

RESOLUTION NO. 892

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A PROPOSED JOINT PETITION FOR APPROVAL OF SETTLEMENT AND A JOURNAL ENTRY OF JUDGMENT IN REGARD TO THE TORT CLAIM FILED BY ROBERT COOK'S GREEN ACRE SOD FARMS, INC., AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE SETTLEMENT, INCLUDING A JOURNAL ENTRY OF JUDGMENT INCORPORATING THE RESOLUTION OF THE COURT'S APPROVAL, PURSUANT TO 51 O.S. § 158

WHEREAS, on April 2, 2015, Robert Cook's Green Acre Sod Farms, Inc. filed a tort claim against the City of Broken Arrow and by virtue thereof alleged that it sustained damages to its sod crop located at 151st Street and Garnett due to the City of Broken Arrow discharging water from its Kupferle Eclipse Auto Flusher from the Haikey Creek Wastewater Treatment Plant. The discharge was in amounts that were sufficient enough to flood six acres of the sod farm, which allegedly caused the loss of two harvest seasons of approximately 130,168 square feet of sod and expenses for soil remediation due to the saturated soil; and

WHEREAS, after reviewing the facts in this matter, the Council has determined that settlement in this matter is proper in the sum of Fifty Thousand Dollars (\$50,000.00) payable to Plaintiff, which includes all damages, costs and interest in settlement of all claims; and

WHEREAS, the City Council has determined that such resolution is a just reasonable settlement; and

WHEREAS, it is the desire of the Council to approve such settlement agreement by authorizing the City Attorney to prepare and file the necessary documents to settle this case, including a Journal Entry of Judgment which does not admit liability, but does represent a compromise settlement of the disputed claims.

NOW, THEREFORE, BE IT RESOLVED that the City Attorney be, and is hereby directed to agree to entry of a judgment without admitting liability in the case of *Robert Cook's Green Acre Sod Farms, Inc. vs. City of Broken Arrow, An Oklahoma Municipality*; and

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare and file the necessary documents, including a Joint Petition for Approval of Settlement and a Journal Entry of Judgment incorporating the terms of the settlement agreement in the amount of \$50,000.00, and to execute any and all necessary documents to effectuate this settlement for the Court's approval pursuant to 51 O.S. § 158.

ADOPTED and APPROVED by the Mayor of the Council of the City of Broken Arrow, Oklahoma this 15th day of September, 2015, 2013.

ATTEST:

Mayor

City Clerk

REVIEWED as to for form and legality this 15th day of September, 2015.

Assistant City Attorney