

RESOLUTION NO. 1759

A Resolution Ratifying and Approving the City Attorney's Execution and Approval as to form of a Judgment and Decree Vacating and Foreclosing the Right to Reopen Easement in Oakmont Hills, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number: CV-2026-647, concerning portions of sanitary sewer easements previously closed by Ordinance Nos. 3895 and 3896.

WHEREAS, on November 4, 2025, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3896 closing a portion of a sanitary sewer easement identified as Parcel A. Parcel A is more particularly described as follows:

Parcel A:

A 15' WIDE STRIP OF LAND THAT IS PART OF A SANITARY SEWER EASEMENT DATED THE 4TH DAY OF MARCH, 1969, AND FILED OF RECORD MARCH 28, 1969, AT BOOK 3884, PAGE 133 IN THE RECORDS OF THE COUNTY CLERK, TULSA COUNTY, STATE OF OKLAHOMA, SAID PART LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4 SE/4; THENCE NORTH 01°25'49" WEST AND ALONG THE EAST LINE OF THE SE/4 SE/4, FOR A DISTANCE OF 661.40 FEET; THENCE SOUTH 88°34'11" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°38'13" WEST FOR A DISTANCE OF 153.92 FEET; THENCE NORTH 1°25'49" WEST FOR A DISTANCE OF 290.50 FEET; THENCE NORTH 88°38'13" EAST FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 1°25'49" EAST FOR A DISTANCE OF 275.50 FEET; THENCE NORTH 88°38'13" EAST FOR A DISTANCE OF 138.92 FEET; THENCE SOUTH 1°25'49" EAST FOR A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 6,441 SQUARE FEET OR 0.148 ACRES.

WHEREAS, on November 4, 2025, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3895 closing a portion of a sanitary sewer easement identified as Parcel B. Parcel B is more particularly described as follows:

Parcel B:

A 15' WIDE STRIP OF LAND THAT IS PART OF A SANITARY SEWER EASEMENT DATED THE 15TH DAY OF MAY, 1992, AND FILED OF

RECORD JUNE 8, 1992, AT BOOK 5410, PAGE 2307 IN THE RECORDS OF THE COUNTY CLERK, TULSA COUNTY, STATE OF OKLAHOMA, SAID PART LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4 SE/4; THENCE SOUTH 88°37'53" WEST AND ALONG THE SOUTH LINE OF THE SE/4 SE/4, FOR A DISTANCE OF 304.26 FEET; THENCE NORTH 01°22'07" WEST AND PERPENDICULAR TO SAID SOUTH LINE, FOR A DISTANCE OF 65.00 FEET TO A POINT ON THE PRESENT NORTH RIGHT-OF-WAY LINE OF EAST FLORENCE STREET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°37'53" WEST AND ALONG SAID NORTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 15.09 FEET; THENCE NORTH 7°43'07" WEST FOR A DISTANCE OF 384.42 FEET; THENCE NORTH 0°16'53" EAST FOR A DISTANCE OF 494.52 FEET; THENCE SOUTH 89°43'07" EAST FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 0°16'53" WEST FOR A DISTANCE OF 493.48 FEET; THENCE SOUTH 7°43'07" EAST FOR A DISTANCE OF 385.04 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 13,181 SQUARE FEET OR 0.303 ACRES.

WHEREAS, on March 27, 2026, the current owner of the subject property filed suit with the Tulsa County District Court to vacate the easements and foreclose the right to reopen the portions of the sanitary sewer easements described above in Oakmont Hills, LLC vs. City Of Broken Arrow et al., Tulsa County District Court Case No. CV-2026-647;

WHEREAS, the City entered its appearance and filed an answer consenting to the vacation and foreclosure of the easement portions described above;

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

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

WHEREAS, a hearing on Plaintiff's request to vacate and foreclose the right to reopen the easement portions was set before the Tulsa County District Court for the morning of June 29, 2026, prior to the next available meeting of the City Council;

WHEREAS, due to the timing of the hearing occurring before the next available meeting of the City Council, the City Attorney executed and/or approved as to form the Judgment and Decree Vacating and Foreclosing the Right to Reopen Easement, consistent with the City's prior adoption of Ordinance Nos. 3895 and 3896 and the City's Answer filed in the above-captioned matter;

WHEREAS, the Legal Department and City Staff recommend that the City Council ratify and approve the City Attorney's execution and/or approval as to form of the Judgment and Decree Vacating and Foreclosing the Right to Reopen Easement and authorize any further action necessary to effectuate the same; and

WHEREAS, it is the desire of the Council to ratify and approve the City Attorney's execution and/or approval as to form of the Judgment and Decree Vacating and Foreclosing the Right to Reopen Easement in the above matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Broken Arrow, Oklahoma, that the City Council hereby ratifies and approves the City Attorney's execution and/or approval as to form of the Judgment and Decree Vacating and Foreclosing the Right to Reopen Easement in Oakmont Hills, LLC vs. The City of Broken Arrow et al., Tulsa County District Court Case No. CV-2026-647, concerning the portions of sanitary sewer easements previously closed by Ordinance Nos. 3895 and 3896, and authorizes the City Attorney to take any further action necessary to effectuate the judgment and foreclosure of the right to reopen the easement portions.

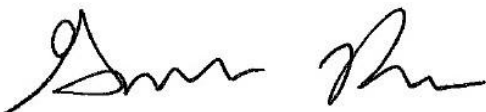
This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 14th day of July, 2026.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:



Assistant City Attorney