

RESOLUTION NO. 1723

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN SOOD REALTY, LLC VS. THE CITY OF BROKEN ARROW ET. AL., WAGONER COUNTY DISTRICT COURT, CASE NUMBER: CV-2025-177, AUTHORIZING FORECLOSURE OF A UTILITY EASEMENT SITUATED ON PROPERTY ONE-HALF MILE NORTH OF DEARBORN STREET (41ST STREET), ONE-HALF MILE WEST OF 37TH STREET (209TH EAST AVENUE) AT 20105 EAST 36TH PLACE, WAGONER COUNTY, STATE OF OKLAHOMA, (SECTION 19, T19N, R15E).

WHEREAS, on July 31, 2023, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3797 closing a utility easement located on property located one-half mile north of Dearborn Street (41st Street), one-half mile west of 37th Street (209th East Avenue) at 20105 East 36th Place, Wagoner County, State of Oklahoma, (Section 19, T19N, R15E). The utility easement is more particularly described as follows:

A tract of land described as the Seventeen and one-half (17.5) foot wide Utility Easement located in Lot Six (6) of Block Two (2) of Amended Glen Eagles Addition, Wagner County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows:

Commencing at the Southeast corner of Lot 6, Block 2, Amended Glen Eagles Addition; thence N00°03'26"E along the East line of said Lot 6 a distance of 74.00 feet to the Point of Beginning; thence N89°51'55"W a distance of 112.57 feet to the West line of said Lot 6; thence N38°38'47"W along the West line of said Lot 6 a distance of 22.45 feet; thence S89°51'55"E a distance of 126.62 feet to the East line of said Lot 6; thence S00°03'26"W a distance of 17.50 feet to the Point of Beginning.

WHEREAS, on September 10, 2025, the current owner of the subject property filed suit with the Wagoner County District Court to foreclose the right to reopen a utility easement;

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

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

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;

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, as the Defendant,

foreclosing the above-described utility easement that was closed by Ordinance No. 3797 enacted by the City Council on July 31, 2023; 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, as Defendant, foreclosing the utility easement situated one-half mile north of Dearborn Street (41st Street), one-half mile west of 37th Street (209th East Avenue) at 20105 East 36th Place, Wagoner County, State of Oklahoma, (Section 19, T19N, R15E).

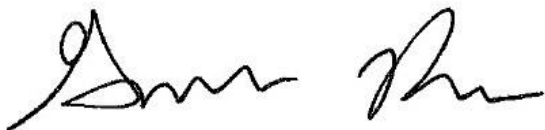
This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 17th day of November, 2025.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:



Assistant City Attorney