

## RESOLUTION NO. 1216

### **A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN THE CASE OF BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY V. CITY OF BROKEN ARROW, ET AL., TULSA COUNTY DISTRICT COURT CASE NUMBER CV-2019-0577, AUTHORIZING THE FORECLOSURE OF A PORTION OF A CLOSED ALLEYWAY LOCATED WITHIN BLOCK EIGHTEEN, ORIGINAL TOWN OF BROKEN ARROW**

**WHEREAS**, on August 21, 2018, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3536 closing an alleyway located within Block Eighteen, Original Town of Broken Arrow, more particularly described as follows:

A tract of land that is the dedicated Alley wholly within Block 18, "ORIGINAL TOWN OF BROKEN ARROW" an addition to the City of Broken Arrow, filed at the office of the Tulsa County Clerk, being a subdivision of part of the West Half (W2) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof being more particularly described as follows:

Point of Beginning at the Northeast Corner of Lot 1;  
Thence S01°10'20"E a distance of 300.00 feet to the Southeast Corner of Lot 12;  
Thence N88°45'04"E a distance of 20.00 feet to the Southwest Corner of Lot 13;  
Thence N01°10'20"W a distance of 140.00 feet to the Northwest Corner of Lot 13;  
Thence N88°45'04"E a distance of 140.00 feet to the Northeast Corner of Lot 17;  
Thence N01°10'20"W a distance of 20.00 feet to the Southeast Corner of Lot 18;  
Thence S88°45'04"W a distance of 140.00 feet to the Southwest Corner of Lot 22;  
Thence N01°10'20"W a distance of 140.00 feet to the Northwest Corner of Lot 22;  
Thence S88°45'04"W a distance of 20.00 feet to the Point of Beginning.

Having an area of 8800 square feet, 0.2020 acres.

**WHEREAS**, there is no necessity for re-opening a portion of the closed alleyway (hereinafter "portion of the alleyway," described as follows:

A tract of land that is the dedicated Alley wholly within Block 18, "ORIGINAL TOWN OF BROKEN ARROW", being a subdivision of part of the West Half (W2) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof being more particularly described as follows:

Point of Beginning at the Northeast Corner of Lot 1;  
Thence S01°10'20"E a distance of 300.00 feet to the Southeast Corner of Lot 12;  
Thence N88°45'04"E a distance of 20.00 feet to the Southwest Corner of Lot 13;  
Thence N01°10'20"W a distance of 300.00 feet to the Northwest Corner of Lot 22;  
Thence S88°45'04"W a distance of 20.00 feet to the Point of Beginning.

Having an area of 6000 Square Feet or 0.1377 Acres

Bearings based on the Oklahoma State Plane Grid Zone North.

**WHEREAS**, the above-described portion of the alleyway is no longer required for public purposes and no public convenience or necessity exists for the re-opening of that portion of the alleyway. The foreclosure of the right to re-open the portion of the alleyway will not injuriously effect the rights of the owners of the property in the vicinity of the alleyway; 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 a portion of the alleyway that was closed by Ordinance No. 3536 and enacted by the City Council on August 21, 2018; 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 BROKEN ARROW, OKLAHOMA**, that the City Attorney is hereby authorized to enter a Final Journal Entry of Judgment foreclosing the City of Broken Arrow's right to reopen a portion of an alleyway located within Block Eighteen, Original Town of Broken Arrow, City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

**APPROVED AND PASSED** in Open Meeting by the City Council of the City of Broken Arrow on this 21st day of May, 2019.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney