

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

Council Agenda  
Item No. XI. W  
9/10/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Enter into executive session on advice of the Municipal Counselor to receive confidential communications with its attorney regarding mediation and settlement in the case of *The City of Oklahoma City v. The Links at Mustang Creek, LP*, Canadian County District Court Case No. CV-2022-353, as authorized by 25 O.S. (2023 Supp.) § 307(B)(4), because disclosure would seriously impair the ability of the public body to deal with the pending mediation in the public interest. Ward 3.

**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 Project Improvement Project PC-0558. The Subject Property is located at SW 15<sup>th</sup> Street and Mustang Road. The Subject Property is owned by Defendant The Links at Mustang Creek, LP. The Defendant is represented by David R. Herber and J. Blake Patton of 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 concerning this matter has been required by the Court and is set to begin on September 11, 2024, before mediator David H. Cole.

It is the recommendation of this office that the Mayor and Council retire into executive session with the Municipal Counselor to receive confidential communications with its attorney regarding the mediation and settlement.