

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. O
2/25/2025

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing and directing the Municipal Counselor to enter into an agreed settlement and journal entry of judgment in the Canadian County District Court Case styled: *The City of Oklahoma City v. The Links at Mustang Creek, LP*; Canadian County District Court Case No. CJ-2022-353;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding settlement concerning the above pending litigation, as authorized by 25 O.S. (2024 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to deal with the pending litigation in the public interest.

Background:

On November 28, 2022, the City filed the above-captioned condemnation case in the District Court of Canadian County to acquire certain permanent easements for Oklahoma City Street Widening Improvement Project PC-0588. The Subject Property is located at S.W. 15th Street and South Mustang Road. The Subject Property is owned by The Links at Mustang Creek, LP. The Defendant is represented by David R. Herber and J. Blake Patton with GableGotwals law firm. Steven A. Barker and Susan D. Randall are the Assistant Municipal Counselors representing the City in this case.

The Commissioners were appointed and filed their Report on April 3, 2023, assessing damages for the Subject Property at \$101,000. The Defendant filed a Demand for Jury Trial contesting the amount of the Commissioners' Report.

Mediation took place on September 11, 2024, before mediator David H. Cole. The parties were unable to reach an agreement at that time.

Since that time, the parties have reached an agreement that the property owner is willing to settle this case for an additional \$274,000 above the Commissioners' Award, bringing the total value paid to \$375,000 as full and complete settlement of just compensation, damages, costs, and releases any rights or interests of Defendant to the property. The settlement includes that each party pay their own attorney's fees and costs. In the event the jury verdict exceeds the Commissioners' Award by 10%, the City would be liable for the Defendant's costs and attorney fees.

If Council agrees to the settlement offer, a resolution authorizing and directing the Municipal Counselor's Office to enter into an agreed settlement and journal entry of judgment for a total amount of \$375,000 [an additional sum of Two Hundred, Seventy-Four Thousand Dollars (\$274,000.00) as judgment against the City] is submitted herewith for the Council's approval.

It is the recommendation of this office that the Mayor and Council adopt the Resolution.