

## SETTLEMENT, RELEASE AND AGREEMENT

### KNOWN ALL MEN BY THESE PRESENTS:

That the undersigned, as Manager of and on behalf of Bergen Real Estate, LLC, owner of property on the east side of Kelley Avenue between Britton Road and Hefner Road, Oklahoma City, more precisely described on **Attachment "A,"** which is incorporated herein by reference, for sole consideration of **Forty Two Thousand Six Hundred Five Dollars and 00/100 Cents (\$42,605.00)** to be paid by The City of Oklahoma City, does hereby release and forever discharge the City of Oklahoma City and its officers, contractors, employees for all damage, loss, costs, expense, replacement and repair of the fence only, on the owner's property along Kelley Avenue between Britton Road and Hefner Road and in full settlement of all claims, obligations and duties related to the damage and/or removal of the fence and related to the repair and/or replacement of the fence. No other claims for damages to the subject property are released by this Settlement, Release and Agreement.

In addition, the undersigned, as Manager of and on behalf of Bergen Real Estate, LLC, owner of property on **Attachment "A,"** agrees that repair and replacement of such fence is now and shall in the future be the obligation of the property owner, its successors and assigns.

Finally, the undersigned, as Manager of and on behalf of Bergen Real Estate, LLC, owner of property on **Attachment "A,"** further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned regarding the fence on the property, and that this Settlement, Release and Agreement contains the entire agreement between the parties hereto, and that the terms of this Settlement, Release and Agreement are contractual and not a mere recital.

The parties mutually agree this Settlement, Release and Agreement does not and will not be deemed to establish, assign, or admit liability or responsibility on the part of any party hereto for these or other damages.

**THE UNDERSIGNED HAS READ AND FULLY UNDERSTANDS THIS SETTLEMENT, RELEASE AND AGREEMENT.**

SIGNED and SEALED this 28<sup>th</sup> day of August, 2024.  
Susan Bergen Manager/Member  
Signature Title

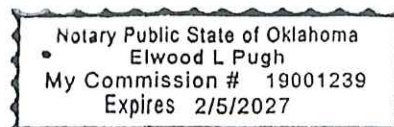
STATE OF OKLAHOMA )  
COUNTY OF OKLAHOMA ) SS.

This instrument was acknowledged before me on the 28<sup>th</sup> day of August, 2024, by Susan B. Bergen, as Manager of Bergen Real Estate, LLC.

My Commission Expires: 02/05/2027

My Commission No.: 19001239

Elwood L Pugh  
Notary Public



**APPROVED** by the Council and signed by the Mayor of the City of Oklahoma City this  
31<sup>ST</sup> day of DECEMBER, 2024.

**ATTEST:**

Amy K. Simpson  
City Clerk



David Holt

Chris Hall

Assistant Municipal Counselor

Exhibit "A"

The following real property located in Oklahoma County, State of Oklahoma and described as follows:

The Southwest Quarter (SW/4) of Section Twenty-six (26), Township Thirteen (13) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma, LESS AND EXCEPT the following described tracts identified as Tracts A and B:

Tract A:

Beginning 676 feet East of the Southwest corner of said Southwest Quarter;

Thence East a distance of 776 feet;

Thence North a distance of 600 feet;

Thence West a distance of 726 feet;

Thence South a distance of 447 feet;

Thence West a distance of 50 feet;

Thence South a distance of 153 feet to the Point of Beginning.

Tract B:

Beginning at the Southeast corner of said Southwest Quarter;

Thence West on the South line of said Southwest Quarter for a distance of 1096.00 feet;

Thence North  $0^{\circ}14'36''$  West on a line parallel to the East line of said Southwest Quarter for a distance of 903.86 feet;

Thence South  $89^{\circ}43'40''$  West for a distance of 574.47 feet;

Thence North  $0^{\circ}16'20''$  West for a distance of 100.00 feet;

Thence North  $89^{\circ}43'40''$  East for a distance of 574.53 feet;

Thence North  $0^{\circ}14'36''$  West on a line parallel to the East line of said Southwest Quarter for a distance of 851.56 feet;

Thence East on a line parallel to the South line of said Southwest Quarter for a distance of 1096.00 feet to the East line of said Southwest Quarter;

Thence South  $0^{\circ}14'36''$  East on the East line of said Southwest Quarter for a distance of 1855.42 feet to the Point of Beginning.