

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, MET IN REGULAR SESSION ON THE 6<sup>TH</sup> DAY OF MAY, 2025, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Resolution was introduced and caused to be read by title by the City Clerk. Councilmember \_\_\_\_\_ moved passage of the Resolution and Councilmember \_\_\_\_\_ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

[Resolution No. \_\_\_\_ begins on following page]

## RESOLUTION NO. 1654

A RESOLUTION CREATING, NAMING, AND ESTABLISHING THE COMMENCEMENT DATE FOR INCREMENT DISTRICT NO. 6, CITY OF BROKEN ARROW; RATIFYING AND CONFIRMING ORDINANCE NO. 3875 OF THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Broken Arrow, Oklahoma (the “City”), has adopted the Hackberry Market Economic Development Project Plan (the “Project Plan”), pursuant to Ordinance No. 3875 dated May 6, 2025 (the “TIF Ordinance”), all in accordance with the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (the “Act”); and

WHEREAS, the purpose of the Project Plan is to encourage economic development in the City by facilitating the payment of the costs of essential infrastructure improvements and remedial costs necessary to make certain property viable for development, including but not limited to the development of the Hackberry Market shopping center located on the northeast corner of the intersection of S. Aspen Avenue (S. 145th East Avenue) and W. Tucson Street (121st Street), just south of the Creek Turnpike (the “Project”); and

WHEREAS, the Project Plan supports the City’s efforts to achieve its development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base, thereby making possible investment that would be difficult without the adoption of the Project Plan and the apportionment of incremental tax revenues; and

WHEREAS, Section 856(B)(2) of the Act requires that the TIF Ordinance shall “create[s] the district as of a date provided in it or defer[s] determination of such date, provided such date must be no more than ten (10) years after the date of approval of the project plan” (62 O.S. §856(B)(2)); and

WHEREAS, Section 4 of the TIF Ordinance provided for the deferment of the official creation, designation, and naming of the Increment District, until such time as determined by the City Council, provided that such determination be made within ten (10) years of the effective date of the TIF Ordinance; and

WHEREAS, in order to comply with the requirements of the Act and to provide certainty as to the effective terms of the TIF Ordinance and the corresponding Increment District, the City finds that it is in the best interest of the overall success of the Project to establish the initiation, designation and official naming of Increment District No. 6, City of Broken Arrow, as described in the TIF Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA:

Section 1. Commencement Date. In accordance with the requirements of the Act and as contemplated by Section 4 of the TIF Ordinance, the City hereby determines that the Increment District referred to therein shall be named “Increment District No. 6, City of Broken Arrow” and

said Increment District is hereby created with an effective date of July 1, 2025 (referred to as the “Commencement Date”), and a termination date of June 30, 2050 (referred to as the “Expiration Date”), said Expiration Date representing a period not to exceed twenty-five (25) full fiscal years following the Commencement Date. All other provisions of the TIF Ordinance are hereby ratified and confirmed.

Section 2. Development Agreements. As provided in the Act, the City shall consider and take separate action with respect to such agreements and/or memoranda of understanding (collectively, the “Agreements”) as may be necessary and appropriate to implement the Project Plan, including but not limited to one or more Agreements with a public trust with the City as its beneficiary (referred to herein as the “Authority”), and a developer(s) (each acting through its duly designated corporate entity) governing allocations, accounting, disbursements, and other necessary procedures, all in accordance with the provisions of the Project Plan and the TIF Ordinance. Such Agreements may be adopted, supplemented, and/or amended as necessary prior to or following the Commencement Date.

Section 3. Severability. If any term, section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional, such term, section, subsection, sentence, clause, phrase or portion shall not affect the validity of the remaining portions of this Resolution.

Section 4. Necessary Action. The Mayor or Vice Mayor and City Clerk or Deputy City Clerk be and hereby are authorized and empowered to execute and deliver for and on behalf of the City any and all other documents or instruments reasonably necessary to accomplish the implementation of the Project Plan.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF MAY, 2025.

CITY OF BROKEN ARROW,  
OKLAHOMA

(SEAL)

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

STATE OF OKLAHOMA     )  
  )SS  
COUNTY OF TULSA         )

I, the undersigned, City Clerk of the City of Broken Arrow, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the City Council of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 6<sup>TH</sup> DAY OF MAY, 2025.

(SEAL)

\_\_\_\_\_  
City Clerk