

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

Council Agenda
Item No. XI. U
5/20/2025

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 Cleveland County District Court Case styled: *The City of Oklahoma City v. Court of Owls, LLC*; Cleveland County District Court Case No. CJ-2024-1238;

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 September 11, 2024, the City filed the above-captioned condemnation case in the District Court of Cleveland County to acquire certain permanent easements for Oklahoma City Roadway Widening and Improvements Project PC-0707. The Subject Property is located at SW 149th Street from S. Pennsylvania Avenue to S. Western Avenue. The Subject Property is owned by Court of Owls, LLC. The Defendant is represented by Shawn D. Hodges with Hodges Law Firm, PLLC. Steven A. Barker is the Assistant Municipal Counselor representing the City in this case.

The Commissioners were appointed and filed their Report on October 21, 2024, assessing damages for the Subject Property at \$6,000. The Defendant filed a Demand for Jury Trial contesting the amount of the Commissioners' Report.

Since that time, the parties have reached an agreement that the property owner is willing to settle this case for an additional \$24,000 above the Commissioners' Award, bringing the total value paid to \$30,000 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 \$30,000 [an additional sum of Twenty-Four Thousand Dollars (\$24,000.00) as judgment against the City] is submitted herewith for the Council's approval. The settlement and journal entry of judgment will reflect that \$6,000 of such settlement has been previously paid by the City by deposit of the Commissioners' Award, and that the additional amount of \$24,000 due on the settlement would be entered as a judgment against the City pursuant to 62 O.S. § 365.5.

If Council should desire more information as to the merits of this case, it is the recommendation of this office that Council retire into executive session.