

**RESOLUTION NO. 909**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A QUIET TITLE PETITION IN THE MATTER OF THE CITY OF BROKEN ARROW, AN OKLAHOMA MUNICIPAL CORPORATION V. THE HEIRS, AND UNKNOWN HEIRS, PERSONAL REPRESENTATIVES, DEVISEES, TRUSTEES, SUCCESSORS AND ASSIGNS OF IRA N. JONES, DECEASED, ET AL., IN THE TULSA COUNTY DISTRICT COURT, RATIFYING PAYMENT OF THE AD VALOREM TAXES ON THE SUBJECT PROPERTY; AND AGREEING TO ENTRY OF JUDGMENT WITHOUT ADMITTING LIABILITY; AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE JUDGMENT, INCLUDING A JOURNAL ENTRY OF JUDGMENT INCORPORATING THE RESOLUTION OF THE COURT'S APPROVAL, PURSUANT TO 12 O.S. §1141**

**WHEREAS**, the 2008 General Obligation Bonds included funds of \$1.5 million dollars for the reconstruction of the Old Town streets, including replacement of a gateway memorial and its maintenance located at approximately 104 North Elm Avenue West, for property legally described as follows:

A parcel of land lying in Lot 3 and Lot 4, Block 76, Broken Arrow Old Town, an addition to the City of Broken Arrow, Tulsa County, Oklahoma. Bearings based on State Plane Coordinates and evidence found in the field.

**Description: 1A**

Lots 3 & 4 less the West 50 feet of Lot 3, Block 76, Broken Arrow Old Town, containing 9828 square feet or 0.2256 acres, more or less.

**WHEREAS**, when the City acquired the property, the City's Right-of-Way agent obtained a General Warranty Deed dated September 10, 2013, transferring the property from Eva R. Jones to the City of Broken Arrow in exchange for \$20,000.00; and

**WHEREAS**, Eva R. Jones is the surviving spouse of Ira M. Jones, who originally purchased the property in February 20, 1936. Both Ira M. Jones and Eva Jones subsequently donated some 50 feet of the property to the City of Broken Arrow for right-of-way. Ira Jones died on March 2, 1993; and

**WHEREAS**, pursuant to a closing of this property, Eva Jones, Ira Jones, surviving spouse, signed an Affidavit of Surviving Joint Tenant with Right of Survivorship and provided Ira Jones' Death Certificate. Both were provided to the Tulsa County Treasurer's Office when the City's General Warranty Deed was filed on October 4, 2013, Document No. 2013100354; and

**WHEREAS**, the Tulsa County Treasurer's Office subsequently contacted the City of Broken Arrow and advised that the Affidavit of Surviving Joint Tenant submitted by Eva Jones and Death Certificate of Ira Jones was insufficient to transfer title as the original 1936 Deed was only to Ira Jones and was never transferred to Ira Jones and Eva Jones with Joint Tenancy, Right of Survivorship; and

**WHEREAS**, the Tulsa County Treasurer's Office continued to bill Ira M. Jones c/o the City of Broken Arrow for the *ad valorem* taxes for the property. The Treasurer payoff for the taxes of this property for 2013 is \$196.13, 2014 is \$180.91 and 2015 is \$146.16, payable to Tulsa County Treasurer, the parcel number referencing this payment is 78100841105600, to 500 South Denver Avenue, Suite 323, Tulsa, Oklahoma 74103. The total payoff for the *ad valorem* taxes was \$523.20; and

**WHEREAS**, this outstanding balance of \$523.20 was paid on March 1, 2016, the City may file a Quiet Title action to remove any cloud of this title due to Eva Jones not being on the original 1936 General Warranty Deed; and

**WHEREAS**, the City Attorney's office recommends that the City Council ratify the payment *ad valorem* taxes in the amount of \$523.20 and file a Quiet Title Petition pursuant to 12 O.S. §1141 in Tulsa County District Court removing the cloud from this title from Ira M. Jones' unknown heirs, devisee, legatees and personal representatives, and obtain a judgment clearing any cloud to this title.

**NOW, THEREFORE, BE IT RESOLVED** that the City Attorney be, and is hereby directed to file a Quiet Title Petition in the Matter of *The City of Broken Arrow, an Oklahoma Municipal Corporation v. The Heirs, and Unknown Heirs, Personal Representatives, Devisees, Trustees, Successors and Assigns of Ira N. Jones*, in Tulsa County District Court; ratify the payment of \$523.20 in *ad valorem* taxes for the subject property; and prepare, submit and file a Journal Entry of Judgment quieting title in favor of the City of Broken Arrow, Oklahoma; and

**BE IT FURTHER RESOLVED** that the City Attorney is hereby directed to prepare and file the necessary documents, including a Petition and Journal Entry of Judgment and to execute any and all necessary documents to effectuate this judgment for the Court's approval pursuant to 12 O.S. §1141.

**ADOPTED and APPROVED** by the Mayor of the Council of the City of Broken Arrow, Oklahoma this 5<sup>th</sup> day of April, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

REVIEWED as to for form and legality this 5<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Deputy City Attorney