

RESOLUTION NO. 887

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO AGREE TO ENTRY OF JUDGMENT WITHOUT ADMITTING LIABILITY IN THE MATTER OF *FIRST PRYORITY BANK V. CITY OF BROKEN ARROW*, WAGONER COUNTY DISTRICT COURT, CASE NO. CJ-2015-0180; AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE SETTLEMENT, INCLUDING A JOURNAL ENTRY INCORPORATING THE RESOLUTION OF THE COURT'S APPROVAL, PURSUANT TO 51 O.S. § 158

WHEREAS, on June 4, 2015, the Plaintiff First Pryority Bank filed Case No. CJ-2015-0180 in the District Court of Wagoner County, and by virtue thereof, alleges the City of Broken Arrow demolished its abandoned house located at 2400 East 71st Street South, Broken Arrow, Oklahoma, 74014, without proper notice; and

WHEREAS, the Council has determined that settlement in this matter is proper in the sum of Thirty Thousand Dollars and 00/100ths (\$30,000.00), plus release of the City of Arrow's Notice of Dilapidation Lien, payable to Plaintiff and its attorney of record, the Stoops & LaCourse, PLLC, which includes all damages, costs and interest in settlement of all claims in the District Court of Wagoner County, State of Oklahoma, Case No. CJ-2015-0180, styled *First Pryority Bank v. City of Broken Arrow.*; and

WHEREAS, the 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 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 *Charles Conley v. City of Broken Arrow, an Oklahoma Municipality, et al*, Rogers County, State of Oklahoma, Case No. CJ-2014-98; and

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare and file the necessary documents, including a Journal Entry of Judgment incorporating the terms of the settlement agreement in the amount of \$30,000.00, plus release of the City of Broken Arrow's Dilapidation Lien, 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 4th day of August, 2015.

ATTEST:

Mayor

City Clerk

REVIEWED as to for form and legality this 4th day of August, 2015.

Assistant City Attorney