

August 24th, 1942.

Motion by Commissioner Greer, seconded by Commissioner Morley, that the following Resolution and Order be adopted. Upon roll call, all members voting in the affirmative, motion was by the Chairman declared carried.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA.

In the matter of hearing on report of the Drainage
Commissioner of Park View Drainage District No. 2, Tulsa
County, Oklahoma, filed on the 8th day of July, 1942, estimating expenses
necessary in repairing and cleaning out ditches and drains in said
drainage district.

RESOLUTION AND ORDER

WHEREAS, on the 15th day of July, 1942, owners of land originally assessed in the Park View Drainage District of Tulsa County, Oklahoma, filed a statement with the Board of County Commissioners of Tulsa County, Oklahoma, setting forth the necessity of making a tax levy for the purpose of repairing and cleaning out the drains and ditches in said drainage district, and

WHEREAS, thereafter the Board of County Commissioners of Tulsa County, Oklahoma, ordered and directed the drainage commissioner of drainage district to make an estimate of the amount necessary to be expended in repairing and cleaning out said drainage ditches, and

WHEREAS, on the 8th day of July, 1942, J. M. Baker, Drainage Commissioner of the Park View Drainage District, filed his estimate in which he set forth that it is necessary that the sum of \$8,000.00 be expended to repair and clean out the drainage ditches, and

WHEREAS, the Board of County Commissioners of Tulsa County, Oklahoma, fixed the 24th day of August, 1942, at 10:00 A.M., as the day and time for hearing said report at the office of the said Board of County Commissioners of Tulsa County, Oklahoma, in the Tulsa County Court House in the said City of Tulsa, Oklahoma, and

WHEREAS, notice thereof is given as required by law, and

WHEREAS, the Missouri-Kansas-Texas Railroad Company has duly filed its protest herein to the report of said drainage commissioner, and the proposed assessments and allotments of the cost and expense of cleaning out said ditches and drains and wherein it asks to have the former resolution of this Board regarding said matter adopted on the 20th day of October, 1941, and the assessment subsequently computed against its said right of way property located in Section 4, Township 19 North, Range 12 East, Tulsa County, Oklahoma, in a total amount of \$215.74 and against its property in Section 3 in said Township and Range in the amount of \$244.91, vacated, cancelled and set aside, and

WHEREAS, the Board has heard said protest and evidence adduced thereon and arguments of counsel and being fully advised of the premises, the Board finds that in the original drainage proceedings herein said protestant's pro rata of the original assessments of benefits, as finally determined by the judgment and decree of the District Court on protestant's appeal in said matter, and as adjusted by the resolution of the Board of County Commissioners of said County passed and approved the third day of January, 1923, based on the journal entry of judgment in said cause of appeal, was determined to be .2% as to protestant's property in said Section 4, being the ratio which the sum of \$100. assessed as benefits against its property in said section, bears to the total amount of \$52,790.56, being the total benefits assessment for said improvements, and its pro rata assessment of benefits in Section 3, said assessment being the sum of \$500.00 was definitely determined to be 1% (one per cent), and

WHEREAS, the Commission finds that said report of said drainage commissioner and the amount set forth in said report of said drainage commissioner as necessary to be expended to repair and clean out said drainage ditches is a reasonable amount, and

WHEREAS, the law provides that said cost and expenses shall be divided pro rata according to the original assessments of benefits, among and between the property owners in said drainage ditch district, the Board, therefore, finds that the protest of said railroad company should be sustained, and the former resolution of this Board adopted on the 20th day of October, 1941 and all subsequent proceedings and assessments heretofore made on account thereof shall be vacated, cancelled and set aside, and that the proportion of said cost and expense that should be assessment against protestant's property located in said Section 4 of Township 19 North, Range 12 East, shall be .2% (Two tenths of one per cent) of the total cost and expenses thereof hereby approved in the sum of \$8,000.00, and that the assessment against its said property located in Section 3 of said Township and Range shall be 1% of said total amount so approved for said purpose.

It was moved by Commissioner Greer, seconded by Commissioner Morley and upon roll call said motion was unanimously adopted, all three commissioners voting "Yes" thereon, that the report of said Drainage Commissioner be in all things approved, and that a tax levy to raise the said sum of \$8,000.00 be assessed against the property of the said drainage district pro rata, according to the original assessment of benefits as provided by Oklahoma Statutes, 1941, Title 82, Section 413 and 414.

Passed and approved this 24th day of August, 1942.

ATTEST: ANDY STOKES, COUNTY CLERK.
SEAL.

BOARD OF COUNTY COMMISSIONERS,
TULSA COUNTY, OKLAHOMA.
SIGNED: J. B. GRAY, CHAIRMAN.