of Commissioners	3,200.00
Fees of Commissioners	2,250.00
Poundage	54.50
TOTAL	\$ 5,573.50

A copy of this memo with a certified copy of the Report of Commissioners attached for filing with the Oklahoma County Registrar of Deeds is being forwarded to the City Clerk.

The City is not legally authorized to go into possession of the property until the Award is deposited with the Court Clerk and no exceptions to the Report of Commissioners is filed, or are resolved.

However, in this case it appears that the subject water and sewer lines had already been constructed before the Commissioners even inspected the property. Our contractor was therefore, trespassing on the property when the lines were installed, subjecting both the contractor and The City to possible civil liability in addition to the condemnation award.

Please advise contractors not to go on property under pending condemnation proceedings until the Commissioner's Award has been deposited into Court and any exceptions to the Report of Commissioners have been resolved.

Attachment -

cc: City Clerk

E 24,295

Orchard Grove Add.

CJ-92-1188-02

bl 7+8

WC-0264 + SC-0182

5/12/92