

RESOLUTION NO. 906

A Resolution authorizing the City Attorney to enter into the Final Entry of Judgment in *AG Equipment Company v. The City of Broken Arrow, Oklahoma, et al.*, Tulsa County District Court Case No. CV-2016-108, authorizing foreclosure and vacation of an easement located at approximately one-half mile south of West Albany Street, east of North Olive Avenue, Broken Arrow, Oklahoma

WHEREAS, on October 20, 2015, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3367 closing an easement containing 0.1207 acres located at approximately one-half mile south of West Albany Street, east of North Olive Avenue, Broken Arrow, Oklahoma, more particularly described as follows:

**LEGAL DESCRIPTION
FOR
VACATION AND CLOSURE OF PLATTED UTILITY EASEMENT**

A PART OF RESERVE 'A' AND LOTS 4 AND 5 OF BLOCK 1, 61ST STREET INDUSTRIAL PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, BEING A SUBDIVISION OF PART OF THE GOVERNMENT LOT 2 OF SECTION FOUR (4), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 5597, IN THE OFFICE OF THE TULSA COUNTY CLERK.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF RESERVE 'A' OF 61ST STREET INDUSTRIAL PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, RECORDED AS PLAT NO. 5597, IN THE OFFICE OF THE TULSA COUNTY CLERK; THENCE S 00° 03' 08" E, ALONG THE WEST LINE OF SAID RESERVE 'A' AND CONTINUING ALONG THE WEST LINE OF LOT 4, BLOCK 1, AND CONTINUING ALONG THE WEST LINE OF LOT 5, BLOCK 1, ALL OF SAID 61ST STREET INDUSTRIAL PARK, A DISTANCE OF 478.00 FEET; THENCE N 89° 56' 58" E A DISTANCE OF 11.00 FEET; THENCE N 00° 03' 08" W, PARALLEL WITH THE WEST LINE OF SAID LOTS 5 AND 4 AND RESERVE 'A', A DISTANCE OF 478.00 FEET, TO A POINT ON THE NORTH LINE OF SAID RESERVE 'A'; THENCE S 89° 56' 58" W, ALONG THE NORTH LINE OF SAID RESERVE 'A', A DISTANCE OF 11.00 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.1207 ACRES / 5,258.00 SQUARE FEET.

THE BASIS OF BEARINGS FOR SAID TRACT IS S 00° 03' 08" E ALONG THE WEST LINE OF RESERVE 'A' OF 61ST STREET INDUSTRIAL PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, BEING A SUBDIVISION OF PART OF THE GOVERNMENT LOT 2 OF SECTION FOUR (4), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 5597, IN THE OFFICE OF THE TULSA COUNTY CLERK.

WHEREAS, there is no necessity for re-opening the easement and the easement is no longer required for public purposes;

WHEREAS, no public convenience or necessity exists for the reopening of the easement. The foreclosure of the right to re-open the easement will not injuriously affect the rights of the owners of the property in the vicinity of the easement and the easement is no longer required for public purposes; and

WHEREAS, all of the Defendants in the matter have disclaimed interest in the property of the 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 foreclosing and vacating the above-described easement that was closed by Ordinance No. 3367 enacted by the City Council on October 20, 2015; 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 foreclosing and vacating an easement containing 0.1207 acres generally located one-half mile south of West Albany Street, east of North Olive Avenue, Broken Arrow, Oklahoma, according to the recorded plat thereof.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 16th day of February, 2016.

Attest:

Mayor

City Clerk

Approved as to form:

Deputy City Attorney