

RESOLUTION NO. 1080

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A PROPOSED JOINT APPLICATION FOR APPROVAL OF SETTLEMENT AND A JOURNAL ENTRY OF JUDGMENT IN REGARD TO THE MATTER OF DANIEL O'BARR AND KIMBERLY O'BARR V. CITY OF BROKEN ARROW, CASE NO. CJ-2016-2672 IN THE DISTRICT COURT FOR TULSA COUNTY, STATE OF OKLAHOMA AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE SETTLEMENT, INCLUDING A JOURNAL ENTRY OF JUDGMENT FOR THE COURT'S APPROVAL, PURSUANT TO 51 O.S. § 158

WHEREAS, on July 22, 2016, Daniel O'Barr and Kimberly O'Barr filed a Petition against the City of Broken Arrow and by virtue thereof alleged that the City of Broken Arrow negligently caused the sewer infiltration of the O'Barr's residence at 1245 West Louisville Street, Broken Arrow, Oklahoma 74012 on February 29, 2016; and

WHEREAS, after reviewing the facts in this matter, the Council has determined that settlement in this matter is proper in the sum of \$25,000.00; and

WHEREAS, City Council has determined that such resolution is a just and 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 all the necessary documents to settle this case, including a Journal Entry of Judgment which does not admit liability, but does represent a compromised settlement of the disputed claims.

NOW, THEREFORE, BE IT RESOLVED that the City Attorney be and is hereby directed to agree to entry of judgment without admitting liability in the case of Daniel O'Barr and Kimberly O'Barr v. City of Broken Arrow, Case No. CJ-2016-2672 and to execute any and all necessary documents to effectuate the 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 2nd day of January, 2018

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

Deputy City Attorney