

RESOLUTION NO. 1222

A RESOLUTION AUTHORIZING JAMES W. RUSHER, ATTORNEY FOR BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY TO ENTER INTO A FINAL JOURNAL ENTRY OF JUDGMENT IN THE CASE OF *BROKEN ARROW ECONOMIC DEVELOPMENT AUTHORITY V. CITY OF BROKEN ARROW, ET AL.*, TULSA COUNTY DISTRICT COURT CASE NUMBER CV-2019-0577, AUTHORIZING THE FORECLOSURE OF A PORTION OF A CLOSED ALLEYWAY LOCATED WITHIN BLOCK EIGHTEEN, ORIGINAL TOWN OF BROKEN ARROW

WHEREAS, The Broken Arrow Economic Development Authority (“BAEDA”) owns real property located at 305 North Main Street East in Block 18, Original Town of Broken Arrow (the “Property”). On August 1, 2017, BAEDA, the City of Broken Arrow and Milestone Capital, LLC (“Milestone”) entered into an Economic Development Agreement whereby, among other things, BAEDA agreed to lease the Property to Milestone, the City agreed to make certain improvements to infrastructure, and Milestone agreed to construct a four-story building consisting of residential, retail, restaurant and office uses and related appurtenances (the “Milestone Agreement”).

WHEREAS, The Milestone Project will be built over a portion of an existing alley.

WHEREAS, on August 21, 2018, pursuant to the provisions of 11 O.S. § 42-110, the City of Broken Arrow adopted Ordinance No. 3536 closing an alleyway located within Block Eighteen, Original Town of Broken Arrow, more particularly described as follows:

A tract of land that is the dedicated Alley wholly within Block 18, "ORIGINAL TOWN OF BROKEN ARROW" an addition to the City of Broken Arrow, filed at the office of the Tulsa County Clerk, being a subdivision of part of the West Half (W2) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof being more particularly described as follows:

Point of Beginning at the Northeast Corner of Lot 1;
Thence S01°10'20"E a distance of 300.00 feet to the Southeast Corner of Lot 12;
Thence N88°45'04"E a distance of 20.00 feet to the Southwest Corner of Lot 13;
Thence N01°10'20"W a distance of 140.00 feet to the Northwest Corner of Lot 13;
Thence N88°45'04"E a distance of 140.00 feet to the Northeast Corner of Lot 17;
Thence N01°10'20"W a distance of 20.00 feet to the Southeast Corner of Lot 18;
Thence S88°45'04"W a distance of 140.00 feet to the Southwest Corner of Lot 22;
Thence N01°10'20"W a distance of 140.00 feet to the Northwest Corner of Lot 22;
Thence S88°45'04"W a distance of 20.00 feet to the Point of Beginning.

Having an area of 8800 square feet, 0.2020 acres.

WHEREAS, a portion of the portion of the closed alleyway is necessary for the completion of the Milestone Project. The portion of the alleyway (hereinafter “portion of the alleyway”) is described as follows:

A tract of land that is the dedicated Alley wholly within Block 18, "ORIGINAL TOWN OF BROKEN ARROW", being a subdivision of part of the West Half (W2) of Section Eleven (11), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof being more particularly described as follows:

Point of Beginning at the Northeast Corner of Lot 1;

Thence S01°10'20"E a distance of 300.00 feet to the Southeast Corner of Lot 12;

Thence N88°45'04"E a distance of 20.00 feet to the Southwest Corner of Lot 13;

Thence N01°10'20"W a distance of 300.00 feet to the Northwest Corner of Lot 22;

Thence S88°45'04"W a distance of 20.00 feet to the Point of Beginning.

Having an area of 6000 Square Feet or 0.1377 Acres

Bearings based on the Oklahoma State Plane Grid Zone North.

WHEREAS, BAEDA filed suit to foreclose the reopening of the portion of the alleyway;
and

WHEREAS, James W. Rusher of Albright, Rusher & Hardcastle, attorney for the BAEDA recommends that the BAEDA authorize him to enter into a Final Journal Entry of Judgment foreclosing the reopening of the portion of the alleyway;

NOW, THEREFORE, BE IT RESOLVED BY THE BROKEN ARROW, ECONOMIC DEVELOPMENT AUTHORITY, that James W. Rusher of Albright, Rusher & Hardcastle is hereby authorized to enter a Final Journal Entry of Judgment foreclosing the City of Broken Arrow's right to reopen a portion of an alleyway located within Block Eighteen, Original Town of Broken Arrow, City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

APPROVED AND PASSED in Open Meeting by the Broken Arrow Economic Development Authority on this 21st day of May, 2019.

Chairman

ATTEST:

Secretary