

RESOLUTION NO. 6374

**RESOLUTION TO DECLARE DEFAULT BY CARLAND GROUP  
LLC, CHEROKEE MEADOWS, LP AND OMEGA ALPHA DEVELOPMENT, LLC  
AND APPROVAL OF ACTION TO ENFORCE TDA RIGHTS  
UPON BREACH OF CONTRACT FOR SALE OF LAND FOR PRIVATE  
REDEVELOPMENT FOR CHEROKEE MEADOWS PROJECT**

**WHEREAS**, THE CARLAND GROUP, LLC is the purchaser and assignee of the rights, interest and obligations of Omega Alpha Development, LLC in and to a Contract for Private Redevelopment of Real Estate (“Contract”) with Tulsa Development Authority (TDA) dated November 11, 2008 (and modifying a Contract for Sale of Land for Private Redevelopment between TDA and Albertson’s Inc. dated and effective December 22, 2000), for the purchase and redevelopment of the real estate described on Attachment “A” attached hereto (the “Property”) for an urban affordable senior housing residential project, subject to the terms, covenants and conditions of said Contract; and,

**WHEREAS**, said Contract contained certain requirements for the redevelopment of the Property by Carland Group, LLC. but it has not constructed the improvements for the Cherokee Meadows project in conformity with the approved redevelopment site schematic plans as required by said Contract (specifically by installing “Integral Curbs” across the driveway entrances to the residences occupied by senior citizen residents of Cherokee Meadows); and,

**WHEREAS**, the Board of Commissioners of the Tulsa Development Authority has determined that Carland Group, LLC and Omega Alpha Development, LLC have breached their redevelopment obligations by their failure to construct the improvements for the Cherokee Meadows project in conformity with the approved redevelopment site schematic plans as required by said Contract (specifically by installing “Integral Curbs” across the driveway entrances to the residences occupied by senior citizen residents of Cherokee Meadows); and,

**WHEREAS**, the Carland Group, LLC and Omega Alpha Development, LLC (and Cherokee Meadows, LP as the unapproved assignee of Carland Group, LLC) have failed to remedy the breach of their redevelopment obligations as detailed in a sixty (60) day **notice of default** (Section 15(c)(1)) dated May 19, 2017, issued by the Board of Commissioners of the Tulsa Development Authority; and

**WHEREAS**, the Board of Commissioners of the Tulsa Development Authority has determined that it is in the best interest of it, the City of Tulsa and the general public to declare and issue a **Declaration of Default** to Carland Group, LLC, Cherokee Meadows, LP and Omega Alpha

Development, LLC for failure to remedy the breach of their redevelopment obligations set forth in the Notice of Default dated May 19, 2017, and approve appropriate action by TDA's General Counsel (with the approval and consent of the TDA Chairman) to enforce TDA's contractual and legal rights by reason of such default.

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

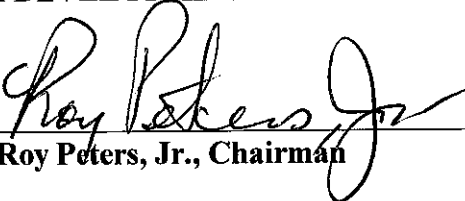
**Section 1.** That the Board of Commissioners of the Tulsa Development Authority does hereby **declare a default** by the Carland Group, LLC, Cherokee Meadows, LP and Omega Alpha Development, LLC for failure to construct the improvements for the Cherokee Meadows project in conformity with the approved redevelopment site schematic plans as required by that Contract for Private Redevelopment of Real Estate ("Contract") with Tulsa Development Authority (TDA) dated November 11, 2008 (and modifying a Contract for Sale of Land for Private Redevelopment between TDA and Albertson's Inc. dated and effective December 22, 2000).

**Section 2.** That the Board of Commissioners of the Tulsa Development Authority does hereby direct the TDA General Counsel to take appropriate action (with the approval and consent of the TDA Chairman) to enforce TDA's contractual and legal rights by reason of such default.

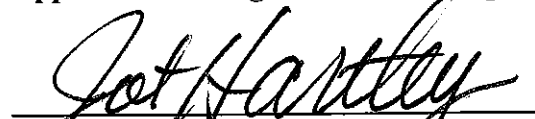
**Section 3.** This Resolution shall take effect immediately.

**PASSED and ADOPTED** this 7<sup>th</sup> day of September, 2017.

**TULSA DEVELOPMENT AUTHORITY**

By:   
Roy Peters, Jr., Chairman

**Approved as to legal form and adequacy:**

  
Joe Hartley, General Counsel  
The Hartley Law Firm, PLLC

**ATTACHMENT "A" – LEGAL DESCRIPTION**

**LOT 5, GATEWAY PLAZA, A SUBDIVISION IN THE CITY  
OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**