

RESOLUTION NO. 1093

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT WITHOUT ADMITTING LIABILITY IN THE MATTER OF THE PETITION TO VACATE EASEMENTS AND APPLICATION TO VACATE PLAT AND PORTION OF PLAT AND TERMINATE RESTRICTIVE COVENANTS, WAGONER COUNTY DISTRICT COURT CASE NO. CV-18-24, VACATING THE AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, BY THE PLAT AND DEED OF DEDICATION DATED 6 SEPTEMBER 1995, FILED OF RECORD ON 11 SEPTEMBER, 1995 IN THE OFFICE OF THE COUNTY CLERK OF WAGONER COUNTY, OKLAHOMA, RECORDED IN PLAT CABINET 3 AT PAGES 300 A & B AND A PORTION OF THE PLAT OF TIGER PLAZA BY THE PLAT AND DEED OF DEDICATION IN DECLARATION OF RESTRICTED CONVEYANCE DATED FOR 4 OCTOBER 2001, FILED OF RECORD ON 12 OCTOBER, 2001 IN THE OFFICE OF THE COUNTY CLERK OF WAGONER COUNTY, OKLAHOMA, RECORDED IN PLAT CABINET 4 PAGE 394.

WHEREAS, on March 1, 2018, QuikTrip Corporation, an Oklahoma corporation and Robert A. Snyder, Trustee of the Jane E. Hawkins Trust dated January 15, 1986, pursuant to the provision of 11 O.S. § 2-10, filed a Petition to Vacate Easements and Application to Vacate Plat and Portion of Plat and Terminate Restrictive Covenants for the Tiger Plaza Plat and the Amended Wagoner County Line Plaza; and

WHEREAS, QuikTrip Corporation, is the owner and fee simple of Lot Two (2), Block One (1), TIGER PLAZA, an Addition to the City of Broken Arrow, Wagoner County, State of Oklahoma; and

WHEREAS, Robert A. Snyder, Trustee of the Jane E. Hawkins Trust dated January 15, 1986 is the owner in fee simple title of Lot One (1), Block One (1), AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, a Subdivision in Lot 7 of Section 6, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the recorded Plat thereof in Plat Cabinet 3-300 A & B; and

WHEREAS, the City Council for the City of Broken Arrow passed Ordinance No. 3500 on November 7, 2017 and filed of record on November 9, 2017 in the office of the County Clerk for Wagoner County, Oklahoma recorded as Document No. 2017-14837 in Book 2397 at Pages 669-670, all Utility Easements depicted on the Tiger Plaza Plat, and a 22' Sewer line Easement recorded in the Tiger Plaza and the Amended Plat of Wagoner County Line Plaza; and

WHEREAS, the City Council for the City of Broken Arrow passed Ordinance No. 3501 on November 7, 2017 and filed of record on November 9, 2017 in the office of the County Clerk for Wagoner County, Oklahoma recorded as Document No. 2017-44836 in Book 2397 at Pages 667-668, all Utility Easements depicted on the Wagoner County Line Plaza Plat; and

WHEREAS, the vacation of Tiger Plaza Plat will not injuriously effect the rights of owners of any portions of such plat, nor the public or the holders of any franchisee or other special rights or privileges; and

WHEREAS, the vacation of the Amended Plat of the Wagoner County Line Plaza will not injuriously effect the rights of owners of any portions of such plat, nor the public or the holders of any franchisee or other special rights or privileges; and

WHEREAS, the Legal Department and City staff recommend that the City Council authorize the City Attorney to enter into a Journal Entry of Judgment granting QuikTrip Corporation and Robert A. Snyder, Trustee of the Jane E. Hawkins Trust dated January 15, 1986, their Petition to Vacate Easements and Application to Vacate Plat and Portion of Plat and Terminate Restrictive Covenants for the plats of Tiger Plaza and the Amended Plat of Wagoner County Line Plaza.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Attorney is authorized to enter into a Journal Entry of Judgment vacating the respective plats of Tiger Plaza and the Amended Plat of Wagoner County Line Plaza.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 20 day of March, 2018.

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney