

RESOLUTION NO. 1262

A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A JOURNAL ENTRY OF JUDGMENT IN THE CASE OF CITY OF BROKEN ARROW, OKLAHOMA V. MARK F. HARPER, ET AL., TULSA COUNTY DISTRICT COURT CASE NO. CV-2019-614, REGARDING THE CONDEMNATION OF PROPERTY LOCATED AT THE 13600 BLOCK OF SOUTH 177TH EAST AVENUE, TULSA COUNTY, STATE OF OKLAHOMA

WHEREAS, on May 7, 2019, the Broken Arrow City Council determined and declared the public necessity of taking, appropriating, condemning and acquiring a temporary construction easement over 110,417 square feet or 2.535 acres, more or less, from Mark F. Harper, Personal Representative of the Estate of Josephine Layton a/k/a Josephine Layton Harper; Jeanette Layton a/k/a Jeanette Van Hoose; Lois Maxine Dark, Trustee of the Lois Maxine Dark Trust; and Martha Chapman Fowler (“the Landowners”) for the public purpose of completion of the County Line Trunk Sewer Replacement Project, as authorized under authority of 11 O.S. § 22-104; and

WHEREAS, the City already owns the necessary underlying sewer easement and the subject temporary construction easement is necessary to replace existing sewer line; and

WHEREAS, on May 9, 2019, the City filed suit against the Landowners to acquire this easement; and

WHEREAS, the Commissioners filed a report on June 20, 2019, valuing the take at \$7,500.00 and the City tendered the commissioners’ award to the Court Clerk on July 11, 2019, taking title to the condemned temporary construction easement; and

WHEREAS, the City Council desires to authorize the City Attorney to agree to the commissioners’ valuation of the land and obtain from the Court a Journal Entry of Judgment which awards the \$7,500 currently held in the court registry to the Landowners and resolves all issues;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW THAT the City Attorney is authorized to enter into a Journal Entry of Judgment which awards the \$7,500 currently held in the court registry to the Landowners and resolves all issues in the Tulsa County District Court case, *City of Broken Arrow, Oklahoma v. Mark F. Harper et al.*, as outlined above.

ADOPTED BY THE BROKEN ARROW CITY COUNCIL this 17th day of September, 2019.

MAYOR

ATTEST:

(SEAL) CITY CLERK

APPROVED AS TO FORM:

ASSISTANT CITY ATTORNEY