

Resolution

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



CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Date Received: _____	Tracking #: _____	<input type="checkbox"/> Scanned	Date: <u>05.21.2025</u>
Committee Date: _____	Committee: _____	<input type="checkbox"/> Posted	Item #: <u>2505.01355</u>
1 st Agenda Date: _____	Hearing Date: _____		
	2 nd Agenda Date: _____		

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

Primary Details

Board Approval		Other Board Name	City Council Approval
_____		_____	<input checked="" type="radio"/> Yes <input type="radio"/> No
Department	Contact Name	Email	Phone
Legal	Komron Takmil(tmd)	ktakmil@cityoftulsa.org	9185967717
Resolution Type		Owner-Grantor	
Authorizing Sinking Fund Credit or Payment		Michael Dickens	
Amount	Case Number	TMAPC Number	Council District
\$125,000.00	CJ-2023-1446		
Description (Subject)		Bid/Project Number	
_____		_____	
Section	Township	Range	Addition
_____	_____	_____	_____
Lot	Block	Address	
_____	_____	_____	

Budget

Funding Source(s)

TOTAL:

Approvals

Department:	_____	Date:	<u>5.20.25</u>
Legal:	_____	Date:	<u>5/20/2025</u>
Board:	_____	Date:	_____
Mayor:	_____	Date:	<u>MAY 21 2025</u>
Other:	_____	Date:	_____

Policy Statement

Background Information

On May 14, 2025 the Mayor approved settlement of this matter in the amount of \$125,000.00. The Journal Entry of Judgment was signed by the Judge and filed with the Court on May 19, 2025 (see attached Journal Entry)

Summation of the Requested Action

Request Council execute Resolution. Request Mayor approve payment of this lawsuit and direct Finance to issue a check in the amount of \$125,000.00 made payable to Michael Dickens, Plaintiff, Griffin, Reynolds & Associates, attorneys at law, Tulsa Accident Care, Advanced Physical Therapy, Tulsa Radiology & Imaging Center, and St. Francis Health System, lien holders 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 (add'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 RFA and Resolution to City Legal for further processing

(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 19th day of May, 2025, in Case No. CJ-2023-1446, filed in the District Court in and for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Michael Dickens, Plaintiff, and the City of Tulsa, Defendant, in the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00), 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 DICKENS, Plaintiff; GRIFFIN, REYNOLDS & ASSOCIATES, Attorneys at Law; TULSA ACCIDENT CARE, ADVANCED PHYSICAL THERAPY, TULSA RADIOLOGY & IMAGING CENTER, and ST. FRANCIS HEALTH SYSTEM, lien holders the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00); 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, IV, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date

Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

MAY 19 2025

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

MICHAEL DICKENS,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF TULSA,)
)
 Defendant.)

Case No. CJ-2023-1446
Judge Greenough

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 16 day of May 2025, this matter comes before the undersigned Judge. Plaintiff Michael Dickens appears by and through his attorney of record, Brandon E. Koelzer, and Defendant City of Tulsa, appears by and through its attorney of record, Komron Takmil, Assistant City Attorney.

The Court, having reviewed the allegations set forth in Plaintiff's Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 15th day of May 2025 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 Plaintiff herein shall be paid from the City of Tulsa's Sinking Fund 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 One Hundred Twenty-Five Thousand Dollars and 00/100 (\$125,000.00) and the Court being satisfied that Plaintiff fully understands 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 Plaintiff's Petition and, upon being further advised by Plaintiff that it is his desire to settle the entirety of all claims and causes of action relating to the events identified in his Petition, including costs and fees, upon payment in the sum of One Hundred Twenty-Five Thousand Dollars and 00/100 (\$125,000.00), the Court finds:

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

2. That Plaintiff is fully aware of his rights in this matter and it is Plaintiff's desire to compromise his right to trial by jury;

3. That Plaintiff desires to accept as full, final and complete settlement from the City of Tulsa the sum of One Hundred Twenty-Five Thousand Dollars and 00/100 (\$125,000.00), for any and all damages, losses, fees and expenses sustained as a result of the events identified in Plaintiff's 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 Plaintiff has 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 Plaintiff will stand as full compensation from the City to Plaintiff and precludes any further or separate action by Plaintiff or those he represents against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiff's Petition;

7. That the City has agreed to settle Plaintiff's lawsuit in the sum of One Hundred Twenty-Five Thousand Dollars and 00/100 (\$125,000.00);

8. That the City shall pay Plaintiff from the City of Tulsa's Sinking Fund 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 Plaintiff has and will recover from Defendant City of Tulsa, Oklahoma, damages in the total sum of One Hundred Twenty-Five Thousand Dollars and 00/100 (\$125,000.00), as full, final and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiff's Petition and that said damages shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and

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

KELLY M. GREENOUGH

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:



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(405) 721-9500
Attorney for Plaintiff

Komron Takmil

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