

Resolution

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



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____

Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned Date: **05.07.2025**
☐ Posted Item #: **2505.01159**

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

Primary Details

Board Approval

Department: Legal Contact Name: R. Lawson Vaughn (tmd)

Resolution Type: Authorizing Sinking Fund Credit or Payment

Amount: \$1,185,399.46 Case Number: CJ-2018-620

Description (Subject): Payment of Atty Fees, Costs and Interest

Section: Township

Lot: Block

Other Board Name

Email: lvaughn@cityoftulsa.org

Owner-Grantor: Rocket Properties LLC and Anthony P. Sutton

TMAPC Number: Council District

Bid/Project Number

Range: Addition

Address

City Council Approval

☒ Yes ☐ No

Phone: 9185967717

Budget

Funding Source(s)

TOTAL:

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: **5.1.25**
Date: **4-30-2025**
Date: _____
Date: **MAY 02 2025**
Date: _____

Policy Statement

Background Information

On April 15, 2025 this matter came before the Court to determine appeal related attorney fees and costs, interest on the appeal related attorney fees, and reimbursement of ad valorem taxes. The Court awarded Plaintiff appeal related attorney fees in the amount of \$1,133,958.29, appeal related costs in the amount of \$175.25, and reimbursement of ad valorem taxes in the amount of \$43,002.00. Additionally, the Order indicates post-judgement interest on the appeal related attorney fees will accrue at the rate of 9.5% from April 15, 2025 until paid. In anticipation that the check will be issued on May 13, 2025 the post-judgment interest will have accrued in the amount of \$8,263.92 resulting in a total amount due of \$1,185,399.46. (see attached Agreed Order and Journal Entry)

Summation of the Requested Action

Request Council execute the attached Resolution. Request Mayor approve this payment and direct finance to issue a check in the amount of \$1,185,399.46 made payable to Rocket Properties, LLC, Plaintiff and Anthony P. Sutton, Attorney 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 (addt'l signature copies attached)

☐ Must be filed with other governmental entity

☐ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details

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

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

RESOLUTION 20410

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

WHEREAS, on the 15th day of April, 2025, in Case No. CJ-2018-620, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered pursuant to a Hearing to assess appeal related attorney fees; post-judgment interest on the appeal related attorney fees; appeal related costs, and reimbursement of paid ad valorem taxes in the above referenced case. The Court awarded One Million One Hundred Thirty-Three Thousand Nine Hundred Fifty Eight Dollars and Twenty-Nine Cents (\$1,133,958.29) in appeal related Attorney Fees; Post-Judgment Interest at the rate of 9.5% from April 15, 2025 until paid; plus \$175.25 in appeal related costs and \$43,002.00 for reimbursement of ad valorem taxes paid since January 1, 2016, resulting in a Principal Judgment Amount of \$1,177,135.54. The post-judgment interest was calculated on the appeal related attorney fees of \$1,133,958.29 at the rate of 9.5% from April 15, 2025 to May 13, 2025 in the amount of \$8,263.92. This brings the total amount due to Plaintiff of \$1,185,399.46; 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 One Hundred Eighty Five Thousand Three Hundred Ninety Nine Dollars and Forty Six Cents (\$1,185,399.46); the same representing the full amount of the appeal related attorney

fees, post-judgment interest on the appeal related attorney fees; appeal related costs; and ad valorem taxes paid since January 1, 2016 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 and approval.

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, IV, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: MAY 02 2025,
Date

Time

Mayor



(Seal)

ATTEST:


City Clerk



APPROVED:


City Attorney

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

APR 29 2025

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.)

AGREED ORDER VESTING TITLE AND JOURNAL ENTRY OF JUDGMENT

WHEREAS, Plaintiff Rocket Properties, LLC ("Rocket") filed its inverse condemnation Petition against Defendant City of Tulsa ("City") on February 12, 2018, alleging that the City had taken Rocket's real property for public use and benefit. Rocket's property is described as 4½ acres of vacant, unplatted, and undeveloped land located at 9415 South Yale Avenue, Tulsa, Tulsa County, Oklahoma, more particularly described on Exhibit A attached hereto (hereafter the "Property").

On October 3 – 6, 2022, Rocket's inverse condemnation claim was presented to a Tulsa County jury which found that the City of Tulsa had taken Rocket's "whole property" for public use and benefit and awarded just compensation to Rocket, for that taking, in the principal sum of \$1,895,000; and


After appeals made to the Oklahoma Supreme Court (Case Nos. DF-121,092 and DF-121,438), the Judgment on Jury Verdict was affirmed.

The Judgment on Jury Verdict having been affirmed on appeal, the condemnor City of Tulsa has paid to Rocket the sums due and owing as to the principal, pre-judgment interest, trial costs, trial-related attorney's fees, and post-judgment interest on the principal judgment.

Rocket's appeal-related costs of \$175.25 remain outstanding to be paid. On April 15, 2025, this Court found that Rocket is entitled to appeal-related attorney's fees in the sum of \$1,133,958.29 (plus post-judgment interest thereon at the rate of 9.5% until paid), which remains outstanding to be paid. Upon the City's reimbursement to Rocket of \$43,002 for ad valorem taxes paid since January 1, 2016, the fee simple title to the subject Property shall vest in the City of Tulsa, Oklahoma, a municipal corporation, free and clear of any right, title or interest of Rocket.

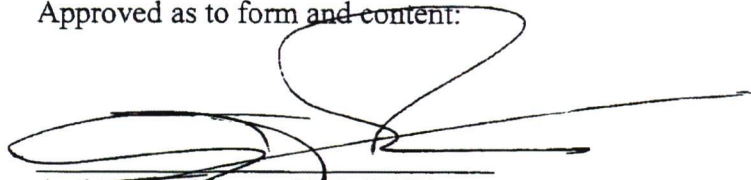
NOW, THEREFORE, IT IS THE ORDER OF THIS COURT that upon the City's payment of \$43,002 to Rocket Properties for reimbursement of ad valorem taxes paid since January 1, 2016, the fee simple title to the subject Property, described in Exhibit "A" attached hereto, shall be transferred and shall vest in condemnor City of Tulsa, Oklahoma, a municipal corporation, solely and absolutely.

It is so ordered this 25th day of April 2025.

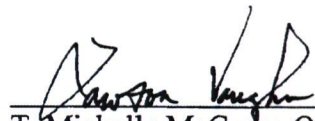


WILLIAM D. LAFORTUNE
JUDGE OF THE DISTRICT COURT

Approved as to form and content:



Anthony P. Sutton, OBA #8781
Sutton & Davis, PA
8908 South Yale, Suite 245
Tulsa, OK 74137-3543
918/742-0900
tony@anthonypsutton.com
Attorney for Plaintiff



T. Michelle McGrew, OBA #20279
R. Lawson Vaughn, OBA #21557
Senior Assistant City Attorney
One Technology Center
175 East 2nd Street, Suite 685
Tulsa, OK 74103
918/596-7717
mmcgrew@cityoftulsa.org
lvaughn@cityoftulsa.org
Attorneys for Defendant

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

APR 15 2025

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

ROCKET PROPERTIES, LLC, an)
Oklahoma limited liability company,)
Plaintiff,)
vs.)
CITY OF TULSA,)
Defendant.)

No. CJ-18-620-LaFortune

JOURNAL ENTRY OF JUDGMENT
AWARDING APPEAL-RELATED ATTORNEY'S FEES

On this 15 day of April, 2025, this matter comes on before the undersigned Judge of the District Court upon Plaintiff's Motion for Appeal-Related Attorney's Fees. Upon reviewing the court file, receiving evidence, receiving arguments of counsel, and after otherwise being fully advised, the Court finds that Plaintiff shall be awarded its appeal-related attorney's fees based upon its "contractually-obligated" sum of \$1,133,958.29 plus post-judgment interest thereon at the rate of 9.5% until said sum is paid in full.

William D. LaFortune

WILLIAM D. LAFORTUNE
JUDGE OF THE DISTRICT COURT

Submitted by:
Anthony P. Sutton, OBA #8781
Sutton & Davis, PA
8908 South Yale, Suite 245
Tulsa, OK 74137-3543
918/742-0900
tony@anthonypsutton.com
Attorney for Plaintiff

I, Don Newberry, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this
APR 15 2025
By [Signature]
Deputy

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION III

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

ROCKET PROPERTIES, LLC, an)
Oklahoma limited liability company,)

MAR 4 2025

Plaintiff/Appellee,)

JOHN D. HADDEN
CLERK

vs.)

Case No. 121,092

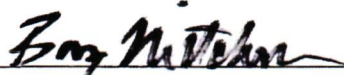
THE CITY OF TULSA,)

Defendant/Appellant.)

ORDER

Appellee filed a motion for costs pursuant to 12 O.S. §978. When a judgment is reversed in part and affirmed in part, costs shall be equally divided between the parties. *Id.* Therefore, the allowable costs pursuant to Okla. Sup. Ct. Rule. 1.14 (A) shall be equally divided between appellant and appellee. Costs are to be taxed by the Supreme Court Clerk. Rule 1.14 (A), *Holleyman v. Holleyman*, 2003 OK 48, ¶5, 78 P.3.d. 921, 942 (Supplemental Opinion After Rehearing's Denial).

DONE BY ORDER OF THE COURT OF CIVIL APPEALS this 4th day of March, 2025.



E. BAY MITCHELL, III
Acting Presiding Judge