

RESOLUTION NO. 1687

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN TULSA L DEV, LLC VS. THE CITY OF BROKEN ARROW ET. AL., TULSA COUNTY DISTRICT COURT, CASE NUMBER: CV-2025-1085, AUTHORIZING FORECLOSURE OF A WATERLINE EASEMENT LOCATED AT ONE-QUARTER MILE SOUTH OF TUCSON STREET (121ST STREET) AND ONE-HALF MILE WEST OF ELM PLACE (161ST STREET), CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA.

WHEREAS, on April 1, 2025, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3852 closing a waterline easement located on property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A Ten (10) Foot Wide Easement that is a part of the South Half of the Northeast Quarter (S/2 NE/4) of Section Three (3), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, State of Oklahoma, According to the U.S. Government Survey Thereof, Said Easement Being More Particularly Described as Follows:

Commencing at the Southwest Corner of Said NE/4; Thence North 1°32'22" West and Along the West Line of Said S/2 NE/4, for a Distance of 120.00 Feet to the Point of Beginning;

Thence Continuing North 1°32'22" West and Along Said West Line, for a Distance of 10.00 Feet; Thence North 88°45'34" East for a Distance of 886.73 Feet to a Point on the West Line of "Indian Springs Park II", an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, According to the Recorded Plat Thereof (Plat No. 3860); Thence South 13°38'00" West and Along the West Line of Said Addition, for a Distance of 10.35 Feet; Thence South 88°45'34" West for a Distance of 884.02 Feet to the Point of Beginning;

Said Tract Containing 8,854 Square Feet or 0.203 Acres

WHEREAS, there is no necessity for reopening the above-described waterline easement and the easement is no longer required for public purposes; and

WHEREAS, no public convenience or necessity exists for the reopening of the waterline easement and the foreclosure of the right to reopen the waterline easement will not injuriously affect the rights of the owners of the property in the vicinity of the easements; and

WHEREAS, all of the Defendants in the above captioned matter are anticipated to disclaim interest in the property of the waterline easement which is the subject of the Final Journal Entry of Judgment; and

WHEREAS, the Legal Department and City Staff recommend that the City Council authorize the City Attorney to enter into a Final Journal Entry of Judgment, as the Defendant, foreclosing the above-described waterline easement that was closed by Ordinance No. 3852, enacted by the City Council on April 1, 2025; and

WHEREAS, it is the desire of the Council to authorize the City Attorney to enter into the Final Journal Entry of Judgment in the above matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Broken Arrow, Oklahoma, that the City Attorney is authorized to enter into a Final Journal Entry of Judgment, as Defendant, foreclosing the waterline easement located one-quarter mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st Street), City of Broken Arrow, Tulsa County, State of Oklahoma.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 4th day of August, 2025.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

City Attorney