



City of Broken Arrow

Request for Action

File #: 18-1098, **Version:** 1

Broken Arrow City Council
Meeting of: 09-18-18

Title:

Consideration, discussion, and possible approval of and authorization to execute Resolution No.1131, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Mike W. Rugg and Jana L. Rugg v. City of Broken Arrow, et al., Tulsa County District Court Case No. CV-2018-01068, authorizing the foreclosure and vacation of street right of way generally located on North Date Avenue

Background:

On January 17, 2006 City Council for the City of Broken Arrow passed Ordinance No. 2774 granting the closure of street right of way which extends along North Date Avenue. No public convenience or necessity exists for the reopening of the street right of way closed by the City of Broken Arrow pursuant to City of Broken Arrow Ordinance No. 2774. The foreclosure of the right to reopen the street right of way closed by Ordinance No. 2774 will not injuriously affect the right of the owners of the property in the vicinity of the street right of way as it is no longer required for public purposes.

All the defendants in this matter are anticipated to disclaim interest in the street right of way that is the subject of the Final Journal Entry of Judgment.

The Legal Department and City staff recommend that the City Council authorize the City Attorney to enter into a Final Journal Entry of Judgment foreclosing and vacating the above-described street right of way that was closed by the City Council pursuant to Ordinance No. 2774 on January 17, 2006.

On September 18, 2018, the City Council for the City of Broken Arrow passed Resolution No.1131 authorizing the City Attorney to enter into a Final Journal Entry of Judgment in Mike W. Rugg and Jana L. Rugg v. City of Broken Arrow et al., Case No.CV-2018-01068

Cost: \$0

Funding Source: No Source

Requested By: Trevor Dennis, Acting City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1131

Recommendation:

Approve Resolution No. 1131