

RESOLUTION NO. 915

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 *ERIC TYLER MANKE, V. CITY OF BROKEN ARROW*, TULSA COUNTY DISTRICT COURT CASE NO. CJ-2016-1144 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 December 26, 2014, James Frasier, attorney for Eric Tyler Manke, submitted an Amended Tort Claim alleging that Mr. Manke sustained \$250,000.00 in damages when he was rear-ended by City of Broken Arrow Engineering and Construction employee Ronald L. Wing in the course and scope and course of his employment with the City of Broken Arrow on June 25, 2014; and

WHEREAS, after reviewing the facts in this matter, the Council determined that settlement in this matter was proper in the sum of fifty-seven thousand seven hundred and twelve dollars and 78/100ths (\$57,712.78). This sum is in settlement of all of Plaintiff's claims for damages, prejudgment interest, costs and attorney fees; and

WHEREAS, on April 5, 2016, the City Council of the City of Broken Arrow approved the recommendation of the City Attorney to confess judgment pursuant to 12 O.S. § 940 in the amount of \$57,712.78 which is inclusive of all costs and attorney's fees; and

WHEREAS, the City Council has determined that such resolution is just and reasonable; and

WHEREAS, it is the desire of the Council to approve such judgment by authorizing the City Attorney to prepare and file the necessary documents to settle this case, including a Journal Entry of Judgment; and

NOW, THEREFORE, BE IT RESOLVED that the City Attorney be, and is hereby directed to agree to entry of a judgment in the case of *Eric Tyler Manke v. City of Broken Arrow*, Tulsa County District Court Case No. CJ-2016-01144 pursuant to 12 O.S. § 940(B) in the amount of \$57,712.18; and

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare and file the necessary documents, including a Joint Application for Entry of Judgment and a Journal Entry of Judgment the amount of \$57,712.78, and to execute any and all necessary documents to effectuate this judgment 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 19th day of April, 2016.

ATTEST:

Mayor

City Clerk

REVIEWED as to for form and legality this 19th day of April, 2016.

Deputy City Attorney