



City of Broken Arrow

Request for Action

File #: 19-1277, Version: 1

**Broken Arrow City Council
Meeting of: 10-15-2019**

Title:

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1273, a Resolution authorizing the City Attorney to enter into a Journal Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. Asa V. Forbes, Tulsa County District Court Case No. CV-2019-613, regarding the condemnation of property located at 11406 South 193rd East Ave, Broken Arrow, Tulsa County, State of Oklahoma

Background:

On May 7, 2019, the Broken Arrow City Council determined and declared the public necessity of taking, appropriating, condemning and acquiring a permanent utility easement and a temporary construction easement from Asa V. Forbes for the public purpose of completion of the County Line Trunk Sewer Replacement Project. The easements are necessary to replace existing sewer line.

On May 9, 2019, the City filed suit against the landowner to acquire this easement. No Entry of Appearance was filed on behalf of Asa V. Forbes. The Commissioners filed a report on July 26, 2019, valuing the take at \$6,500. On August 23, 2019, the City tendered the commissioners' award to the Court Clerk, taking title to the condemned easements.

Pursuant to state law, any party seeking to contest the commissioners' valuation of the property must file a jury demand within 60 days of the date of the filing of the commissioners' report. Thus, all jury demands had to be filed on or before September 24, 2019. Only the City filed a jury demand.

All issues can be resolved by the City withdrawing its jury demand and agreeing to the commissioners' valuation of the land. This is the recommendation of the City Attorney's Office.

The attached resolution authorizes the City Attorney to enter into a Journal Entry of Judgment which orders payment of the \$6,500 currently held in the court registry to Asa V. Forbes, and resolves all issues in the action.

Cost: \$6,500

Funding Source: BAMA-County Line Trunk Line Sewer Project No. S.1609

Requested By: Trevor A. Dennis, City Attorney

Approved By: City Manager's Office

Attachments: Resolution No. 1273
Journal Entry of Judgment

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Recommendation:

Approve Resolution No. 1273 and authorize its execution.