

## **RESOLUTION NO. 1205**

### **A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN THE CASE OF *MATTHEW B. BROOKS AND KRISTIN K. MILLS, ET AL.*, TULSA COUNTY DISTRICT COURT CASE NUMBER CV-2019-273, AUTHORIZING THE FORECLOSURE OF A CLOSED EASEMENT LOCATED AT 2304 EAST QUEENS STREET, BROKEN ARROW, OKLAHOMA**

**WHEREAS**, on March 19, 2019, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3092-CORRECTED partially closing a utility easement located at 2304 East Queens Street, Broken Arrow, Oklahoma; the closed portion of the easement more particularly described as follows:

The South One (1) foot of the South 15 foot Utility Easement of the North 90 foot combined PSO R/W and Utility Easement located on Lot Three (3), Block One (1) STONEBRIDGE PARK, a Subdivision to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; the above described strip of land containing 60 square feet, more or less.

**WHEREAS**, there is no necessity for re-opening the closed portion of the easement and the closed portion of the easement is no longer required for public purposes; and

**WHEREAS**, no public convenience or necessity exists for the re-opening of the closed portion of the easement. The foreclosure of the right to re-open the closed portion of the easement will not injuriously effect the rights of the owners of the property in the vicinity of the easement and the closed portion of the easement is no longer required for public purposes; and

**WHEREAS**, all other Defendants in the above matter have disclaimed 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 easement that was closed by Ordinance No. 3092-CORRECTED and enacted by the City Council on March 19, 2019; 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 RESOLVED BY THE CITY COUNCIL OF BROKEN ARROW, OKLAHOMA**, that the City Attorney is hereby authorized to enter a Final Journal Entry of Judgment foreclosing the City of Broken Arrow's right to reopen an easement located at 2304 East Queens Street, Lot Three, Block One, Stonebridge Park Subdivision, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

APPROVED AND PASSED in Open Meeting by the City Council of the City of Broken Arrow on this 16th day of April, 2019.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney