

RESOLUTION NO. 1618

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN IRONWOOD PROPERTY GROUP, LLC VS. THE CITY OF BROKEN ARROW ET. AL., TULSA COUNTY DISTRICT COURT, CASE NUMBER: CV-2024-2525, AUTHORIZING FORECLOSURE OF UTILITY EASEMENTS LOCATED AT ONE-EIGHTH MILE SOUTH OF OMAHA STREET (51ST STREET) AND ONE-EIGHTH MILE WEST OF NORTH ELM PLACE (161ST EAST AVENUE), CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA.

WHEREAS, on August 5, 2024, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3836 closing a utility easement located on property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A tract of land contained within the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract also being a part of "Easement for Public Utilities", Book 5200, Page 1889, as filed in the office of the Tulsa County Clerk, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter (NE/4);

Thence S 89°55'33" W, along the north line of said Northeast Quarter (NE/4), a distance of 259.12 feet;

Thence S 00°00'00" W a distance of 496.24 feet to the "Point of Beginning", said point being on the west line of said Easement;

Thence along a non-tangent curve to the right with a central angle of 18°12'04", a radius of 310.63 feet, an arc length of 98.68 feet, a chord bearing of S 31°35'42" E and a chord length of 98.26 feet to a point on the south line of said Easement;

Thence S 89°55'33" W, along the south line of said Easement, a distance of 51.34 feet to the southwest corner thereof;

Thence N 00°05'42" W, along the west line of said Easement, a distance of 83.76 feet to the "Point of Beginning".

Said tract contains 2,407 square feet or 0.0553 acres.

The non-astronomical bearings contained herein are based upon the north line of Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County,

State of Oklahoma, according to the U.S. Government Survey thereof, as being S 89°55'33" W.

WHEREAS, on August 5, 2024, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3837 closing a utility easement located on property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A tract of land contained within the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract also being a part of "Easement for Public Utilities", Book 5200, Page 1893, as filed in the office of the Tulsa County Clerk, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter (NE/4);

Thence S 89°55'33" W, along the north line of said Northeast Quarter (NE/4), a distance of 904.95 feet;

Thence S 00°00'00" W a distance of 778.10 feet to the "Point of Beginning";

Thence S 15°04'27" E a distance of 10.09 feet;

Thence S 67°16'19" W a distance of 173.53 feet;

Thence along a non-tangent curve to the right with a central angle of 05°06'26", a radius of 140.00 feet, an arc length of 12.48 feet,

a chord bearing of N 13°59'27" E and a chord length of 12.48 feet;

Thence N 67°16'19" E a distance of 167.41 feet to the "Point of Beginning".

Said tract contains 1,706 square feet or 0.0392 acres.

The non-astronomical bearings contained herein are based upon the north line of Northeast Quarter (NE/4) of Section Thirty-Four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, as being S 89°55'33" W.

WHEREAS, on August 5, 2024, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3838 closing a utility easement located on property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A tract of land contained within the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract also being a part of a Utility Easement as shown on "Green Country Villa" an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, Plat No. 4769 as filed in the office of the Tulsa County Clerk, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter (NE/4);

Thence S 89°55'33" W, along the north line of said Northeast Quarter (NE/4), a distance of 875.00 feet to the northeast corner of Right-of-Way for North Elm Place;

Thence S 00°04'27" E, along the east line of said Right-of-Way, a distance of 380.00 feet to the "Point of Beginning", said point being on the north line of said Plat No. 4769;

Thence N 89°55'33" E, along said north line, a distance of 134.11 feet;

Thence S 15°04'27" E, along the easterly line of said Plat No. 4769, a distance of 56.79 feet to a point on the north Right-of-Way line of Lincoln Street;

Thence S 76°16'59" W, along said north line, a distance of 17.50 feet;

Thence N 15°04'27" W a distance of 42.95 feet;

Thence S 89°55'33" W a distance of 120.68 feet to a point on the east Right-of-Way line of North Elm Place;

Thence N 00°04'27" W, along said east Right-of-Way line, a distance of 17.50 feet to the "Point of Beginning".

Said tract contains 3,102 square feet or 0.0712 acres.

The non-astronomical bearings contained herein are based upon the north line of Northeast Quarter (NE/4) of Section Thirty-Four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, as being S 89°55'33" W.

WHEREAS, on August 5, 2024, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3839 closing a utility easement located on property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A tract of land contained within the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract also being a part of a Utility Easement as shown on "Green Country Villa" an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, Plat No. 4769 as filed in the office of the Tulsa County Clerk, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter (NE/4);

Thence S 89°55'33" W, along the north line of said Northeast Quarter (NE/4), a distance of 931.76 feet;

Thence S 00°00'00" W a distance of 601.65 feet to the "Point of Beginning", said point being on the easterly Right-of-Way line of North Elm Place;

Thence S 15°04'27" E, along the easterly line of said Utility Easement, a distance of 222.50 feet;

Thence S 74°55'33" W, along the southerly line of said Utility Easement, a distance of 20.00 feet;

Thence N 15°04'27" W, along the westerly line of said Utility Easement, a distance of 25.00 feet;

Thence S 67°16'19" W, along the southerly line of said Utility Easement, a distance of 178.37 feet to a point on said easterly Right-of-Way line; Thence along said Right-of-Way line, on a non-tangent curve to the right with a central angle of 04°48'53", a radius of 140.00 feet, an arc length of 11.76 feet, a chord bearing of N 09°01'47" E and a chord length of 11.76 feet to a point on the westerly line of said Plat No. 4769; Thence N 67°16'19" E, along said westerly line, a distance of 173.53 feet; Thence N 15°04'27" W, along said westerly line, a distance of 159.57 feet to a point on said easterly Right-of-Way line; Thence along said Right-of-Way line, on a non-tangent curve to the left with a central angle of 09°49'56", a radius of 200.00 feet, an arc length of 34.32 feet, a chord bearing of N 20°37'11" E and a chord length of 34.28 feet to the "Point of Beginning".

Said tract contains 5,915 square feet or 0.1358 acres.

The non-astronomical bearings contained herein are based upon the north line of Northeast Quarter (NE/4) of Section Thirty-Four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, as being S 89°55'33" W.

WHEREAS, on August 5, 2024, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3840 closing a utility easement located on property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A tract of land contained within the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-Four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract also being a part of "Easement for Public Utilities", Book 5200, Page 1897, as filed in the office of the Tulsa County Clerk, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter (NE/4);

Thence S 89°55'33" W, along the north line of said Northeast Quarter (NE/4), a distance of 723.25 feet;

Thence S 00°00'00" W a distance of 444.57 feet to the "Point of Beginning";

Thence N 76°16'59" E a distance of 162.15 feet;

Thence along a tangent curve to the right with a central angle of 80°26'02", a radius of 300.63 feet, an arc length of 422.03 feet, a chord bearing of S 63°30'00" E and a chord length of 388.22 feet;

Thence N 89°55'33" E a distance of 10.85 feet; Thence along a non-tangent curve to the right with a central angle of 12°35'57", a radius of 310.63 feet, an arc length of 68.31 feet, a chord bearing of S 16°11'42" E and a chord length of 68.17 feet;

Thence S 80°06'17" W a distance of 60.00 feet;

Thence along a non-tangent curve to the left with a central angle of 93°49'18", a radius of 250.63 feet, an arc length of 410.40 feet, a chord bearing of N 56°48'22" W and a chord length of 366.06 feet;

Thence S 76°16'59" W a distance of 162.15 feet;

Thence N 13°43'01" W a distance of 50.00 feet to the "Point of Beginning".

Said tract contains 31367 square feet or 0.7201 acres.

The non-astronomical bearings contained herein are based upon the north line of Northeast Quarter (NE/4) of Section Thirty-Four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, as being S 89°55'33" W.

WHEREAS, on August 5, 2024, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3841 closing a utility easement located on

property located in the City of Broken Arrow, Tulsa County, State of Oklahoma, described as follows:

A tract of land contained within the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract also being a part of a utility easement as shown on "Green Country Villa" an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, Plat No. 4769, as filed in the office of the Tulsa County Clerk, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter (NE/4);

Thence S 89°55'33" W, along the north line of said Northeast Quarter (NE/4), a distance of 633.12 feet;

Thence S 00°00'00" W a distance of 778.43 feet to the "Point of Beginning", said point being on the easterly line of said Plat No. 4769;

Thence along said easterly line the following three (3) courses: S 15°04'27" E a distance of 17.45 feet; Thence S 29°55'34" W a distance of 258.58 feet; Thence S 67°16'19" W a distance of 115.93 feet to a point on the north line of Block Eight (8) of "The Reserve at Battle Creek", Plat No. 5620, as filed in the office of the Tulsa County Clerk; Thence S 90°00'00" W, along said north line, a distance of 45.29 feet; Thence N 67°16'19" E a distance of 143.55 feet; Thence N 29°55'34" E a distance of 86.15 feet; Thence N 60°04'26" W a distance of 76.18 feet; Thence along a non-tangent curve to the left with a central angle of 06°53'53", a radius of 150.00 feet, an arc length of 18.06 feet, a chord bearing of N 44°04'49" E and a chord length of 18.05 feet; Thence S 60°04'26" E a distance of 76.77 feet; Thence N 29°55'34" E a distance of 148.32 feet; Thence N 15°04'27" W a distance of 10.21 feet; Thence N 74°55'33" E a distance of 17.50 feet to the "Point of beginning".

Said tract contains 8,788 square feet or 0.2017 acres.

The non-astronomical bearings contained herein are based upon the north line of Northeast Quarter (NE/4) of Section Thirty-Four (34), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, as being S 89°55'33" W.

WHEREAS, there is no necessity for reopening the above-described utility easements and the easement is no longer required for public purposes; and

WHEREAS, no public convenience or necessity exists for the reopening of the utility easements and the foreclosure of the right to reopen the utility easements will not injuriously affect the rights of the owners of the property in the vicinity of the easements; and

WHEREAS, all of the Defendants in the above captioned matter are anticipated to disclaim interest in the property of the utility easements 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, as the Defendant, foreclosing the above described utility easement that was closed by Ordinance Nos. 3836, 3837, 3838, 3839, 3840, and 3841 enacted by the City Council on August 5, 2024; 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, as Defendant, foreclosing the utility easement located one-eighth mile south of Omaha Street (51st Street), one-eighth mile west of North Elm Place (161st East Avenue), City of Broken Arrow, Tulsa County, State Of Oklahoma.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 3rd day of December, 2024.

MAYOR

ATTEST:

(seal) City Clerk

APPROVED AS TO FORM:

City Attorney