

## **RESOLUTION NO. 965**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN THE MATTER OF THE CITY OF BROKEN ARROW V. THE BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, THE CITY OF BROKEN ARROW, PUBLIC SERVICE COMPANY OF OKLAHOMA, OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEGAS, INC., SOUTHWESTERN BELL TELEPHONE COMPANY, AND COXCOM, L.L.C., IN TULSA COUNTY DISTRICT COURT, CASE NUMBER: CV-2016-01527, AUTHORIZING FORECLOSURE OF A UTILITY EASEMENT GENERALLY LOCATED ONE-QUARTER MILE EAST OF ELM PLACE AND NORTH OF ALBANY STREET**

**WHEREAS**, on November 1, 2016, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3456 closing a utility easement generally located one-quarter mile east of Elm Place and north of Albany Street, more particularly described as follows:

A tract of land lying in Government Lot 3 of Section 2, Township 18 North, Range 14 East, of the Indian Meridian, Tulsa County, Oklahoma and further described as:

Commencing at the northeast corner of said Government Lot 3; thence N89°59'21"W along the north line of said Government Lot 3 for a distance of 1272.39 to the point of beginning; thence S00°06'14"W for a distance of 785.64 feet; thence S55°46'19"E for a distance of 189.17 feet; thence S89°54'38"E for a distance of 235.32 feet; thence N62°23'08"E for a distance of 118.22 feet; thence S16°01'22"E for a distance of 15.31 feet; thence S62°23'08"W for a distance of 118.84 feet; thence N89°54'38"W for a distance of 243.62 feet; thence N55°46'19"W for a distance of 201.73 feet; thence N00°06'14"E for a distance of 793.57 feet to the north line of said Government Lot 3; thence S89°59'21"E along said north line for a distance of 15.00 feet to the point of beginning. The above description containing 0.46 acres more or less.

Bearings are based on a record bearing along the north line of Government Lot 3 of Section 2, Township 18 North, Range 14 East (N89°59'21" W) based on a utility easement recorded as Document Number 04122390 and filed with the Tulsa County Clerk's Office on October 8, 2004.

**WHEREAS**, there is no necessity for reopening the utility easement and the easement is no longer required for public purposes; and

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

**WHEREAS**, all of the Defendants in the above captioned matter are anticipated to disclaim interest in the property of the utility 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, both as the Plaintiff and Defendant, foreclosing the above described utility easement that was closed by Ordinance No. 3456 enacted by the City Council on November 1, 2016; 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, both as Plaintiff and Defendant, foreclosing the utility easement generally located one-quarter mile east of Elm Place and north of Albany Street.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 6<sup>st</sup> day of December, 2016.

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:

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City Attorney