

# Resolution

Version 2.5 released on 6/29/23  
Use for all types of Resolutions



## CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
Committee Date: \_\_\_\_\_  
1<sup>st</sup> Agenda Date: \_\_\_\_\_

Tracking #: \_\_\_\_\_

Committee: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

2<sup>nd</sup> Agenda Date: \_\_\_\_\_

## CITY CLERK USE ONLY

☐ Scanned

Date: 12.18.2024

☐ Posted

Item #: 2412.03401

*All department items requiring Council approval must be submitted through the Mayor's Office.*

## Primary Details

### Board Approval

Department

Legal

Contact Name

Komron Takmil (tmd)

Other Board Name

Email

ktakmil@cityoftulsa.org

City Council Approval

☒ Yes ☐ No

Phone

9185967717

### Resolution Type

Authorizing Sinking Fund Credit or Payment

Owner-Grantor

Michael & Jenny Cole

Amount

\$225,000.00

Case Number

CJ-2023-2779

TMAPC Number

Council District

Description (Subject)

Bid/Project Number

Section

Township

Range

Addition

Lot

Block

Address

## Budget

Funding Source(s)

TOTAL:

## Approvals

Department: \_\_\_\_\_

Legal: \_\_\_\_\_

Board: \_\_\_\_\_

Mayor: \_\_\_\_\_

Other: \_\_\_\_\_

Date: 12.16.24

Date: 12/16/2024

Date: DEC 18 2024

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Policy Statement

### Background Information

On November 20, 2024 the Mayor approved settlement in this matter in the amount of \$225,000.00. The Journal Entry was signed by the Judge and filed with the Court on December 16, 2024. (See attached)

### Summation of the Requested Action

Request Council sign the Resolution. Request Mayor approve payment and direct Finance to issue a check in the amount of \$225,000.00 made payable to Michael & Jenny Cole, Plaintiffs and Fulda Law, PLLC, attorneys at law and return to the Legal Department for further processing.

Emergency Clause?

☐ Yes

☐ No

Reason for Emergency Clause

## Processing Information for City Clerk's Office

### Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

### Additional Routing and Processing Details

Please return executed RFA and Resolution to City Legal for further processing.

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(Published in the Tulsa Daily Commerce  
& Legal News,  
\_\_\_\_\_, 2024.)

## **RESOLUTION**

**A RESOLUTION AUTHORIZING PAYMENT IN FULL OF A JUDGMENT SETTLEMENT, FROM SURPLUS MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.**

WHEREAS, on the 16 day of December, 2024, in Case No. CJ-2023-2779, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Michael and Jenny Cole, Plaintiffs, and the City of Tulsa, Defendant, in the sum of Two Hundred Twenty Five Thousand Dollars (\$225,000.00), representing principal judgment, interest, costs and attorney fees, was entered against the City of Tulsa, which settlement has been approved by the Court; and

WHEREAS, it appears from a survey of the Sinking Fund that there is a surplus of cash and investments in said fund, over and above accrued liabilities and statutory obligations, which would allow the City of Tulsa to pay said judgment in full, including court costs and interest thereon; and

WHEREAS, it is desirable and in the best interest of the City of Tulsa to make such present payment out of the City's Sinking Fund, and thereafter reimburse the Sinking Fund from subsequent tax levies, as provided by 62 O.S. '435.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA:**

Section 1. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized to consummate and complete the payment of said judgment by drawing the following warrant on the City of Tulsa's Sinking Fund:

To the order of MICHAEL & JENNY COLE, Plaintiffs, and FULDA LAW, PLLC, Attorneys at Law, the sum of Two Hundred Twenty Five Thousand Dollars (\$225,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiff in the lawsuit identified above.

Section 2. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized and directed to properly advise the Tulsa County Excise Board by appropriate reports, of the prepayment of said judgment in order that said Board may include said prepaid judgment as a necessary and lawful expense of the Sinking Fund of the City of

Tulsa, Oklahoma, for which appropriate tax levies may be made to replenish said Sinking Fund, as provided by the provisions of Title 62 of the Statutes of the State of Oklahoma.

Section 3. That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately from and after its passage, approval, and publication.

ADOPTED by the Council: \_\_\_\_\_ (Date)

ADOPTED as an emergency measure: \_\_\_\_\_ (Date)

\_\_\_\_\_  
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

Monroe Nichols, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_,  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

  
\_\_\_\_\_  
City Attorney

DISTRICT COURT  
FILED

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

Plaintiffs,

Case No. CJ-2023-2779

## Judge Priddy

Defendants.

NOW ON this 16 day of Dec 2024, this matter comes before the undersigned

The Court, having reviewed the allegations set forth in Plaintiffs' Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 9 day of Dec 2024 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by Defendant City of Tulsa to the Plaintiffs herein shall be paid from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment as evidenced by the Affidavit of Chad Becker attached as Exhibit "A" to the Defendant's *Offer of Proof*, and the Court being advised that the City's Mayor has authorized a compromise settlement in the sum of Two Hundred Twenty Five Thousand Dollars and 00/100 (\$225,000.00) and the Court being satisfied that Plaintiffs fully understand the nature of this action with regard to its finality which precludes additional or further compensation for

damages arising from the occurrence of the event identified in Plaintiffs' Petition and, upon being further advised by Plaintiffs that it is their desire to settle the entirety of all claims and causes of action relating to the events identified in their Petition, including costs and fees, upon payment in the sum of Two Hundred Twenty Five Thousand Dollars and 00/100 (\$225,000.00), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;

2. That Plaintiffs are fully aware of their rights in this matter and it is Plaintiffs' desire to compromise their right to trial by jury;

3. That Plaintiffs desire to accept as full, final and complete settlement from the City of Tulsa the sum of Two Hundred Twenty Five Thousand Dollars and 00/100 (\$225,000.00), for any and all damages, losses, fees and expenses sustained as a result of the events identified in Plaintiffs' Petition;

4. That this settlement is not an admission that the City of Tulsa or its employees were negligent, but is only a recognition of the uncertainty of trial;

5. That Plaintiffs have agreed to dismiss with prejudice or forgo any and all claims against the City of Tulsa and its employees individually;

6. That by agreement of the parties, Defendant's payment to Plaintiffs will stand as full compensation from the City to Plaintiffs and precludes any further or separate action by Plaintiffs or those they represent against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiffs' Petition;

7. That the City has agreed to settle Plaintiffs' lawsuit in the sum of Two Hundred Twenty Five Thousand Dollars and 00/100 (\$225,000.00);

8. That the City shall pay Plaintiffs from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment; and

9. That all parties request this court to approve and finalize their mutual settlement;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiffs have and will recover from Defendant City of Tulsa, Oklahoma, damages in the total sum of Two Hundred Twenty Five Thousand Dollars and 00/100 (\$225,000.00), as full, final and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiffs' Petition and that said damages shall be paid from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment; and

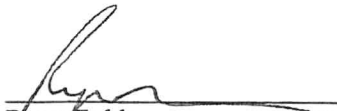
IT IS FURTHER ORDERED BY THE COURT that Plaintiffs' claims against Defendant City of Tulsa are dismissed with prejudice and that payment to Plaintiffs by Defendant City of Tulsa will preclude any further or separate action by Plaintiffs against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiffs' Petition.

**TRACY L. PRIDDY**

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JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
Ryan Fulda  
1800 S. Baltimore, Suite 420  
Tulsa, OK 74119

*Komron Takmil*

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Komron Takmil, OBA #33282  
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City of Tulsa  
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Attorney for City of Tulsa