

RESOLUTION NO. 1049

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO DEPOSIT \$9,000.00 WITH THE WAGONER COUNTY COURT CLERK IN THE MATTER OF H&G PAVING CONTRACTORS, INC., VS. BALLARD TP CONSTRUCTION, LLC., IN DISTRICT COURT IN AND FOR WAGONER COUNTY, STATE OF OKLAHOMA CASE NO. CS-2017-465

WHEREAS, on August 2, 2017, H&G Paving Contractors Inc., filed a Petition for Declaratory Judgment against Ballard TP Construction, LLC., in the District Court in and for Wagoner County, State of Oklahoma, Case No. CS-2017-465 requesting the Wagoner County Court to determine the owner of \$9,000.00 in funds being held by the City of Broken Arrow for work done on the Leisure Park I Milling and Overlay Project Contract Number ST1509A; and

WHEREAS, the City of Broken Arrow claims no interest in the subject \$9,000.00 and desires to deposit with the Wagoner County Clerk the \$9,000.00 in dispute between the parties in this matter before further adjudication by the court; and

WHEREAS, the legal department and City staff are recommending that the City Council authorize the City Attorney to file a Motion for Leave to Deposit the disputed \$9,000.00 which is the subject of the pending declaratory Judgment in Case No. CS-2017-465.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Attorney is authorized to file a Motion for Leave to Deposit the \$9,000.00 which is the subject of the Petition for Declaratory Judgment in the matter of H&G Paving Contractor, Inc. vs Ballard TP Construction, LLC., in the District Court in and for Wagoner County, State of Oklahoma, Case No. CS-2017-465 and to pay the disputed \$9,000.00 to the Wagoner County Court Clerk for subsequent adjudication and distribution by the Court.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 15 day of August, 2017.

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney