

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKLAHOMA CITY 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. CV-2022-353.

WHEREAS, on November 28, 2022, the City commenced the above-captioned condemnation action in the District Court of Canadian County to acquire certain permanent easements for Oklahoma City Street Widening Improvement Project PC-0558 purposes and uses incidental thereto located at S.W. 15th Street and South Mustang Road; and

WHEREAS, the owner of the Subject Property and the Defendant/Condemnee in this case is The Links at Mustang Creek, LP, and it is represented by David R. Herber and J. Blake Patton with GableGotwals law firm; and

WHEREAS, on April 3, 2023, the Report of Commissioners was filed in the case assessing damages to the Defendant/Condemnee in the amount of \$101,000 for the taking of the certain permanent easements; and

WHEREAS, the Defendant/Condemnee filed a Demand for Jury Trial contesting the amount of damages awarded by the Commissioners; and

WHEREAS, the parties have reached an agreed settlement of this case for a total sum of \$375,000 (an additional \$274,000 above the Commissioners' Award) for the value of the property taken, including just compensation, damages, and costs; and

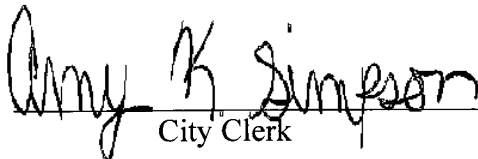
WHEREAS, pursuant to the agreed settlement, each party is to pay their own attorneys' fees and costs.

WHEREAS, the City Council deems the settlement proposal to be a reasonable one and therefore desires to accept the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Oklahoma City that the Municipal Counselor is hereby authorized and directed to enter into a Settlement Agreement 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*; Case No. CV-2022-353 for the total amount of \$375,000, with the documents reflecting that \$101,000 of such settlement has been previously paid by the City by deposit of the Commissioners' Award, and the additional amount of \$274,000 to be entered as a judgment against the City pursuant to 62 O.S. § 365.5.

APPROVED by City Council and **SIGNED** by the Mayor of The City of Oklahoma City this 25TH day of FEBRUARY 2025.

ATTEST:


City Clerk



THE CITY OF OKLAHOMA CITY


MAYOR

REVIEWED for form and legality.


Assistant Municipal Counselor