

## RESOLUTION NO. 1542

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN VASTLY, L.P VS. THE CITY OF BROKEN ARROW ET. AL., TULSA COUNTY DISTRICT COURT, CASE NUMBER: CV-2023-1126, AUTHORIZING FORECLOSURE OF A TEMPORARY STORM SEWER EASEMENT SITUATED ON PROPERTY LOCATED ONE-QUARTER MILE NORTH OF FLORENCE STREET (111<sup>TH</sup> EAST AVENUE), EAST OF OLIVE AVENUE (129<sup>TH</sup> EAST AVENUE), TULSA COUNTY, STATE OF OKLAHOMA (SECTION 28, T18N, R14E).**

**WHEREAS**, on April 18, 2023, pursuant to the provision of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3782 closing a Temporary Storm Sewer easement located on property located one-quarter mile north of Florence Street (111th East Avenue), east of Olive Avenue (129th East Avenue), Tulsa County, State of Oklahoma (Section 28, T18N, R14E). The easement is more particularly described as follows:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-EIGHT, TOWNSHIP EIGHTEEN NORTH, RANGE FOURTEEN EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION TWENTY-EIGHT; THENCE NORTH 00°04'09" EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 611.78 FEET; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 183.55 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 38°15'10", A LENGTH OF 113.50 FEET ALONG THE CURVE; THENCE SOUTH 51°44'50" EAST A DISTANCE OF 166.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 51°44'50" EAST A DISTANCE OF 21.22 FEET; THENCE NORTH 57°46'42" EAST A DISTANCE OF 6.23 FEET; THENCE NORTH 38°15'10" EAST A DISTANCE OF 36.37 FEET; THENCE SOUTH 51°44'50" EAST A DISTANCE OF 133.23 FEET; THENCE NORTH 85°49'12" EAST A DISTANCE OF 56.65 FEET; THENCE NORTH 38°15'10" EAST A DISTANCE OF 246.72 FEET; THENCE NORTH 20°59'02" EAST A DISTANCE OF 100.09 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 482.96 FEET; THENCE NORTH 66°11'37" WEST A DISTANCE OF 14.58 FEET; THENCE NORTH 81°33'21" WEST A DISTANCE OF 6.74 FEET; THENCE SOUTH 00°00'00" WEST A DISTANCE OF 486.13 FEET; THENCE SOUTH 20°59'02" WEST A DISTANCE 93.35 FEET; THENCE SOUTH 38°15'10" WEST A DISTANCE OF 234.87 FEET; THENCE SOUTH 85°49'12" WEST A DISTANCE OF 40.07 FEET; THENCE NORTH 51°44'50" WEST A DISTANCE OF 145.47 FEET; THENCE SOUTH 38°15'10" WEST A

DISTANCE OF 52.93 FEET; THENCE SOUTH  $57^{\circ}46'42''$  WEST A DISTANCE OF 9.89 FEET TO THE POINT OF BEGINNING

AND

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-EIGHT, TOWNSHIP EIGHTEEN NORTH, RANGE FOURTEEN EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION TWENTY-EIGHT: THENCE NORTH  $00^{\circ}04'09''$  EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 611.78 FEET; THENCE SOUTH  $90^{\circ}00'00''$  EAST A DISTANCE OF 183.55 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF  $38^{\circ}15'10''$ , A LENGTH OF 113.50 FEET ALONG THE CURVE; THENCE SOUTH  $51^{\circ}44'50''$  EAST A DISTANCE OF 42.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH  $51^{\circ}44'50''$  EAST A DISTANCE OF 20.00 FEET; THENCE NORTH  $37^{\circ}22'12''$  EAST A DISTANCE OF 166.30 FEET; THENCE NORTII  $25^{\circ}37'16''$  EAST A DISTANCE OF 109.15 FEET; THENCE NORTH  $00^{\circ}12'20''$  EAST A DISTANCE OF 471.53 FEET; THENCE NORTH  $55^{\circ}38'53''$  WEST A DISTANCE OF 20.50 FEET; THENCE NORTH  $90^{\circ}00'00'$  WEST A DISTANCE OF 3.03 FEET; THENCE SOUTH  $00^{\circ}12'20''$  WEST A DISTANCE OF 478.52 FEET; THENCE SOUTH  $25^{\circ}37'16''$  WEST A DISTANCE OF 102.59 FEET; THENCE SOUTH  $37^{\circ}22'12''$  WEST A DISTANCE OF 163.93 FEET TO THE POINT OF BEGINNING.

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

**WHEREAS**, no public convenience or necessity exists for the reopening of the Temporary Storm Sewer easement and the foreclosure of the right to reopen the Temporary Storm Sewer easement will not injuriously affect the rights of the owners of the property in the vicinity of the easement; and

**WHEREAS**, all of the Defendants in the above captioned matter are anticipated to disclaim interest in the property of the Temporary Storm Sewer 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, as the Defendant, foreclosing the above described utility easement that was closed by Ordinance No. 3782 enacted by the City Council on April 18, 2023; 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 situated on one-quarter mile north of Florence Street (111th East Avenue), east of Olive Avenue (129th East Avenue), Tulsa County, State of Oklahoma (Section 28, T18N, R14E).

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 31<sup>th</sup> day of July, 2023.

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MAYOR

ATTEST:

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(seal) City Clerk

APPROVED AS TO FORM:

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City Attorney