



# City of Broken Arrow

## Request for Action

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**File #:** 19-431, **Version:** 1

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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.