

FRIDAY, JUNE 7, 1946.

Pursuant to recess heretofore taken, the Board of County Commissioners reconvened at the hour of 2:00 A. M. with all members present. J. B. Gray, Chairman, Curtis Greer and Claude W. Bailey, Members. Andy Stokes, County Clerk.

J. B. Gray, Chairman presiding, the following business was transacted:

Motion made by Commissioner Greer, seconded by Commissioner Gray, that the following Resolution and Order be and the same is hereby adopted, to-wit:

RESOLUTION AND ORDER

The Board of County Commissioners of Tulsa County, Oklahoma, met in regular session in the Court House at 2:00 o'clock P.M. on the 7th day of June 1946, at which meeting all members were present, and the following proceedings were had: . .

WHEREAS, on the 18th day of September 1945, the Honorable Harry S. Halley, District Judge of Division 3 of the District Court within and for Tulsa County, Oklahoma, pursuant to application and notice, selected and appointed in the manner at the time and as provided by Law, H. E. Bridges, of Tulsa, Oklahoma, A. C. Wise, of Bixby, Oklahoma, and H. L. Hollingsworth, of Broken Arrow, Oklahoma, impartial, disinterested freeholders of Tulsa County, each qualified as required by law to serve and act as viewers of Tulsa County Drainage District No. 13 in Tulsa County, Oklahoma, and certified the names of such viewers so appointed by said District Judge to this Board; and it appearing that the viewers have heretofore taken and subscribed the oath required by law as such viewers:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY This Board that said appraisers immediately and without delay, in company with the County Surveyor and County Engineer, or any expert surveyor or engineer employed for such purpose, and go upon lands and lines described by the resolution and orders of this Board of County Commissioners creating Tulsa County Drainage District No. 13, in Tulsa County, Oklahoma, and establish the precise location, where in their judgment the proposed improvements of said Drainage District will prove more efficient, and survey and level such described or established line or lines, and set stakes at every one hundred feet numbering down stream, mark the intersection and boundaries of lands, township, range and county lines, bench marks and road and railroad crossings; determine the dimensions and form of proposed drain, levy or other improvements; and what disposition shall be made of excavated earth; to establish the number of cubic yards of earth or other substance to be removed and the costs per cubic yard of each section of one hundred feet, and for the whole work, and make report profile, and plat of same; together with a schedule of all lots and lands, and of public or corporate roads and railroads, and public service corporations, together with the names and residence of the owners, that will be benefited, damaged or condemned by or for the improvements, and the damage or benefit to each tract of forty acres or less, and make separate estimate of the cost of location and construction, and apportion the same to each tract in proportion to the benefits and damages that may result to each.

And also apportion and allot the construction or expense of same, of the number of lineal feet and cubic yards of said work to each lot or tract of land, road, or railroad, in proportion to the estimate of benefits or damages as hereinabove described. They shall specify the manner and time in which the improvements shall be made and completed, the number of flood-gates, waterways, farm crossings, bridges, and the dimensions thereof, and note the County and Township lines and railroad crossings.

The plat shall be drawn upon a scale sufficiently large to represent all the meanderings of said improvement, and shall distinctly show the boundary lines of each lot or tract of land, and each road or railroad to be benefited and taxed thereby, the name of the owner or owners of each tract of land and of any interest therein, so far as they are able to ascertain the same; the authority or company having in charge, owning or controlling such public or corporate road or railroad, the distance in feet through each tract or parcel of land, together with such other matters as the Viewers or surveyors may deem material.

Such profile shall show the surface, the grade line and grade, if any, fixed and the viewers and surveyors shall make and file with the report an itemized bill of costs made in the discharge of their duties, and file same under oath, within thirty days after such survey and levees are completed.

In locating a public drain, levee or improvement, the viewers may, in their discretion, vary from the line described in the petition; Provided the commence at the point described in the petition and follow down the line as near as practicable; and when the drain described in the petition is not sufficient in length to drain the land adjacent thereto, they may extend the drain below the outlet named in the petition as far as may be necessary, not exceeding one mile, to obtain sufficient flow or outlet. And when it will not be detrimental to the usefulness to the whole work, they shall, as far as practicable, locate the drain on the division lines of land owned by different persons; and they shall, as far as practicable, avoid laying the same diagonally across the land, but must not sacrifice the general utility of the drain to avoid diagonal lines, and all persons whose lands may be affected by said drain may appear before the viewers and freely express their opinions on all matters pertaining thereto.