

## **RESOLUTION NO. 1131**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL ENTRY OF JUDGMENT WITHOUT ADMITTING LIABILITY IN THE MATTER OF MIKE W. RUGG AND JANA L. RUGG V. CITY OF BROKEN ARROW, ET AL., TULSA COUNTY DISTRICT COURT CASE CV-2018-01068, AUTHORIZING FORECLOSURE AND VACATION OF STREET RIGHT OF WAY GENERALLY LOCATED ON NORTH DATE AVENUE.**

**WHEREAS**, on January 17, 2006, pursuant to the provisions of 11 O.S. § 42-110, The City of Broken Arrow adopted Ordinance No. 2774 closing a street right of way located in the East 3.00 feet of the South 45.00 feet of the above-described right of way, generally located on North Date Avenue, more particularly described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 27, ORIGINAL TOWN OF BROKEN ARROW, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE S 89°42'38" W A DISTANCE OF 3.00 FEET; THENCE N. 00°06'24"E A DISTANCE OF 45.00 FEET; THENCE N89°42'38" E A DISTANCE OF 3.00 FEET; THENCE S00°06'24" W A DISTANCE OF 45 FEET TO THE POINT OF BEGINNING, LOCATED IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**WHEREAS**, there is no necessity for reopening the street right of way closed by the City of Broken Arrow pursuant to Ordinance 2774 and the street right of way is no longer required for public purposes; and

**WHEREAS**, no public convenience or necessity exists for the reopening of the street right of way closed by Ordinance No. 2774. The foreclosure of the right of way to reopen the street right of way closed by Ordinance No.2774 will not injuriously affect the right of the owners of the property in the vicinity of the street right of way and the street right of way is no longer required for public purposes; and

**WHEREAS**, all Defendants in this matter are anticipated to disclaim interest in the street right of way that is the subject of the Final Journal Entry of Judgment; and

**WHEREAS**, the street right of way closed by Ordinance No. 2774 was originally dedicated by the Plat of Original Town of Broken Arrow. No Utilities are in place in this street right of way; and

**WHEREAS**, the Legal Department and Staff are recommending that the City Council authorize the City Attorney to enter into a Final Journal Entry of Judgment foreclosing and

vacating the above described street right of way that was closed by the City Council pursuant to Ordinance No. 2774 on January 17, 2006; 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 FURTHER 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 street right of way previously closed by City Council on January 17, 2006 pursuant to Ordinance No. 2774.

ADOPTED and APPROVED by the Mayor of the Council of the City of Broken Arrow on this \_\_\_\_ day of September, 2018.

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Mayor

Attest:

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City Clerk

Approved as to form:

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Assistant City Attorney