

RESOLUTION NO. 5924

**A RESOLUTION APPROVING COUNTER-OFFER OF SETTLEMENT
OF PENDING LITIGATION IN CASE NO. CJ-2007-01851, LAMAR
ADVERTISING v. TDA AND CITY OF TULSA**

WHEREAS, the Tulsa Development Authority (TDA) and the City of Tulsa (City), have previously been sued in inverse condemnation by Lamar Advertising, Inc. (Lamar) in Case No. CJ-2007-01851 in the District Court of Tulsa County for the alleged taking of certain real property leasehold rights for an outdoor advertising structure located in the City of Tulsa, Tulsa County, State of Oklahoma; and,

WHEREAS, Lamar has extended a settlement offer in the amount of \$50,000.00 to be paid by TDA and the City to Lamar in settlement of all claims of Lamar; and,

WHEREAS, TDA's General Counsel has recommended that the TDA reject said settlement offer and submit a counter settlement offer in an amount not more than that recommended by said General Counsel to be paid by TDA (on behalf of TDA and the City) to Lamar for a decree confirming title in TDA and its successors to said real estate free and clear of and in settlement of all claims of Lamar in said litigation; and,

WHEREAS, the Board of Commissioners of the Tulsa Development Authority, based upon the recommendations of its General Counsel and the additional information presented to the Commissioners in executive session, believes that it would be in the best interest of the TDA, the City of Tulsa and the general public to submit a counter offer of settlement in Case No. CJ-2007-01851, upon the proposed terms and conditions as set forth above.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TULSA DEVELOPMENT AUTHORITY, to-wit:

Section 1. That the Board of Commissioners of the Tulsa Development Authority does hereby reject Lamar's settlement offer and does approve and consent to the submission by TDA's General Counsel of a counter settlement offer to Lamar in an amount not more than that recommended by said General Counsel to be paid by TDA (on behalf of TDA and the City) to Lamar for a decree confirming title in TDA and its successors to said real estate free and clear of and in settlement of all claims of Lamar in said litigation.

Section 2. The Chairman and General Counsel for the TDA are authorized to prepare and execute all documents necessary to effect a settlement of the pending litigation in Tulsa County District Court Case No. CJ-2007-01851 in the event of Lamar's acceptance of TDA's counter settlement offer upon with the terms and conditions set forth above.

Section 3. This Resolution shall take effect immediately.

PASSED and **ADOPTED** this 9th January, 2014.

TULSA DEVELOPMENT AUTHORITY

By: 
Julius Pegues, Chairman

Approved as to legal form and adequacy:


Jot Hartley, General Counsel
The Hartley Law Firm, PLLC