

RESOLUTION NO. 949

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO THE FINAL JOURNAL ENTRY OF JUDGMENT IN THE MATTER OF THOMAS GOEKELER AND STEPHANIE GOEKELER V CITY OF BROKEN ARROW ET AL, FILED IN TULSA COUNTY, STATE OF OKLAHOMA, CASE NO. CV-2016-01369 AUTHORIZING FORECLOSURE AND VACATION OF AN EASEMENT GENERALLY LOCATED APPROXIMATELY ½ MILE NORTH OF WEST FLORENCE STREET AND EAST OF SOUTH MINGO ROAD

WHEREAS, on January 20, 2015, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3323 closing an easement generally located approximately ½ mile north of West Florence Street and east of South Mingo Road, more particularly described as follows:

A 10 FOOT WIDE UTILITY EASEMENT, AFFECTING THE EAST 5 FEET OF LOT 8 AND THE WEST 5 FEET OF LOT 9, BLOCK THREE (3), BERWICK FAIRWAYS II, A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 3; THENCE SOUTH 01°53'23" EAST 11.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 85°52'41" EAST 5.00 FEET; THENCE SOUTH 01°53'23" EAST 106.12 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 10.05 FEET, A RADIUS OF 950.00 FEET, A CHORD BEARING OF NORTH 86°00'39" WEST AND A CHORD DISTANCE OF 10.05 FEET; THENCE NORTH 01°53'23" WEST 104.70 FEET; THENCE NORTH 85°52'41" EAST 5.00 FEET TO THE POINT OF BEGINNING.

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

WHEREAS, no public convenience or necessity exists for the reopening of the easement. 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 and the 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 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 easement that was closed by Ordinance No. 3323 enacted by the City Council on January 20, 2015; 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 an easement generally located approximately ½ mile north of West Florence Street and east of South Mingo Road.

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