

RESOLUTION NO. 948

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO THE FINAL JOURNAL ENTRY OF JUDGMENT IN THE MATTER OF RICHARD ARNOLD DODSON AND ROBIN ELIZABETH DODSON, TRUSTEES OF THE DODSON REVOCABLE LIVING TRUST, DATED DECEMBER 2, 2013 V CITY OF BROKEN ARROW, ET AL, FILED IN TULSA COUNTY, STATE OF OKLAHOMA, CASE NO. CV-2016-01362 AUTHORIZING FORECLOSURE AND VACATION OF AN EASEMENT LOCATED EAST AND SOUTHEAST OF BLOCK 8, LOT 1 ACROSS INDIAN SPRINGS GOLF COURSE

WHEREAS, on September 20, 2016, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3453 closing a mutual access and utility easement generally located east and southeast of Block 8, Lot 1 across Indian Springs Golf Course, more particularly described as follows:

A part of the Northeast one-quarter of Section 11, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to wit:

Commencing at a point, said point being the South corner of Lot 1, Block 7 of Indian Springs Manor Addition to the City of Broken Arrow, as per the recorded plat of said Addition, thence S 00°-00'-31" E a distance of 328.09 feet to a point, thence Due West a distance of 55.06 feet to the POINT OF BEGINNING, thence N 33°-57'-57" W a distance of 176.85 feet to a point, thence along a curve to the left having a radius of 184.59 feet and a delta angle of 35°-01'-31", a distance of 112.84 feet to a point, thence S 08°-06'-08" E a distance of 61.02 feet to a point, thence S 68°-59'-28" E a distance of 0.00 feet, thence along a curve to the right having a radius of 134.59 feet and a delta angle of 22°-16'-56", a distance of 52.34 feet to a point, thence S 33°-57'-57" E a distance of 200.94 feet to a point, thence N 30°-18'-42" E a distance of 55.50 feet to the POINT OF BEGINNING.

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

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

WHEREAS, all of the Defendants in the above captioned matter are anticipated to disclaim interest in the property of the mutual access and 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 foreclosing and vacating the above described mutual access and utility easement that was closed by Ordinance No. 3453 enacted by the City Council on September 20, 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 foreclosing and vacating a mutual access and utility easement generally located east and southeast of Block 8, Lot 1 across Indian Springs Golf Course.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 1st day of November, 2016.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

City Attorney