



City of Broken Arrow

Legislation Details (With Text)

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| File #: | 19-431 | Name: | |
| Type: | General Business | Status: | Agenda Ready |
| File created: | 4/8/2019 | In control: | Broken Arrow City Council |
| On agenda: | 4/16/2019 | Final action: | |
| Title: | Consideration, discussion and possible approval of and authorization to execute 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 | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. Resolution No 1205 authorizing JEJ to foreclose easement | | |

| Date | Ver. | Action By | Action | Result |
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Broken Arrow City Council Meeting of: 04-16-2019

Title:

Consideration, discussion and possible approval of and authorization to execute 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

Background:

On February 2, 2010, Ordinance No. 3092 was adopted closing the South one foot of the North 15 feet of a utility easement located on Lot 1, Block 3, of the Stonebridge Park Subdivision. This action was taken at the request of the owners of the lot in order to address the fact that their house was constructed .8 feet into the utility easement.

The current owners of that lot, Matthew Brooks and Kristin Mills, filed suit in Tulsa County District Court on February 25, 2019, seeking to vacate that closed one foot portion of the utility easement. They then discovered that the legal description contained in Ordinance 3092 was in error. On March 19, 2019, the Council adopted Ordinance 3092-CORRECTED closing the correct portion of the easement. As a result, the owners filed a Supplemental Petition in their court action to vacate the easement.

Because the small portion of the easement requested to be vacated/foreclosed is not necessary for any public purpose, staff is recommending the City Council agree to enter into a Journal Entry of Judgment foreclosing and vacating the closed easement. The attached Resolution authorizes the City Attorney to agree to a Journal Entry of Judgment. Once the Journal Entry has been filed with the Court, there will be no further action required in this matter.

Cost: No Cost

Funding Source: No Source

Requested By: Trevor Dennis, City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1205

Recommendation:

Approve Resolution No. 1205 and authorize its execution.