



City of Broken Arrow

Request for Action

File #: 18-1147, Version: 1

**Broken Arrow City Council
Meeting of: 10-02-18**

Title:

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1137, a Resolution authorizing the Acting City Attorney to Agree to Judgment in the case of the City of Broken Arrow v. B-Z Properties LLC., Case No. CV-18-22 in Wagoner County District Court and directing the Acting City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court's approval

Background:

On February 6, 2018, Counsel approved the filing of a Petition for Condemnation to acquire property generally located at the east side of 23rd Street North of Highway 51 in Section 7, Township 18 North, Range 15 East for the purpose of completing the 23rd Street improvements between Houston and Kenosha Streets. The City filed its Petition for condemnation on February 23, 2018, following unsuccessful settlement negotiations. The hearing to appoint commissioners was held on April 23, 2018, with the Commissioners report valuing the property at \$74,500.00 filed on May 24, 2018. The City's appraiser issued its report on August 31, 2018, valuing the property at \$95,000.00. In addition, B-Z Properties LLC., filed an inverse condemnation action in Wagoner County District Court, CV-2018-43, demanding property rent that B-Z Properties, LLC., lost from April 30, 2017 through May 24, 2018. B-Z Properties, LLC., has offered to settle Case No. CV-18-22 and dismiss its inverse condemnation Case No. CV-18-43 for \$135,633.40, inclusive of any fees or cost.

Settlement of both of these matters would be less than the costs including attorney fees, accrued in proceeding with the condemnation action.

Cost: \$135,633.40

Funding Source: Tax Rolls

Requested By: Trevor Dennis, Acting City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1137

Recommendation:

Approve Resolution No. 1137 and authorize it's execution

