



City of Broken Arrow

Request for Action

File #: 18-123, Version: 1

**Broken Arrow City Council
Meeting of: 01-02-2018**

**To: Mayor and City Council
From: Office of the City Attorney**

Title:
Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1080, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the matter of Daniel O'Barr and Kimberly O'Barr v. City of Broken Arrow, Case No. CJ-2016-2672 in the District Court for Tulsa County, State of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court's approval, pursuant to 51 O.S. § 158

Background:

On July 22, 2016, Daniel O'Barr and Kimberly O'Barr filed suit against the City of Broken Arrow, Case No. CJ-2016-2672 alleging that City of Broken Arrow, negligently caused the sewer infiltration of the O'Barr's residence at 1245 West Louisville Street, Broken Arrow, Oklahoma 74012 on February 29, 2016. The O'Barrs previously submitted approximately \$45,000.00 in receipts for the alleged property damage due to the sewer infiltration on February 29, 2016. A settlement of all claims was reached between the parties in the sum of \$25,000.00 which Council previously authorized.

The attached Resolution authorizes the Journal Entry of Judgment in this matter as well as direction to prepare and file documentation necessary to effectuate the terms of the settlement.

Cost: \$25,000.00

Prepared By: Beth Anne Childs, City Attorney

**Reviewed By: Finance Department
Assistant City Manager - Operations**

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1080

Recommendation:

Approve Resolution No. 1080 and authorize its execution.