

# 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: 01.29.2024

☐ Posted

Item #: 2501.00324

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

## Primary Details

### Board Approval

Department: Legal  
Contact Name: T. Michelle McGrew (tmd)

### Other Board Name

Email: mmcgreg@cityoftulsa.org

### City Council Approval

☒ Yes ☐ No

Resolution Type: Authorizing Sinking Fund Credit or Payment

Owner-Grantor: Rocket Properties, LLC

Amount: \$1,895,000.00  
Case Number: CJ-2018-620

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: 1.16.25  
Date: 1/16/25  
Date: \_\_\_\_\_  
Date: JAN 29 2025  
Date: \_\_\_\_\_

## Policy Statement

### Background Information

On January 17, 2023 a Jury found in favor of the Plaintiff, Rocket Properties, LLC and awarded \$1,895,000.00 in damages. The Journal Entry Upon Jury Verdict was filed on January 17, 2023 granting judgment against the City of Tulsa plus pre and post judgment interest, costs and attorney fees. (See attached Journal Entry) The Journal Entry has undergone several amendments and remains unresolved after resolution of an appeal; however, payment of the jury verdict is requested to stop any further accrual of post judgment interest while the remaining issues are resolved. Pre-judgment interest, costs and attorney fees are still at issue. (See attached memo)

### Summation of the Requested Action

Request Council execute Resolution. Request Mayor approve payment in this lawsuit and instruct Finance to issue a check in the amount of \$1,895,000.00 made payable to Rocket Properties, LLC, Plaintiff and Anthony P. Sutton, Attorney at Law and return the check to City Legal 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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IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**

JAN 17 2023

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

ROCKET PROPERTIES, LLC, an )  
Oklahoma limited liability company, )  
Plaintiff, )  
vs. ) No. CJ-18-620-LaFortune  
CITY OF TULSA, )  
Defendant. )

**JOURNAL ENTRY UPON JURY VERDICT**

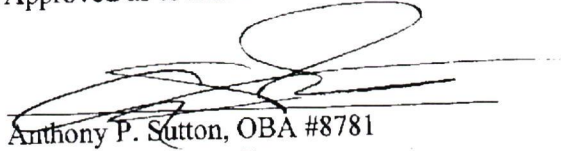
This matter came on before this Court for jury trial on October 3-6, 2022. Plaintiff, Rocket Properties, LLC, was present with its counsel, Anthony P. Sutton and Marlin R. Davis; the Defendant, City of Tulsa, was present with its counsel, T. Michelle McGrew, Mark Swiney, and Lawson Vaughn. The jury was impaneled and sworn. Upon hearing sworn testimony, receiving documentary evidence, the instructions of the Court, and argument of counsel in this inverse condemnation case, the jury returned its verdict (10-2) in favor of Plaintiff, Rocket Properties, LLC, and against the Defendant, City of Tulsa, and awarded just compensation to Plaintiff in the amount of \$1,895,000.00.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Plaintiff, Rocket Properties, LLC, be granted judgment against the Defendant, City of Tulsa, for the sum of \$1,895,000.00 plus pre- and post-judgment interest, costs, and attorney fees as may be determined upon motion of Plaintiff.

Dated this 17th day of January, 2023

  
WILLIAM D. LAFORTUNE  
JUDGE OF THE DISTRICT COURT

Approved as to form:

A handwritten signature in black ink, appearing to read 'Anthony P. Sutton', written over a horizontal line.

Anthony P. Sutton, OBA #8781  
Attorney for Plaintiff

A handwritten signature in black ink, appearing to read 'T. Michelle McGrew', written over a horizontal line.

T. Michelle McGrew, OBA #20279  
Attorney for Defendant



## LEGAL

January 16, 2025

To: Mayor Monroe Nichols IV:

From: T. Michelle McGrew, Senior Assistant City Attorney

**Re: Rocket Properties, LLC v. City of Tulsa**

I am requesting authorization to pay the jury verdict of **\$189,000.00** so the City does not keep accruing post-judgment interest at over \$1,000.00 per day. The Oklahoma Court of Civil Appeals affirmed the verdict amount and also granted Rocket's appeal, claiming the trial court failed to properly calculate the interest rates for pre-judgment and post-judgment interest. It remanded to the trial court to decide issues of the interest rate that should be applied to pre-judgment and post-judgment interest.

### SUMMARY OF CASE

This inverse condemnation case went to trial October 3-6, 2022. Rocket claimed the City "took his entire property", four and a half acres of low-lying, bowl-shape property at 91<sup>st</sup> and Yale. Rocket's property lies in a Tulsa Regulatory flood plain. The property can still be developed even though it is in a flood plain, however, the developer must comply with Tulsa Revised Ordinances which include the Earth Change Permit. The jury found in Rocket's favor and awarded \$189,000.00, as "just compensation" for the property.

The City appealed on the grounds that Rocket failed to exhaust its administrative remedies before filing suit, thus the trial court had no subject matter jurisdiction. Rocket's Property is in a Tulsa Regulatory flood plain. Rocket wanted to develop the property and sought an Earth Change Permit, required by the City. Rocket intentionally failed to complete the calculation required. Rocket filed a counter-appeal on the grounds that the trial court erred in calculating pre-judgment and post-judgment interest rates.

I have, in good faith, tried to negotiate with Rocket's counsel to resolve the issues of the interest rates, to no avail. Rocket's counsel, however, seems intent on delaying the process as long as possible, in order to keep accruing post-judgment interest. My recommendation, with your approval, is to pay the judgment and stop the accrual of post-judgment interest.

If you have any questions or need additional information, please do not hesitate to contact me.



(Published in the Tulsa Daily Commerce  
& Legal News,  
\_\_\_\_\_, 2025.)

## **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 17 day of January, 2023, in Case No. CJ-2018-620, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered pursuant to a Jury Award in favor of Plaintiff Rocket Properties, LLC, and against the City of Tulsa, Defendant, in the sum of One Million Eight Hundred Ninety-Five Thousand Dollars (\$1,895,000.00), which judgment 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 ROCKET PROPERTIES, LLC, Plaintiff, and ANTHONY P. SUTTON, Attorney at Law, the sum of One Million Eight Hundred Ninety-Five Thousand Dollars (\$1,895,000.00); the same representing the full amount of the judgment, 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

Dewey F. Bartlett, Jr., Mayor

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

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

\_\_\_\_\_  
Time

\_\_\_\_\_  
Mayor

(Seal)  
ATTEST:

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

APPROVED:

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