



# City of Broken Arrow

## Request for Action

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**File #: 18-371, Version: 1**

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**Broken Arrow City Council  
Meeting of: 03-20-2017**

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

**Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1093, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of the Petition to Vacate Easements and Application to Vacate Plat and Portion of Plat and Terminate Restrictive Covenants, Wagoner County District Court case number CV-18-24, Vacating the Amended Plat of Wagoner County Line Plaza, by the Plat and Deed of Dedication dated 6 September 1995, filed for record on 11 September, 1995 in the office of the County Clerk of Wagoner County, Oklahoma, recorded in Plat Cabinet 3, at Pages 300 A & B and a portion of the Plat of Tiger Plaza by the Plat and Deed of Dedication in Declaration of Restricted Conveyance dated for 4 October 2001, filed of record on 12 October, 2001 in the office of the County Clerk of Wagoner County, Oklahoma, recorded in Plat Cabinet 4 Page 394**

### **Background:**

On March 1, 2018, QuikTrip Corporation and Robert A. Snyder, Trustee of the Jane E. Hawkins Trust dated January 15, 1986 filed a Petition to Vacate Easements and Application to Vacate Plat and Portion of Plat and Terminate Restrictive Covenants in the District Court of Wagoner County, State of Oklahoma, Case number CV -18-24. The petitioner seeks to have the respective plats of Tiger Plaza and Amended Plat of Wagoner County Line Plaza vacated as they are no longer needed or required for public, municipal, utilities, or land development purposes. Furthermore, vacating the Amended Plat of Wagoner County Line Plaza the portion of the Tiger Plaza will not injuriously effect the right of owner of any portions of such plats, nor the public or the holders of any franchisee or other special rights or privileges.

Stephen Schuller of GableGotwals, previously requested and on November 7, 2017, the City closed all utility easements shown on the Plat of Tiger Plaza, Lot Two (2), Block One (1). These easements were closed in part or in whole with the re-platting of the property that will either have a new easement shown or be left closed.

City staff have reviewed the utility easements closing documents and are in agreement with the closure. The private utility companies have reviewed the documents and are in agreement as well.

**Cost:** none

**Prepared By:** Trevor A. Dennis, Deputy City Attorney

**Reviewed By:** Development Services

**Approved By:** Russell Gale, Assistant City Manager - Administration

**Attachments:** Resolution No. 1093

**Recommendation:**

Approve Resolution No. 1093 and authorize its execution.