



City of Broken Arrow

Request for Action

File #: 19-1023, **Version:** 1

Broken Arrow City Council
Meeting of: 08-20-2019

Title:

Consideration, discussion and possible approval and authorization to execute Resolution No. 1256, a Resolution ratifying the City Attorney's effectuation of settlement, including the Journal Entry of Judgment approved by the Court, in City of Broken Arrow, Oklahoma v. Joe H. Wilson and Rebecca J. Wilson, Tulsa County District Court Case No. CJ-2019-182, regarding the condemnation of a portion of the property located at 11709 East 91st Street, Tulsa County, State of Oklahoma

Background:

On January 2, 2019, the Broken Arrow City Council determined and declared the public necessity of taking, appropriating, condemning and acquiring a permanent right of way containing 3200 square feet and a temporary construction easement containing 1391 square feet from Joe and Rebecca Wilson for the public purpose of completion of the Washington Street Improvements - Garnett Road to Olive Avenue road widening project, as authorized under authority of 11 O.S. § 22-104. On January 15, 2019, the City filed suit against the Wilsons to acquire this property. The Commissioners filed a report on April 1, 2019, valuing the take at \$18,000.

On April 17, 2019, the City tendered \$18,000, the amount of the Commissioner's award, to the Court Clerk, taking title to the condemned property. Shortly thereafter, Mr. and Ms. Wilson informed Assistant City Attorney Tammy Ewing they would accept the \$18,000 tendered. This matter was considered by Council in executive session on June 17, 2019.

In addition to the City Attorney's office, attorneys entered their appearances in the lawsuit for the Tulsa County Commissioners, the Tulsa County Treasurer, OneGas, Inc. and Specialized Loan Servicing, LLC (the Wilson's mortgage lender). However, no party filed a jury demand. Thus, a Journal Entry of Judgment was circulated, signed by the Wilsons and all attorneys, and filed with the Court. The Court issued a Journal Entry of Judgment on June 19, 2019, declaring the City of Broken Arrow the owner of the subject right of way and temporary construction easement, and requiring the Clerk of Court to pay \$14.00 to the Tulsa County Treasurer and \$17,986, the balance of the \$18,000 deposited with the Court, to Joe and Rebecca Wilson. On June 24, 2019, the Clerk of Court issued the required checks and the Wilsons received their check on July 1, 2019.

The Legal Department requests a resolution of the City Council ratifying the Journal Entry of Judgment.

Cost: \$18,000.00

Funding Source: Sinking Fund to be repaid by ad valorem taxes

Requested By: Trevor A. Dennis, City Attorney

Approved By: City Manager's Office

Attachments: Resolution No. 1256
Journal Entry of Judgment

Recommendation:

Approve Resolution No. 1256 and authorize its execution.