

**RESOLUTION NO. 1099**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A PROPOSED JOINT APPLICATION FOR APPROVAL OF SETTLEMENT AND A JOURNAL ENTRY OF JUDGMENT IN REGARD TO THE MATTER OF JUAN RODRIGUEZ V. CITY OF BROKEN ARROW, ET AL., CASE NO. CJ-2017-978 IN THE DISTRICT COURT FOR TULSA COUNTY, STATE OF OKLAHOMA AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE SETTLEMENT, INCLUDING A JOURNAL ENTRY OF JUDGMENT FOR THE COURT'S APPROVAL, PURSUANT TO 51 O.S. § 158**

**WHEREAS**, on March 13, 2017, Juan Rodriguez filed a Petition against the City of Broken Arrow and by virtue thereof alleged the City of Broken Arrow caused Mr. Rodriguez's single vehicle accident caused by water accumulating over the intersection of West Jasper and S. Kalanchoe Ave due to a water main break that the City failed to eliminate or warn the traveling public; and

**WHEREAS**, after reviewing the facts in this matter, the City Council has determined that settlement in this matter is proper in the sum of \$125,000.00; and

**WHEREAS**, City Council has determined that such resolution is a just and reasonable settlement; and

**WHEREAS**, it is the desire of the Council to approve such settlement agreement by authorizing the City Attorney to prepare and file all the necessary documents to settle this case, including a Journal Entry of Judgment which does not admit liability, but does represent a compromised settlement of the disputed claims.

**NOW, THEREFORE, BE IT RESOLVED** that the City Attorney be and is hereby directed to agree to entry of judgment without admitting liability in the case of Juan Rodriguez v. City of Broken Arrow, et al, Case No. CJ-2017-978 and to execute any and all necessary documents to effectuate the settlement for the Court's approval pursuant to 51 O.S. § 158.

**ADOPTED AND APPROVED** by the Mayor of the Council of the City of Broken Arrow, Oklahoma, this 17th day of April, 2018.

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:

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Deputy City Attorney