

## **RESOLUTION NO. 990**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT WITHOUT ADMITTING LIABILITY IN THE MATTER OF INDEPENDENT SCHOOL DISTRICT NO. 4 OF TULSA COUNTY, OKLAHOMA V. CITY OF BROKEN ARROW, ET AL, TULSA COUNTY DISTRICT COURT CASE NO. CV-2017-00125, AUTHORIZING FORECLOSURE AND VACATION OF AN EASEMENT LOCATED ON PROPERTY LOCATED AT LOT ONE (1), BLOCK ONE (1), BIXBY NORTHEAST CAMPUS, A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF GENERALLY LOCATED NORTH OF 131<sup>ST</sup> STREET, ½ MILE EAST OF GARNETT ROAD**

**WHEREAS**, on September 20, 2016, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3452 closing a utility easement on property located in Lot One (1), Block One (1), BIXBY NORTHEAST CAMPUS, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma according to the recorded plat thereof generally located north of 131<sup>st</sup> Street, ½ mile east of Garnett Road; and

**WHEREAS**, on September 20, 2016, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3452 closing a utility easement generally located north of 131<sup>st</sup> Street, ½ east of Garnett Road and more particularly described as follows:

A ten-foot utility easement vacation being a tract of land in the southwest quarter of Section Five (5), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

Commencing at the southeast corner of said southwest quarter thence N 01°42'59" W a distance of 660.00 feet; thence S 88°38'06" W a distance of 444.25 feet; thence S 01°21'30" E a distance of 29.50 feet to the point of beginning; thence S 01°21'30" E a distance of 10.00 feet; thence S 88°38'09" W a distance of 79.99 feet; thence S 51°08'09" W a distance of 351.84 feet; thence S 26°31'33" W a distance of 16.69 feet; thence S 63°28'27" E a distance of 10.00 feet; thence S 26°31'33" W a distance of 10.00 feet; thence N 63°28'27" W a distance of 10.00 feet; thence S 26°31'33" W a distance of 68.17 feet; thence S 88°38'09" W a distance of 10.00 feet; thence N 01°21'51" W a distance of 2.48 feet; thence N 26°31'33" E a distance of 99.52 feet; thence N 51°08'09" E a distance of 212.41 feet; thence N 38°51'51" W a distance of 10.00 feet; thence N 51°08'09" E a distance of 10.00 feet; thence S 38°51'51" E a distance of 10.00 feet; thence N 51°08'09" E a distance of 10.00 feet; thence S 38°51'51" E a distance of 10.00 feet; thence N 51°08'09" E a distance 135.01 feet; thence N 88°38'09" E a distance of 83.38 feet to the point of beginning, containing 5547 square feet or 0.127 acres more or less,

**WHEREAS**, there is no necessity for reopening the utility easement closed by the City of Broken Arrow pursuant to Ordinance No. 3452 and this utility easement is no longer required for public purposes; and

**WHEREAS**, no public convenience or necessity exists for the reopening of the utility easement closed by the City of Broken Arrow pursuant to Ordinance No. 3452. The foreclosure of the right to reopen the utility easement closed by Ordinance No. 3452 will not injuriously affect the rights of the owners of the property in the vicinity of the utility easement and this easement is no longer required for public purposes; and

**WHEREAS**, all the Defendants in this matter are anticipated to disclaim interest in the property of the 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 foreclosing and vacating the above described utility easement that was closed by the City Council pursuant to Ordinance No. 3452 on September 20, 2016; and

**WHEREAS**, it is the desire of the City Council to authorize the City Attorney to enter into the 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 foreclosing and vacating the above described utility easement; and

**APPROVED AND ADOPTED** by the Mayor of the Council of the City of Broken Arrow, Oklahoma, this 7th day of March, 2017.

CITY OF BROKEN ARROW, OKLAHOMA

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Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney