

## **RESOLUTION NO. 1732**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN ANTHEM CHURCH, INC. VS. THE CITY OF BROKEN ARROW ET. AL., TULSA COUNTY DISTRICT COURT CASE NUMBER: CV-2025-02526, AUTHORIZING FORECLOSURE OF A UTILITY EASEMENT SITUATED ON PROPERTY ONE-THIRD MILE NORTH OF HOUSTON STREET (81ST STREET), ONE-QUARTER MILE EAST OF GARNETT ROAD, TULSA COUNTY, STATE OF OKLAHOMA, (SECTION 08, T18N, R14E).**

**WHEREAS**, on May 20, 2025, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3873 closing a utility easement located one-third mile north of Houston Street (81st Street), one-quarter mile east of Garnett Road, Tulsa County, State of Oklahoma, (Section 08, T18N, R14E). The utility easement is more particularly described as follows:

A tract of land lying in the Northwest Quarter of the Southwest Quarter (NW/4, SW/4) Section Eight (8) Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian (1.B.& M.), City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to-wit:

Commencing (P.O.C.) at the Northwest Corner of the Southwest Quarter; thence N88°44'36"E for a distance of 1004.66 feet; thence S01°10'46"E for a distance of 481.51 feet to the point of beginning (P.O.B.); thence N89°37'11"E for a distance of 160.79 feet; thence S44°37'11"W for a distance of 21.21 feet; thence S89°37'11"W for a distance of 130.79 feet; thence N45°22'49"W for a distance of 21.21 feet to the point of beginning (P.O.B.)

Area contains 2,186 square feet.

**WHEREAS**, on November 10, 2025, the current owner of the subject property filed suit with the Tulsa 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. 3873 enacted by the City Council on May 20, 2025; 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-third mile north of Houston Street (81st Street), one-quarter mile east of Garnett Road, Tulsa County, State of Oklahoma, (Section 08, T18N, R14E).

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 6<sup>th</sup> day of January, 2026.

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:



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Assistant City Attorney