

## **RESOLUTION NO. 1256**

**A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL RATIFYING THE CITY ATTORNEY'S EFFECTUATION OF SETTLEMENT, INCLUDING THE JOURNAL ENTRY OF JUDGMENT APPROVED BY THE COURT, IN CITY OF BROKEN ARROW, OKLAHOMA V. JOE H. WILSON AND REBECCA J. WILSON, TULSA COUNTY DISTRICT COURT CASE NO. CJ-2019-182, REGARDING THE CONDEMNATION OF A PORTION OF THE PROPERTY LOCATED AT 11709 EAST 91ST STREET, TULSA COUNTY, STATE OF OKLAHOMA**

**WHEREAS**, on January 2, 2019, the Broken Arrow City Council determined and declared the public necessity of taking, appropriating, condemning and acquiring a permanent right of way containing 3200 square feet and a temporary construction easement containing 1391 square feet from Joe and Rebecca Wilson for the public purpose of completion of the Washington Street Improvements – Garnett Road to Olive Avenue road widening project, as authorized under authority of 11 O.S. § 22-104; and

**WHEREAS**, on January 15, 2019, the City filed suit against the Wilsons to acquire that permanent right of way and temporary construction easement for the completion of the Washington Street Improvements – Garnett Road to Olive Avenue road widening project; and

**WHEREAS**, the Commissioners filed a report on April 1, 2019, valuing the take at \$18,000, and the City then tendered the Commissioners' award to the Court Clerk on April 18, 2019, taking title to the condemned property; and

**WHEREAS**, a Journal Entry of Judgment was circulated, signed by the Wilsons and all attorneys, and filed with the Court; and

**WHEREAS**, the Court issued a Journal Entry of Judgment on June 19, 2019, declaring the City of Broken Arrow the owner of the subject right of way and temporary construction easement, requiring the Clerk of Court to pay out the \$18,000 deposited with the Court, and resolving all issues; and

**WHEREAS**, the City Council desires to ratify the City Attorney's effectuation of the settlement of the subject legal action; and

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW THAT**, the City Attorney's effectuation of the settlement of *City of Broken Arrow v. Joe H. Wilson and Rebecca J. Wilson, et al.*, Tulsa County District Court Case No. CJ-2019-182, including the entry of a Journal Entry of Judgment by the Court, is hereby ratified.

**ADOPTED BY THE BROKEN ARROW CITY COUNCIL** this 20<sup>th</sup> day of July, 2019.

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MAYOR

ATTEST:

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(SEAL) CITY CLERK

**APPROVED AS TO FORM:**

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ASSISTANT CITY ATTORNEY