

## RESOLUTION NO. 1568

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN BC LAND HOLDING COMPANY, LLC VS. THE CITY OF BROKEN ARROW ET. AL., TULSA COUNTY DISTRICT COURT, CASE NUMBER: CV-2024-194, AUTHORIZING FORECLOSURE OF A TEMPORARY DRAINAGE EASEMENT AND A TEMPORARY TURN-AROUND EASEMENT SITUATED ON PROPERTY LOCATED ONE-QUARTER MILE SOUTH OF DEARBORN STREET (EAST 41ST STREET) AND ONE-QUARTER MILE EAST OF ASPEN AVENUE (145 EAST AVENUE), TULSA COUNTY, STATE OF OKLAHOMA (SECTION 27, T19N, R14E).**

**WHEREAS**, on September 5, 2023, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3804, closing a temporary drainage easement and a temporary turn-around easement located on property one-quarter mile south of Dearborn Street (East 41st Street) and one-quarter mile east of Aspen Avenue (145 East Avenue), Tulsa County, State of Oklahoma (Section 27, T19N, R14E). The temporary turn-around easement is more specifically described as follows:

A tract of land that is party of the Northwest (NW/4) of Section 27, Township 19 North, Range 14 East of the I.B.&M., Tulsa County, Oklahoma, more particularly described as follows:

Commencing from the Southwest corner of said NW/4; Thence S 89°58'16" E for 1140.68 feet, Thence N 00°01'44" E for 1124.30 feet; Thence N 21°23'38 W for 180.88 feet; Thence N 28°12'07" W for 73.17 feet; Thence N 25°52'57" W for 125.72 feet to the P.O.B; Thence S 67°18'13" W for 30.10 feet, Thence N 18°04'30" W for 115.92 feet; Thence N 73°20'14" E for 30.01 feet; Thence S 18°04'30" E for 112.75 feet to the P.O.B.

**WHEREAS**, on September 19, 2023, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3807, closing a temporary drainage easement located on the same above-described property. The temporary drainage easement is more particularly described as follows:

A circular tract of land with a 50.00 foot radius that is part of the West half (W/2) of Section 27, Township 19 North, Range 14 East of the I.B.&M. Tulsa County, Oklahoma more particularly described as follows:

Commencing from the Southwest Corner of the NW/4 of said section 27; Thence S 89°58'16" E along the South line of said NW/4 for 847.86 feet; Thence N 00°01'44" E for 1409.51 feet; Thence N 29°32'55" W for 50.00 feet to the center of the circular easement.

**WHEREAS**, there is no necessity for reopening the temporary drainage easement or the temporary turn-around easement and the easements are no longer required for public purposes; and

**WHEREAS**, no public convenience or necessity exists for the reopening of the temporary drainage easement and the temporary turn-around easement and the foreclosure of the right to reopen either easement will not injuriously affect the rights of the owners of the property in the vicinity of the easements; and

**WHEREAS**, all of the Defendants in the above captioned matter are anticipated to disclaim interest in the property of the temporary drainage easement and the temporary turn-around easement which are 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, as the Defendant, foreclosing the above described utility easement that was closed by Ordinance Nos. 3804 and 3807 enacted by the City Council on September 5, 2023 and September 19, 2023, respectively; 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 on one-quarter mile south of Dearborn Street (East 41st Street) and one-quarter mile east of Aspen Avenue (145 East Avenue), Tulsa County, State of Oklahoma (Section 27, T19N, R14E).

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 2<sup>nd</sup> day of April, 2024.

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:

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City Attorney